

Case Negs G-L

Gameworks Michigan 7

Top Level

Politics are good

We don't have to win that the political system is good – all relationships are contingent and exclusionary – we just have to win that 'the political' is an institution worth discussing. It is. **Mouffe 13** (Chantal Mouffe, Professor of Political Theory at the University of Westminster at the Centre for the Study of Democracy, She is in the departments of Social Sciences and Humanities, Politics and International Relations, and has research in the Centre for the Study of Democracy and the Institute for Modern and Contemporary Culture; "Agonistics: Thinking the World Politically"; eISBN: 978-1-78168-235-7; published by Verso 2013; v3.1)HB

The essays collected in this volume examine the relevance of the agonistic approach I have elaborated in my previous work for a series of issues that I take to be important to the left-wing project. Each chapter deals with a different question, but in each case my aim is to address the question in a political way. As Ernesto Laclau and I argued in *Hegemony and Socialist Strategy*, to think politically requires recognizing the ontological dimension of radical negativity.¹ It is because of the existence of a form of negativity that cannot be overcome dialectically that full objectivity can never be reached and that antagonism is an ever present possibility. Society is permeated by contingency and any order is of an hegemonic nature, i.e. it is always the expression of power relations. In the field of politics, this means that the search for a consensus without exclusion and the hope for a perfectly reconciled and harmonious society have to be abandoned. As a result, the emancipatory ideal cannot be formulated in terms of a realization of any form of 'communism'.

The reflections proposed here take their bearings from the critique of rationalism and universalism that I have developed [END PAGE xi] since *The Return of the Political*, where I began to elaborate a model of democracy which I call 'agonistic pluralism'.² In inscribing the dimension of radical negativity in the political domain, I proposed in that book to distinguish between 'the political' and 'politics'. By 'the political', I refer to the ontological dimension of antagonism, and by 'politics' I mean the ensemble of practices and institutions whose aim is to organize human coexistence. These practices, however, always operate within a terrain of conflictuality informed by 'the political'.

The key thesis of 'agonistic pluralism' was later elaborated in *The Democratic Paradox*, where I argued that a central task of democratic politics is to provide the institutions which will permit conflicts to take an 'agonistic' form, where the opponents are not enemies but adversaries among whom exists a conflictual consensus.³ What I intended to show with this agonistic model was that it was possible, even when starting with the assertion of the ineradicability of antagonism, to envisage a democratic order.

Nonetheless, it is true that political theories that affirm such a thesis usually end up defending an authoritarian order as the only way to keep civil war at bay. This is why most political theorists committed to democracy believe that they have to assert the availability of a rational solution to political conflicts. My argument, however, is that the authoritarian solution is not a necessary logical consequence of such an ontological postulate, and that by distinguishing between 'antagonism' and 'agonism', it is possible to visualize a form of democracy that does not deny radical negativity.

In recent years, reflecting on worldwide political [END PAGE xii] developments, I have been led to enquire about the possible implications of my approach for international relations. What are the consequences in the international arena of the thesis that every order is an hegemonic one? Does it mean that there is no alternative to the current unipolar world, with all the negative consequences this entails? Undoubtedly, the illusion of a cosmopolitan world beyond hegemony and beyond sovereignty has to be relinquished. But this is not the only solution available, as we can also conceive of another one: a pluralization of hegemonies. In my view, by establishing more equal

relations between regional poles, a multipolar approach could be a step towards an agonistic order where conflicts, although they would not disappear, would be less likely to take an antagonistic form.

Another aspect of my reflections concerns the consequences of the hegemonic approach regarding radical projects whose aim is to establish a different social and political order. How can such a new order be brought about? What strategy to follow?

The traditional revolutionary approach has mostly been forsaken, but it is increasingly replaced by another one that, under the name of 'exodus', reproduces, albeit in a different way, many of its shortcomings. In this book **I take issue with the total rejection of representative democracy by those who, instead of aiming at a transformation of the state through an agonistic hegemonic struggle, advocate a strategy of deserting political institutions. Their belief in the availability of an 'absolute democracy' where the multitude would be able to self-organize without any need of the state or political institutions signifies a lack of understanding of what I designate as 'the political'.**

To be sure, they question the thesis of a progressive homogenization of the 'people' under the category of 'the [END PAGE xiii] proletariat', while affirming the multiplicity of 'the multitude'. But to acknowledge radical negativity implies recognizing not only that the people is multiple, but that it is also divided. Such a division cannot be overcome; it can only be institutionalized in different ways, some more egalitarian than others. According to this approach, radical politics consists in a diversity of moves in a multiplicity of institutional terrains, so as to construct a different hegemony. It is a 'war of position' whose objective is not the creation of a society beyond hegemony, but a process of radicalizing democracy - the construction of more democratic, more egalitarian institutions.

We should engage in agnostic fights about politics -

Mouffe 13 (Chantal Mouffe, Professor of Political Theory at the University of Westminster at the Centre for the Study of Democracy, She is in the departments of Social Sciences and Humanities, Politics and International Relations, and has research in the Centre for the Study of Democracy and the Institute for Modern and Contemporary Culture; "Agonistics: Thinking the World Politically"; eISBN: 978-1-78168-235-7; published by Verso 2013; v3.1)HB

In *The Return of the Political*, *the Democratic Paradox* and *on the Political* I have developed these reflections on 'the political', understood as the antagonistic dimension which is inherent to all human societies.² To that effect, I have proposed the distinction between 'the political' and 'politics'. 'The political' refers to this dimension of antagonism which can take many forms and can emerge in diverse social relations. It is a dimension that can never be eradicated. 'Politics', on the other hand, refers to the ensemble of practices, discourses and institutions that seek to establish a certain order and to organize human coexistence in conditions which are always potentially conflicting, since they are affected by the dimension of 'the political'.

As I have repeatedly emphasized in my writings, political questions are not mere technical issues to be solved by experts. Proper political questions always involve decisions that require making a choice between conflicting alternatives. This is something that cannot be grasped by the dominant tendency in liberal thought, which is characterized by a rationalist and individualist approach. This is why liberalism is unable to adequately envisage the pluralistic nature of the social world, with the conflicts that pluralism entails. These are conflicts for which no rational solution could ever exist, hence the dimension of antagonism that characterizes human societies.

The typical understanding of pluralism is as follows: we live in a world in which there are indeed many perspectives and values, but due to empirical limitations, we will never be able to adopt them all; however, when put together, they could constitute an harmonious and non-conflictual ensemble. I have shown that this type of perspective, which is dominant in liberal political theory, has to negate the political in its antagonistic dimension in order to thrive. Indeed, one of the main tenets of this kind of liberalism is the rationalist belief in the availability of a universal consensus based on reason. No wonder, therefore, that the political constitutes liberalism's blind spot. By bringing to the fore the inescapable moment of decision – in a strong sense of having to decide within an undecidable terrain – what antagonism reveals is the very limit of any rational consensus.

The denial of 'the political' in its antagonistic dimension is, I have argued, what prevents liberal theory from envisaging politics in an adequate way. The political in its antagonistic dimension cannot be made to disappear by simply denying it or wishing it away. This is the typical liberal gesture, and such negation only leads to the impotence that characterizes liberal thought when confronted with the emergence of antagonisms and forms of violence that, according to its theory, belong to a bygone age when reason had not yet managed to control the supposedly archaic passions. This is at the root of liberalism's current incapacity to grasp the nature and causes of new antagonisms that have emerged since the Cold War.

Liberal thought is also blind to the political because of its individualism, which makes it unable to understand the formation of collective identities. Yet the political is from the outset concerned with collective forms of identification, since in this field we are always dealing with the formation of 'us' as opposed to 'them'. Here the main problem with the liberal rationalism is that it deploys a logic of social based on an essentialist conception of 'being as presence', and that it conceives objectivity as being inherent to things themselves. It cannot recognize that there can only be an identity when it is constructed as difference, and that any social objectivity is constituted through acts of power. What it refuses to admit is that any form of social objectivity is ultimately political and that it must bear the traces of the acts of exclusion that govern its constitution.

Limits Good

Substantive and demarcated limits are necessary for dialogue – EVEN IF THEY EXCLUDE and probably because they exclude – refusal to make identity claims normative kills the possibility for discussion.

John **Dryzek 06**, Professor of Social and Political Theory, The Australian National University, Reconciling Pluralism and Consensus as Political Ideals, American Journal of Political Science, Vol. 50, No. 3, July 2006, Pp. 634–649

A more radical contemporary pluralism is suspicious of liberal and communitarian devices for reconciling difference. Such a critical pluralism is associated with agonists such as Connolly (1991), Honig (1993), and Mouffe (2000), and difference democrats such as Young (2000). As Honig puts it, "Difference is just another word for what used to be called pluralism" (1996, 60). Critical pluralists resemble liberals in that they begin from the variety of ways it is possible to experience the world, but stress that the experiences and perspectives of marginalized and oppressed groups are likely to be very different from dominant groups. They also have a strong suspicion of liberal theory that looks neutral but in practice supports and serves the powerful.

Difference democrats are hostile to consensus, partly because consensus decisionmaking (of the sort popular in 1970s radical groups) conceals informal oppression under the guise of concern for all by disallowing dissent (Zablocki

1980). But the real target is political theory that deploys consensus, especially deliberative and liberal theory. Young (1996, 125–26) argues that the appeals to unity and the common good that deliberative theorists under sway of the consensus ideal stress as the proper forms of political communication can often be oppressive. For deliberation so oriented all too easily equates the common good with the interests of the more powerful, thus sidelining legitimate concerns of the marginalized. Asking the underprivileged to set aside their particularistic concerns also means marginalizing their favored forms of expression, especially the telling of personal stories (Young 1996, 126).³ Speaking for an agonistic conception of democracy (to which Young also subscribes; 2000, 49–51), Mouffe states:

To negate the ineradicable character of antagonism and aim at a universal rational consensus— that is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to “rationality,” as is often the case in liberal thinking. (1996, 248)

Mouffe is a radical pluralist: “By pluralism I mean the end of a substantive idea of the good life” (1996, 246). But neither Mouffe nor Young want to abolish communication in the name of pluralism and difference; much of their work advocates sustained attention to communication. Mouffe also cautions against uncritical celebration of difference, for some differences imply “subordination and should therefore be challenged by a radical democratic politics” (1996, 247). Mouffe raises the question of the terms in which engagement across difference might proceed. Participants should ideally accept that the positions of others are legitimate, though not as a result of being persuaded in argument. Instead, it is a matter of being open to conversion due to adoption of a particular kind of democratic attitude that converts antagonism into agonism, fighting into critical engagement, enemies into adversaries who are treated with respect. Respect here is not just (liberal) toleration, but positive validation of the position of others. For Young, a communicative democracy would be composed of people showing “equal respect,” under “procedural rules of fair discussion and decisionmaking” (1996, 126). Schlosberg speaks of “agonistic respect” as “a critical pluralist ethos” (1999, 70).

Mouffe and Young both want pluralism to be regulated by a particular kind of attitude, be it respectful, agonistic, or even in Young’s (2000, 16–51) case reasonable. Thus neither proposes unregulated pluralism as an alternative to (deliberative) consensus. This regulation cannot be just procedural, for that would imply “anything goes” in terms of the substance of positions. Recall that Mouffe rejects differences that imply subordination. Agonistic ideals demand judgments about what is worthy of respect and what is not. Connolly (1991, 211) worries about dogmatic assertions and denials of identity that fuel existential resentments that would have to be changed to make agonism possible. Young seeks “transformation of private, self-regarding desires into public appeals to justice” (2000, 51). Thus for Mouffe, Connolly, and Young alike, regulative principles for democratic communication are not just attitudinal or procedural; they also refer to the substance of the kinds of claims that are worthy of respect. These authors would not want to legislate substance and are suspicious of the content of any alleged consensus. But in retreating from “anything goes” relativism, they need principles to regulate the substance of what rightfully belongs in democratic debate.

Specific Affs

Surveillance

Surveillance is uniquely a political act – state involvement is possible

Fernandez and Huey 9 (Luis Fernandez [PhD in Justice Studies, Arizona State University] and Laura Huey [PhD in Sociology, University of British Columbia], 2009, “Is Resistance Futile? Some Thoughts on Resisting Surveillance,” *Surveillance & Society*, 6(3): 198-202)

Let's now turn to a quick examination of resistance. As a central theme in the surveillance literature, it is sticking that resistance, as a concept, remains under theorized. In part, this may be due to the generalized nature of the concept, which can cover vast territories of divergent human action. Thus, like surveillance, it is probably useful to start not with all-encompassing definition, but with an understanding that resistance too will be contextual, relational, and dependent on the power dynamics of a given situation. Possible actors engaged in the resistance of surveillance, then, could include individuals, groups, institutions, networks, and the state itself (e.g., states versus states). But the nature of resistance tactics, technologies, and techniques will evolve in a direct response to a power struggles. Of the work in this area that has been produced to date, what is clearly revealed is the fact that surveillance-based practices are highly contested political territory within and across contemporary society, both at the individual level and collectively. Monahan (2006), for instance, asserts that surveillance is already imbedded in a set of social practices that reproduce social stratification. If he is correct, and we believe he is, then most forms of surveillance are, from their inception, already embedded in a power dynamic that could, with some help, lead to forms of resistance. We see this as a good starting point for analyzing the potential for resisting surveillance, since it builds a dialectic relationship between those who observe and collect data, and those who are observed and from whom information is extracted. Further, we suggest that another good starting point in the study of resistance and surveillance is not surveillance mechanisms, but resistance itself. This insight comes from Hardt and Negri (2004), who in their analysis of revolt and state control argue that revolt is generally the innovator, with the state adapting and developing new forms of control to address the innovations. For example, Fernandez (2008) shows how protesters caught the Seattle Police off guard at the 1999 World Trade Organization protest, eventually resulting in significant policing innovations in the following years. This same dynamic, we believe, might exist in the resistance of surveillance and might yield important insight on how surveillance evolves. In sum, we suggest that if surveillance and resistance are best understood as dynamic, then we must examine instances of resistance first, since they are likely going to be not only a response to surveillances practices but also present the new starting ground for the next set of surveillance mechanisms. This, we think, inverts the current analysis of the relationship. We encourage scholars to pursue research projects along these lines of inquiry

Queer

Liberal politics is accessible to the queer subject – the political body is queered

--both are changeable – its about agreeing to be something

- the queer subject is veiled in obscurity, just like the appositive political subject
- restrictions don't destroy people's identities – all people have access to politics
- queer bodies are fluid – they can enter and exit spaces based on the queering of those spaces – that presumes autonomy – autonomy over your position taking is the definition of the liberal subject

Samuels '99 (Jacinth; 1999; DANGEROUS LIAISONS: QUEER SUBJECTIVITY, LIBERALISM AND RACE; [[[[CITES]]]]; www.tandfonline.com/doi/pdf/10.1080/095023899335383; 7-26-15; mbc)

Rawls attempts to redress the inequities that have historically plagued the judicial system by proposing a theory of justice whose principles are collectively determined by occupants of the 'original position', a hypothetical environment wherein inhabitants are necessarily ignorant of their achieved and ascribed characteristics. These restrictions allow the original position to be constituted as an 'initial status quo' wherein any fundamental agreements or conclusions concerning the principles of justice are inevitably fair – a phenomenon which Rawls terms 'justice as fairness' (1971: 12).

Yet it is precisely these restrictions – those which Rawls deems essential to attaining rational agreement on first principles of justice – which form the basis for comparison between the Rawlsian and the queer subject. Entry to the original position is, for example, conditional upon the participant's willingness to deliberate from behind a 'veil of ignorance', the goal being to mask and thereby neutralize the impact of any factors which would prompt people to exploit circumstances to their own advantage. Hence the Rawlsian subject, now rendered ignorant of its sex, race, class, ethnicity, gender, etc., provides an apposite model for any subject which is at least partially defined by the absence of such characteristics. In this respect the queer subject, similarly 'veiled' in its own obscurity, may be likened to the former; both subjects, united in the quest for neutrality, sustain their existence through the absence or, at the very least, mitigation of presence.

It seems odd then that a subject position which is defined largely by what it excludes could be deemed inclusive, much less accessible, but Rawls deftly circumvents this problem by emphasizing the original position's conceptual status. Any number of people may 'simulate the deliberations of this hypothetical situation, simply by reasoning in accordance with the appropriate restrictions.' Exactly when one enters the original position or even who does so is irrelevant because the veil of ignorance ensures the uniformity of all available information (Rawls, 1971: 138–9).

The original position is therefore distinguished by the sheer fluidity of its spatiality, a quality which facilitates the seemingly effortless entrance/exit of its participants. Here, once again, we discover an area consistent with queer subjectivity for which the notion of 'space'⁴ is also essential. Queer subjectivity occupies a 'new space in the domain of sexuality: a postgay, postlesbian space' (Morton, 1995: 369) which, like the original position, can be entered and/or exited at will. It is a space whose fluidity reflects an identity which refuses to name itself and which heralds the declaration that '[t]o be gay is to have a mere identity; to be queer is to enter and celebrate the ludic space of textual indeterminacy' (Morton, 1995: 373).

The ability to move freely into and out of a space/subject position, be it Rawlsian or ‘queer’, presumes the liberty of an autonomous subject – liberty and autonomy being constitutive elements of liberalism. Thus liberty, for Rawls (1971: 202), is premised upon agents who are free to act without restriction – a definition which affirms both the sovereignty of the liberal subject and the freedom to do what one desires where not prohibited by law (Brown, 1995: 154). Insofar as liberty is juxtaposed not to slavery but a will-less absence of choice (Brown, 1995: 154), the autonomous subject is characterized by ‘the absence of immediate constraints on [his] entry into and movement within civil society’ (Brown, 1995: 156). To the extent that liberalism deems race, class, gender, sexuality, etc. to be indicative of such ‘constraints’, their removal is a necessary condition for both the liberty of the Rawlsian and ‘queer’ subjects and the autonomous exercise of their respective will.

Rawls’ theory of justice is clearly indicative of a neo-Kantian theoretical heritage which defines moral subjects on the basis of autonomy, rationality and an uncompromising distinction between reason and affectivity. Given Kant’s conviction that moral legislation is contingent upon the freedom and equality of rational beings, the deliberations of those in the original position must, in turn, be the product of rational choice rather than bias, ascriptive or achieved characteristics (Rawls, 1971: 252). Subjects within this Kantian ideal are thus akin to ‘geometricians in different rooms who, reasoning alone for themselves, all arrive at the same solution to a problem’ (Benhabib, 1987: 91). Hence the Rawlsian subject, much like its Kantian predecessor, inhabits a unitary subject position which occludes subjectivity outside of itself.

In his attempt to do justice to Kant’s conception of noumenal agency, Rawls recapitulates a basic problem with the Kantian conception of the self, namely, that noumenal selves cannot be individuated. If all that belongs to them as embodied, affective, suffering creatures, their memory and history, their ties and relations to others, are to be subsumed under the phenomenal realm, then what we are left with is an empty mask that is everyone and no one. (Benhabib, 1987: 89)

Nor would it seem that the queer subject is any more suited to resolving this dilemma. On the one hand, ‘queer’ celebrates the diversity of those who experience heterosexist oppression without invoking an essentialized identity, but at the same time ‘the most appealing aspect of a queer identity is the refusal to name what that identity means’ (Slagle, 1995: 97–8). Perhaps this refusal is less the result of a principled aversion to essentialism than it is the **discomforting knowledge of what such a disclosure would occasion**. That is, once the veil of ignorance ‘relieves’ participants of all individuating characteristics, the parties are no longer similarly but rather identically situated (Sandel, 1982: 131), **thus effectively erasing the basis for any claim to diversity**. Moreover, with each subject being driven by precisely the same motivations and knowledge, the original position essentially consists of a single ‘disembodied, pre-social or transcendent self reasoning to reflective equilibrium’ (Frazer and Lacey, 1993: 46).

The interrogation of the Rawlsian subject necessarily casts doubt on assertions that the fluidity of queer subjectivity is a deliberate strategy designed to avoid both the strictures of definitional boundaries and their intrinsic essentialism (Morrison, 1992: 14). Rather than simply a means by which to ensure both poetic and political licence, the indeterminacy of ‘queer’ masks the same problem that the veil of ignorance is intended to obscure. Once the veil can no longer bear the weight of its own scrutiny, it is not people, but a solitary subject who is exposed by the accident of its drooping facade. The veil tumbles to reveal ‘no real plurality of perspectives in the Rawlsian original position, but only a definitional identity’ (Benhabib, 1987: 90). Hence, the judgements are those of the philosopher himself, the construction of the original position having served only to obscure, to neutralize, substantive assumptions which should have been spelled out and defended. Far from being the product of an abstract, transcendent process of reasoning, the theory of justice is revealed as chosen from a very specific social position, that of a white, middle-class, liberal American male. (Frazer and Lacey, 1993: 55)

These sentiments are echoed in the critique of a queer discourse **which tacitly adapts male subjects as its implicit referent** (Kader and Piontek, 1992: 9). The problem stems from those objectives, defined as either Rawlsian or ‘queer’, **which are nevertheless similarly rooted in liberal idealism**. The veil of ignorance is deemed unproblematic by Rawls because it is considered a necessary condition for the achievement of rationality and morality among subjects. Only rational, moral subjects – so designated, tautologically, by virtue of inhabiting the original position – are imbued with the unity of thought, or logic of identity, needed to achieve rational agreement on first principles of justice. Queer subjectivity, though not explicitly concerned with rational consensus, is none the less specifically designed to achieve the same inclusivity/universality and equality which are foundational to the liberal tradition. Hence the agent of ‘equality’ need not differ substantively from the agent of ‘rationality’, ‘fairness’ or ‘justice’: **they are, in fact, the same**. Moreover,

[t]o the extent that the attributes of liberal personhood and liberal justice are established by excluding certain beings and certain domains of activity from their purview, liberalism cannot fulfill its universalist vision but persistently reproduces the exclusions of humanist Man. The hollowness of liberalism's universalist promise, then, inheres . . . in its depoliticization of invidious social powers . . . [and] in its often cruel celebration of conditional sovereignty. (Brown, 1995: 164)

A revelation of this magnitude is bound to have serious consequences for the inclusivity which is similarly integral to the production of queer subjectivity. Positioned rather precariously between the postmodern critique which spawned its creation, and the liberal strategies which it actively employs in an attempt to distinguish itself from its predecessors, the queer subject is subsequently constitutive not of a genuinely autonomous, anti-essentialist subject, but rather the unwitting reproduction of the very liberal humanist subject which it was originally intended to critique.

LGBTQ

LGBTQ+ theorization is applicable to politics – passage of Gay Marriage legislation proves the normative statements of this study

Marzullo & Herdt 11 (Michelle A., Gilbert; November 8th, 2011; Marriage Rights and LGBTQ Youth: The Present and Future Impact of Sexuality Policy Changes; Michelle A. Marzullo holds a PhD in Anthropology concentrating in Race, Gender, and Social Justice from American University in Washington, DC + Gilbert H. Herdt is Professor of Human Sexuality Studies and Anthropology and a Founder of the Department of Sexuality Studies and National Sexuality Resource Center at San Francisco State University; onlinelibrary.wiley.com/doi/10.1111/j.1548-1352.2011.01204.x/full; 7-26-15; mbc)

DOMA and “Don't Ask, Don't Tell” effectively ushered in a new generation of discourses and social practices that continue to shape the political, social, and cultural milieu in the United States (Herdt and Kertzner). The issue of marriage has often been used by politicians and policy elites when votes are needed for a particular candidate (Mooney and Schuldt :212). In 2004, this strategy generated a genuine moral panic during the 2004 presidential campaign when the question of marriage equality for gays and lesbians was used as a wedge issue to help reelect President George W. Bush and many reported voting on their “moral values” (Herdt ; Tiger 2004). Confirming that “same-sex marriage” is a morality policy, Mooney and Schuldt showed that many people find decisions around the issue to be technically simple as most respondents reported their decision was made by “simply applying their basic values rather than by gathering information” (:203). “Morality policy” is distinct from information driven policy and has three main characteristics: (1) “moral values” are the basis for policy conflict; (2) these “moral values” do not lend to compromise; and, (3) such policies are technically simple, lacking complicated numerical formulas or indexes perceived as necessary for understanding by the general public (Mooney and Schuldt :200). Of those most opposed to “same-sex marriage,” 60 percent report that changing their stance would be nearly impossible or difficult (Mooney and Schuldt :209). As witnessed in Pat Buchanan's culture war rebuke, those identifying as “traditionalists” are strongly predicted to be opposed to “same-sex marriage” (Henry and Reyna). Implicit in

such culture war traditionalism is usually an underlying judgment thwarting sexual or intimate citizenship for all gay and lesbian people translating into restrictive laws and higher surveillance of this group (Herdt and Kertzner). In 2006 and continuing through the writing of this article, several other states have either rejected same-sex marriage or codified a definition of marriage as between one man and one woman only. In building opposition to these political machinations and largely as a result of consciousness raising at the grassroots level by marriage equality advocates, there has been a hard-fought yet significant positive change in U.S. attitudes surrounding homosexuality. For example, a major ABC News–Washington Post poll conducted in shows that 49 percent of Americans agree that gay and lesbian or homosexual people should be able to get legally married, while a full 66 percent of those ages 18–29 believe that “LGB” couples should be able to get married. To date, 44 states either ban or do not explicitly support marriages between gays and lesbians, although a growing number of these states do offer other limited forms of partnership recognition, such as domestic partnership or civil union (Confessore and Barbaro ; Human Rights Campaign). We turn now to examining public opinion fluctuations on the subject of marriage equality over the past 20 years to show how this national conversation and the ensuing legal contests have impacted attitudes of Americans, not the least of which are the generations of young people, LGBTQ and straight, who have grown up in this climate.

Feminism

Feminist legal change is possible – must remain a priority – it is historically inaccurate to suggest the law hasn’t improved for feminist goals

Larson 1993

(Jane Larson (1958 - 2011) was the Voss-Bascom Professor of Law at the University of Wisconsin Law School. ; INTRODUCTION: THIRD WAVE CAN FEMINISTS USE THE LAW TO EFFECT SOCIAL CHANGE IN THE 1990s? ; 1992-93 ; http://heinonline.org/HOL/Page?handle=hein.journals/illlr87&div=45&g_sent=1&collection=journals ; AWEY)

Just as notable as the increasing complexity of feminism's political vision is the depth of the philosophical critique of the existing legal regime that the Symposium essays reflect. In the past decade, feminism has come fully into its own as a philosophical and political tradition, developing distinctive theories of knowledge, human nature, justice, and the paths, purposes, and practices of power. Feminist theorists increasingly set aside conventional political traditions and analytic models as inadequate for women's purposes: the lack of de jure equality does not explain women's condition; traditional civil rights strategies will not remedy women's injuries; and neither conservative, liberal, nor radical political theories fully articulate a model for a sexually just society. Yet, paradoxically, feminism remains more committed to change from within the existing frame of society than other progressive and critical political tendencies. Women are unwilling to separate their lives, interests, and aspirations from those of other people. As a result, feminism tends to fight its battles close to home, from within the families, workplaces, and polities that feminists seek fundamentally to reorder. The Symposium participants share with much current feminist thinking a tendency to theorize about broad principles of justice and fairness from quite intimate and particular settings—sexuality, 18 abortion, 19 childbirth and child rearing, 20 and education. 21 Looking to legal feminism's past accomplishments, no Symposium participant is so skeptical as to deny that feminist lawyering and theory have won many meaningful legal battles to advance women. It is no longer acceptable to explicitly argue that laws should reflect the view that men are superior to women—more capable, energetic, reasonable, intelligent, or just, or, by virtue either of divine or biological imperative, better suited than

women to power. Linda Hirshman argues, however, that the law has found a new and more covert language for these same claims of male supremacy. The legal system, for example, freely spends its justice resources to order the political and commercial spheres critical to men's interests, yet it deprives, under a rubric of privacy and limited government, the relational and familial realms important to women. In the public sphere of politics and law, women's claims for sexual fairness often are derided as based on passion rather than logic, politics rather than reason, representing the pleading of special interests rather than the pursuit of universal principles appropriate in a democracy. Thus, the voices of women are systematically ignored, Hirshman contends, even in a legal and political system that claims to fully incorporate and represent their interests. 22 Hirshman gives special attention to the ways that the male-superior norm pervades legal education, expressed through disrespect of feminist legal scholars and their work, and in the minuscule numbers of women on law faculties.²³ Through control of the political and scholarly agenda, Professor Hirshman claims, what is accepted as true, rational, and relevant continues to be judged according to a malesuperior norm. Hirshman advises her readers to be skeptical about the possibilities for bettering women's lives through law while lawyers continue to be trained in institutions that either ignore or disrespect women and their interests.²⁴ Professor Hirshman urges feminists to "take back" the law as a tool for social justice by remaking the institutions of legal power, beginning with their intellectual foundation in the law schools. Drawing attention to the importance of the Anita Hill-Clarence Thomas hearings in persuading Congress to pass the 1991 Civil Rights Restoration Act, ²⁵ Professor Greene counsels the same kind of effort to reconstitute the legislatures, to ensure that elected representatives are able to hear and respond to calls for fundamental change on behalf of women.²⁶ For both Hirshman and Greene, it is not enough for women to have an opportunity to be heard by those in power, to be the objects of men's justice. Rather, women must be represented among those who have the power to determine what justice is.

Cyborg

Talking about cyborgs allows for meaningful political action

Sundén 2k1 (Jenny Sundén, Professor of Gender Studies at Södertörn University, She has a Ph.D. from the Department of Communication Studies from Linköping University, she is currently a reviewer of journals such as European Journal of Women's Studies, Feminist media Studies, Feminist Theory, and New Media and Society; "What Happened to Difference in Cyberspace? The (Re)turn of the She-Cyborg"; Feminist Media Studies, Vol. 1, No.2, 2001; Published online Dec. 12, 2010; <http://www.tandfonline.com/doi/pdf/10.1080/14680770120062141>)/HB

Instead of reinforcing the Cartesian split through bodily destruction, feminist readings of the cyborg take transgressions as its subject. The cyborg is viewed as an alternative figuration, as a way out of the old schemes of thought. It is a powerful political fiction that shatters the dichotomous categorizations of Enlightenment epistemology, such as mind/body.

organism/machine, public/ private, culture/nature, civilized/primitive, and centrally, man/woman, male/ female, masculine/feminine. Haraway (1991a: 149) has argued for a positive reading of the cyborg mythos in a world that has blurred distinctions between these oppositions, in a “border war” in the territories of production, reproduction and imagination. Her ambition is “to build an ironic political myth faithful to feminism, socialism and materialism”. Her “Cyborg Manifesto” proposes a grounding for meaningful political action, and questions the tendencies of feminisms that base their epistemologies on an inversion of the dichotomies they intend to criticize. It is a cyborg interpretation with no commitment to an absolute grounding for knowledge, but with an emphasis on “situated” and “partial” knowledges, uncertain and sometimes contradictory subjectivities and identities whose significations are not determined by the categorizations of human/animal/machine.

Anti-State/Foucault Affs

Resistance to surveillance shouldn't be held to only anti-state criticism – doing so limits new methods of resistance and ignores other forms of surveillance

Geesin 12 (Beverly Geesin, PhD candidate in Sociology at U. of York, March 2012, Thesis: “Resistance to Surveillance in Everyday Life,” <http://etheses.whiterose.ac.uk/2697/>, pg. 9-10)

While acknowledging the tremendous contribution that has been made towards the understanding of surveillance systems within contemporary society within surveillance studies, there are three ways in which the discipline appears to be rather stuck. One goal of this thesis is to reinvigorate discussions around surveillance in order to move beyond these three conceptual difficulties. Firstly, the field is held back by its attachment to Foucault's metaphor of the Panopticon (1977/1995). Even within attempts to move beyond Foucault's Panopticon, theorists seem to find it very difficult to let it go (see Poster, 1990; Gandy, 1993; Mathiesen, 1997; Lyon, 1994, 2006a, 2006b amongst others) and this has led to a second fixation with Deleuze's brief updating of the Panopticon with his ‘Post-script on Control Societies’ (1992). The model of the Panopticon as outlined by Foucault has become ‘reified’. This has, on the one hand, limited the development of theoretical frameworks which go beyond this model. On the other hand, with forms of surveillance which do not fit within this model, they have either been excluded from analysis or misunderstood through an inappropriate application of the Panopticon (Haggerty, 2006). This introductory chapter will explore this fascination with the Panopticon and the limitations of this particular model for understanding contemporary forms of analysis. The rest of this thesis will explore other frameworks for understanding contemporary surveillance (Chapters 2 and 3) and utilise them to analyse three ‘sites’ of surveillance (Chapters 4, 5 and 6).

Islamaphobia

Engaging the state and changing policy builds upon current government efforts to self-reform and ensures law enforcement stops racial profiling on minorities— disengaging the state is ineffective and cedes the political to further allow dehumanization of not just Muslims, but all minorities

Representative Ellison, 14 (12/11/2014, Rep. Keith Ellison (D-MN), US Official News, “Rep. Ellison Testifies in Senate Hearing on Civil and Human Rights,” Lexis, JMP)

Office of the House of Representative Keith Ellison, U.S Government has issued the following news release: Rep. Keith Ellison (D-MN) testified in front of Senate Judiciary Committee on the Constitution, Civil Rights, and Human rights today during a hearing entitled “The State of Civil and Human Rights in the United States.” The hearing was chaired by Senator Dick Durbin (D-IL) and Rep. Ellison was joined by his colleagues Senator Cory Booker (D-NJ) and Rep. Luis Gutierrez (D-IL). Rep. Ellison’s written testimony submitted for the record to the committee is below. Last week 15 year old Abdisamad Sheikh-Hussein was run over by a

man in an SUV that had a bumper sticker that said "Islam Is Worse Than Ebola" on it. **Discrimination and hate exist everywhere and we should shine a light on them. Today I’d like to focus on state-sponsored violations of our civil rights and liberties and the context in which these violations occur.** Why? Because **the government’s job is to promote the general welfare.**

Because we entrust our government with the right to protect and serve our communities, we expect more of them. Most of the time our public servants diligently uphold this social contract; but when the state fails it is all the more devastating and deserves our attention. President **Obama and Attorney General Holder have demonstrated leadership that has brought important reforms** like the Hate Crimes Prevention Act, the repeal of Don’t Ask Don’t Tell, and the Fair Sentencing Act. **We still have a long way to go. Our system of justice works for some, not all.** This

injustice takes place in a social and economic context. When Officer Wilson confronted Michael Brown on Canfield Drive in Ferguson, the interaction didn’t take place in a vacuum. Like many of our communities, Ferguson suffers from economic abandonment. Ferguson Missouri’s unemployment is 13%, over double the national average. The number of low-income people in Ferguson doubled over the last 10 years. In 2012, almost all of Ferguson’s neighborhoods had a poverty rate of over 20%, the threshold at which the negative effects of poverty emerge. Do we respond to this with policies that create jobs, improve infrastructure, and promote education? No. We build more prisons and give our police weapons designed for a war zone. Our low income and minority communities are over-policed and under-protected. We cannot continue to try to address our economic problems with criminal justice solutions. It isn’t fair to our communities. It isn’t fair to law enforcement. And it solves neither the criminal justice nor the economic justice problems. If we only buy body cameras and don’t address structural and economic inequality, we will find ourselves here again, year after year. We know we have an inequality problem when the CEO of Wal-mart makes over \$12,000 per hour and the average Wal-mart employee makes \$8.48, or when the CEO of McDonalds makes \$9,200 an hour and the cashier makes \$8.25. I’d also like to talk about another form of state sponsored discrimination – one that I have experienced myself. It isn’t a secret that I have experience with the divisive rhetoric and fear-mongering that some public officials use to gain power. Many will recall the House Committee on Homeland Security hearings to discuss the threat posed by Muslims in America. My request to broaden the hearing to include all forms of violent extremism was rejected. Now, years later, public officials around the country continue to use divisive rhetoric. A county commissioner in Coffee County, TN posted on his public Facebook page an image of a man holding a shotgun with the caption “How to Wink at a Muslim.” A state senator in Oklahoma said that American Muslims are a “cancer in our nation that needs cutting out.” And in my own state of Minnesota, a GOP County

chairman called Muslims parasites that should be fragged. To frag someone means to violently kill them. **These are not rare occurrences. These examples demonstrate that these toxic views have spread.** This type of bigotry is contrary to what we stand for as Americans,

and **when our public officials engage in it, it gives the American public a signal that it is ok to do the same.** **Public officials have an increased responsibility and when they begin to treat a**

particular group differently because of their faith, they should be called out and held accountable. Our words matter. **Beyond changing the rhetoric, we have to change our policies.** Shortly after he took office President Bush said that racial profiling is “wrong, and we will end it in America.” Over a

decade later we still have bad policies on the books. **In New York and many other US cities, Muslim communities are mapped, infiltrated, and surveilled simply because they are Muslim. The Departments of Homeland Security and Justice conduct extensive operations in Arab, Middle Eastern, Muslim, and South Asian communities under the guise of countering violent extremism.** Study after study has shown that acts of violent extremism in the United States are motivated by a variety of ideologies and that only a small percentage are committed by American Muslims. According to the FBI, only 6% of acts of terrorism on American soil between 1980 and 2005 were committed by those Muslims. Yet, nearly all programming targeted towards countering violent extremism is geared towards Muslim communities. I am not against surveillance. I am against surveillance without reasonable suspicion. We should not be singling out communities and harassing and spying on them without cause. **Intelligence gathering should never be based on religion or race. If you**

think this is just a “Muslim problem” – you’re wrong. Local law enforcement, encouraged by the federal government, raid Latino communities and workplaces. There is FBI surveillance, without suspicion, of Chinese and Russian communities in the US. And as we know, there is the routine practice of

profiling African American young men. A young black man is 21 times more likely to be shot and killed by a police officer than his white counterpart. **As the co-chair**

of the Progressive Caucus I have joined the chairs of the Congressional Black Caucus, The Congressional Hispanic Caucus, and The Asian Pacific Caucus to urge the Department of Justice to issue revised profiling guidance that will help stop law enforcement from discriminating against our citizens based on their religion, national, origin, ethnicity, and sexuality. Yesterday the Department of Justice issued the revised guidance that expands protections for some, but allows the FBI, TSA, and Border Patrol to continue mapping, monitoring, and targeting Americans based on their religion or what they look like. We should not continue to violate the civil liberties of our citizens in the name of national security. Discriminatory profiling is wrong. It doesn't help prevent crime. It creates a culture of fear and resentment within our communities. It is contrary to our core constitutional principles when federal dollars are spent perpetuating law-breaking activity like entrapment.

Topical version of the aff solve better— curtailing FBI surveillance power provide the best safeguard against abuse and only reform through the state addresses the heart of the problem

Berman, 11 --- Counsel in the Liberty and National Security Project at the Brennan Center for Justice (Emily, “DOMESTIC INTELLIGENCE: NEW POWERS, NEW RISKS,” http://brennan.3cdn.net/b80aa0bab0b425857d_jdm6b8776.pdf, JMP)

Substantive Recommendations Regardless of what additional procedural protections are implemented, some elements of the FBI's existing powers simply permit too much government intrusion into the lives of innocent Americans and therefore should be curtailed in the following ways: 1. Prohibit the FBI from using highly intrusive investigative techniques unless there is some basis in fact to suspect wrongdoing.²⁹⁰ • This would prohibit tailing someone, posing as other people in order to mine information from neighbors and acquaintances, and recruiting informants to glean more information in the absence of some factual basis for suspicion. • This prohibition, summarily overturned by the 2008 Guidelines, was enshrined in all previous iterations of the Guidelines for decades. It is the single most important safeguard against profiling and other forms of abuse, and the government has offered no persuasive justification for its sudden disappearance. 2. Require agents to use the least intrusive investigative technique that is likely to prove effective. • The “least intrusive method” requirement has been part of the Guidelines since their inception. The current, equivocal language on this requirement in the Guidelines and the DIOG should be amended to stress its importance, even in terrorism investigations. 3. Prohibit improper consideration of race, religion, ethnicity, national origin, or First-Amendment-protected activity in investigative decisions. • Addressing this issue is most urgent in the context of rules regarding use of informants to collect information about First-Amendment-protected activity, such as infiltration of a place of worship or political gathering. Such activities should require higher levels of predication and more aggressive oversight of investigative decisions than activities that do not implicate Americans' constitutional rights. Even outside the First Amendment context, however, reform is necessary. One standard to consider was recently implemented by the Office of the Director of National Intelligence (DNI). The standard for use in the DNI's Information Sharing Environment (ISE)-Suspicious Activity Reporting (SAR) system adopts a “behavior-focused approach to identifying suspicious activity” based on the standard announced in Terry v. Ohio,²⁹¹ 392 U.S. 1 (1968). It requires that “race, ethnicity, national origin, or religious affiliation should not be considered as factors that create suspicion (except if used as part of a specific suspect description).”²⁹² This type of limitation on the use of these factors to justify law enforcement activity is crucial. Conclusion The time to act is now—before the Guidelines result in widespread and unwarranted intrusions into Americans' privacy, harmful religious and ethnic profiling, and the divergence of scarce resources to ineffective and indiscriminate collection of information. The changes recommended above will go a long way to reduce the risk of excesses that the current Guidelines permit. They would reinvigorate the substantive standards on which investigative activity should be predicated and would ensure that intrusive investigative methods

are used only when necessary. And **they would impose internal and external checks to guarantee the lawful, effective use of the powers conferred on federal agents.** In short, **they would safeguard Americans' rights of privacy, free expression, association, and religion** as well as help to focus investigative activity where there are indications of threats. The result will be a safer, more just America.

Not Mutually Exclusive

Public Movements not exclusive

Public movements and legal reforms are not mutually exclusive— projects of oral dissent must be incorporated into politics in order to effectively create change within the state

Guinier 09 (Lani Guinier is an American civil rights theorist; she is the Bennett Boskey Professor of Law at Harvard Law School and the first woman of color appointed to a tenured professorship at that institution. “BEYOND LEGISLATURES: SOCIAL MOVEMENTS, SOCIAL CHANGE, AND THE POSSIBILITIES OF DEMOSPRUDENCE” 89 B.U. L. Rev. 539 2009 p. 544-547, pg. online @ www.law.harvard.edu/faculty/guinier/publications/bu-courting.pdf//DM)

In her Ledbetter dissent and subsequent remarks, Justice Ginsburg was courting the people to reverse the decision of a Supreme Court majority and thereby limit its effect. In Robert Cover’s “jurisgenerative” sense, she claimed a space for citizens to advance alternative interpretations of the law. Her oral dissent and public remarks represented a set of demosprudential practices for instantiating and reinforcing the relationship between public engagement and institutional legitimacy. In Justice Ginsburg’s oral dissent we see the possibilities of a more democratically-oriented jurisprudence, or what Gerald Torres and I term demosprudence.³⁷ Demosprudence builds on the idea that lawmaking is a collaborative enterprise between formal elites – whether judges, legislators or lawyers – and ordinary people. The foundational hypothesis of demosprudence is that the wisdom of the people should inform the lawmaking enterprise in a democracy. From a demosprudential perspective, the Court gains a new source of democratic authority when its members engage ordinary people in a productive dialogue about the potential role of “We the People” in lawmaking.³⁸ Demosprudence is a term Professor Torres and I initially coined to describe the process of making and interpreting law from an external – not just internal – perspective. That perspective emphasizes the role of informal democratic mobilizations and wide-ranging social movements that serve to make formal institutions, including those that regulate legal culture, more democratic.³⁹ Demosprudence focuses on the ways that “the demos” (especially through social movements) can contribute to the meaning of law. Justice Ginsburg acted demosprudentially when she invited a wider audience into the conversation about one of the core conflicts at the heart of our democracy.⁴⁰ She grounded her oral dissent and her public remarks in a set of demosprudential practices that linked public engagement with institutional legitimacy. Those practices are part of a larger demosprudential claim: that the Constitution belongs to the people, not just to the Supreme Court. The dissenting opinions, especially the oral dissents, of Justice Ginsburg and other members of the Court are the subject of my 2008 Supreme Court foreword, Demosprudence Through Dissent. ⁴¹ The foreword was addressed to judges, especially those speaking out in dissent, urging them to “engage dialogically with nonjudicial actors and to encourage them to act democratically.”⁴² The foreword focuses on oral dissents because of the special power of the spoken word, but Justices can issue demosprudential concurrences and even majority opinions, written as well as spoken.⁴³ Moreover, true to its origins, demosprudence is not limited to reconceptualizing the judicial role. Lawyers and nonlawyers alike can be demosprudential, a claim that I foreshadow in the foreword and which Torres and I are developing in other work on law and social movements.⁴⁴ Supreme Court Justices can play a democracy-enhancing role by expanding the audience for their opinions to include those unlearned in the law. Of the current Justices, Justice Antonin Scalia has a particular knack for attracting and holding the attention of a nonlegal audience. His dissents are “deliberate exercises in advocacy” that “chart new paths for changing the law.”⁴⁵ Just as Justice Ginsburg welcomed women’s rights activists into the public sphere in response to the Court majority’s decision in Ledbetter, Justice Scalia’s dissents are often in conversation with a conservative constituency of accountability.⁴⁶ By writing dissents like these, both Justices have acknowledged that their audience is not just their colleagues or the litigants in the cases before them. Both exemplify the potential power of demosprudential dissents when the dissenter is aligned with a social movement or constituency that “mobilizes to change the meaning of the Constitution over time.”⁴⁷ Thus, Justice Ginsburg speaks in her “clearest voice” when she addresses issues of gender equality.⁴⁸ Similarly, Justice Scalia effectively uses his originalist jurisprudence as “a language that a political movement can both understand and rally around.”⁴⁹ Both Justices Ginsburg and Scalia are at their best as demosprudential dissenters when

they encourage a “social movement to fight on.”⁵⁰ Robert Post, writing in this symposium, reads my argument exactly right: “[C]ourts do not end democratic debate about the meaning of rights and the law; they are participants within that debate.”⁵¹ As Post explains, I argue that the “meaning of constitutional principles are forged within the cauldron of political debate,” a debate in which judges are often important, though not necessarily central, actors.⁵² Law and politics are in continuous dialogue, and the goal of a demosprudential dissenter is to ensure that the views of a judicial majority do not preempt political dialogue. When Justice Ginsburg spoke in a voice more conversational than technical, she did more than declare her disagreement with the majority’s holding. By vigorously speaking out during the opinion announcement, she also appealed to citizens in terms that laypersons could understand and to Congress directly.⁵³ This is demosprudence.

State Centered Practices spur social change

Even if the state is not perfect, it has a role to play in key social and rights movements—specifically the Supreme Court can engage in acts of demosprudence to spur dissent and public conversation

Guinier 09 (Lani Guinier is an American civil rights theorist; she is the Bennett Boskey Professor of Law at Harvard Law School and the first woman of color appointed to a tenured professorship at that institution. “BEYOND LEGISLATURES: SOCIAL MOVEMENTS, SOCIAL CHANGE, AND THE POSSIBILITIES OF DEMOSPRUDENCE” 89 B.U. L. Rev. 539 2009 p. 547-551, pg. online @ www.law.harvard.edu/faculty/guinier/publications/bu-courting.pdf//DM)

Robert Post eloquently summarizes and contextualizes the argument I make about demosprudence. He also corrects the misunderstanding of the law/politics divide that beats at the heart of Gerald Rosenberg’s criticisms of that argument.⁵⁴ Post neatly restates my premise: “Law inspires and provokes the claims of politically engaged agents, as it simultaneously emerges from these claims.”⁵⁵ In his companion essay, Professor Rosenberg polices the law/politics distinction to create a false binary. Rosenberg dismisses the possibility of an ongoing and recursive conversation between law and politics that may produce changes in the law and eventually in our “constitutional culture,” meaning changes in the popular as well as elite understanding of what the law means. Constitutional culture is the fish tank in which the beliefs and actions of judicial as well as non-judicial participants swim. It is the “dynamic sociopolitical environment” in which ideas about legal meanings circulate, ferment, compete and ultimately surface in formal venues such as legal advocacy or legislative actions.⁵⁶ As political scientist Daniel HoSang explains, the goal of demosprudence is “to open up analytic and political possibility to build and sustain more dynamic and politically potent relationships between [legal elites] and aggrieved communities.”⁵⁷ Professor Rosenberg’s critique of demosprudence rests on several misunderstandings of my work and that of other legal scholars.⁵⁸ First, Professor Rosenberg wrongly assumes that my claims are descriptive rather than aspirational.⁵⁹ Second, Professor Rosenberg’s concern about my “Courtcentric” analysis overlooks the occasion for my argument;⁶⁰ that is, the traditions associated with the Supreme Court foreword published every year in the November issue of the Harvard Law Review. Third, he orients his entire critique around polling data and other social science research to trivialize the relationship of narrative to culture, to exaggerate the predictive capacity of a data-driven approach to quantify causation and to preempt other useful analytic approaches.⁶¹ First, my foreword posits that judges can play a demosprudential role and that oral dissents are one potential vehicle for allowing them to do so.⁶² While it is true that oral dissents currently face obstacles to their demosprudential efficacy, those obstacles need not be insurmountable. Moreover, Rosenberg’s critique arguably makes my point. He is saying “people don’t pay attention,”⁶³ while I am saying “yes, they can!” Indeed, they might pay more attention if Justices took the time to talk to them.⁶⁴ He characterizes the past; I aim to sketch out the contours of a different future. Rosenberg is absolutely right that one next step might be to deploy the tools of social science to explore the extent to which this claim has been realized.⁶⁵ But the foreword is suggestive, not predictive. Justices of the Supreme Court can be demosprudential when they use their opinions to engage non-legal actors in the process of making and interpreting law over time. They have democratically-based reasons to seek to inspire a mobilized constituency; it is not that they invariably will cause a social movement to emerge. Similarly, the idea that Court opinions do not invariably inspire social movements does not mean they cannot have this effect. Nor do I argue that oral dissents are the only, or even the single most important, communication tool at the Court’s disposal. When the Supreme Court announced Brown v. Board of Education⁶⁶ in 1954, there were no dissents. Moreover, the orality of the opinion announcement was not a central feature of the event. No one heard the voice of Earl Warren reading his decision on the radio. Nevertheless, the decision had a powerful effect, in part because it was

purposely drafted to speak to “the people.”⁶⁷ Justice Warren consciously intended that the Brown opinion should be short and readable by the lay public.⁶⁸ In his work, Professor Rosenberg focuses on the white backlash the Brown decision inspired.⁶⁹ But a demosprudential analysis also focuses on the front lash, the way that Brown helped inspire the civil rights movement. Brown’s accessibility and forcefulness helped inspire a social movement that in turn gave the opinion its legs.⁷⁰ In 1955, Rosa Parks refused to give up her seat on a bus in Montgomery. She was arrested. Four days later, when she was formally arraigned and convicted, a one-day bus boycott by the black citizens of Montgomery was unexpectedly, amazingly, successful.⁷¹ Dr. Martin Luther King, Jr. delivered a sermon that evening before a mass meeting of 5000 people gathered at and around Holt Street Baptist Church.⁷² He prepared his audience to take the bold step of continuing the boycott indefinitely. He did so by brilliantly fusing two great texts: the Supreme Court’s pronouncement a year earlier in Brown and the Bible.⁷³ Dr. King roused the crowd at that first mass meeting in Montgomery with a spirited refrain: “If we are wrong – the Supreme Court of this nation is wrong. If we are wrong God Almighty was wrong.”⁷⁴ In the foreword, I argue that Dr. King was a classic example of a “roleliterate participant.”⁷⁵ His theological and strategic acumen enabled him to invoke Brown as “authorization” and “legitimation” to sustain the actions that 50,000 blacks in Montgomery, Alabama would take for over thirteen months when they refused to ride the city’s buses.⁷⁶ But as Robert Post rightly points out, the word “authorize” meant something more like embolden or encourage.⁷⁷ My point is that Brown shows judicial actors can inspire or provoke “mass conversation.” It is when the legal constitution is narrated through the experience of ordinary people in conversation with each other that legal interpretation becomes sustainable as a culture shift.⁷⁸ And if a majority opinion can rouse, so too can a dissenting one. Thus, demosprudence through dissent emphasizes the use of narrative techniques and a clear appeal to shared values that make the legal claims transparent and accessible. Although demosprudence through dissent is prescriptive rather than descriptive, it was never my intent to suggest that the Court should be central to any social movement. Like Justice Ginsburg, I am not a proponent of juridification (the substitution of law for politics).⁷⁹ In Justice Ginsburg’s words, “[t]he Constitution does not belong to the Supreme Court.”⁸⁰ At the same time, I recognize that the Court has been deeply influential, albeit unintentionally at times, in some very important social movements. Studying the 1960s student movement in Atlanta, Tomiko Brown-Nagin argues that the lunch counter sit-ins were, in fact, a reaction to the Supreme Court’s decision – not because of what the Supreme Court said, but because of what it did not say.⁸¹ The Court initially raised, then dashed expectations. It was the disappointment with “all deliberate speed” – the legal system’s failure to live up to the promise of the Court’s initial ruling – that inspired students to take to the streets and initiate some of the bold protest demonstrations at lunch counters and in streets in the 1960s.⁸² Brown-Nagin emphasizes the multiple ways in which courts, lawyers and social movement actors are engaged in a dialogic and recursive discourse.⁸³

Cultural Change

Using the law creates a “cultural shift” which can change people’s mindset

Loewy 2000

(Karen L. Loewy is a Senior Staff Attorney for Lambda Legal, the oldest and largest national legal organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV. Ms. Loewy is involved in all aspects of Lambda Legal’s impact litigation, policy advocacy and public education, with particular emphasis on issues affecting LGBT and HIV-positive seniors. ; LAWYERING FOR SOCIAL CHANGE; 1999-2000; http://heinonline.org/HOL/Page?handle=hein.journals/frdurb27&div=61&g_sent=1&collection=journals ; AWEY)

Three ways of approaching the achievement of social change are the notions of “cultural shift,” “negotiation of strategy” and “dimensional lawyering.” These views are not mutually exclusive, but they are informed by different underlying ideologies. a. Cultural Shift The creation of a cultural shift is one view of the way to make true social change. ³⁹ Professor Thomas Stoddard

suggests that social change and legal change are not always coexistent, that one does not always prompt the other.⁴¹ Furthermore, attempts at law reform may only succeed on a formal level and may not have any real impact on the larger cultural context into which they fit.⁴¹ The law's traditional mechanisms can be adapted, however, to improve society in extra-legal ways. This use of the law is what Stoddard calls the law's culture-shifting capacity.⁴² A cultural shift may take place when far-reaching or significant change occurs, public awareness of that change is widespread, the public generally perceives that change as legitimate or valid, and there is continuous, overall enforcement of the change. ⁴³ One theory perhaps underlying the notion of cultural shift and its belief that all of these components must occur contemporaneously is that lawyers may not be able to divert the direction of a rule of law very far off course from the beliefs of elected officials." Without the support of the general public and the enforcement of the change, change cannot really occur. To make major changes in critical social relationships, one must change the way people think about the issue.⁴⁵ A new law that affects a large number of people in fundamental ways creates the potential for culture shifting. ⁶ For the shift to have cultural resonance, however, the general public must also perceive the shift. It must be "generally discerned and then absorbed by the society as a whole."⁴⁷ This common awareness must also be accompanied by some sense of public acceptance grounded in a sense of legitimacy or validity, as awareness is never enough to assure compliance.⁴⁸ Finally, unless the rules are enforced, the public will disregard them. Unless a new law promotes public awareness and adherence to the rules, as well as provides appropriate sanction for their disregard, culture-shifting cannot occur.⁴⁹ Professor Nan Hunter suggests an additional requirement for a true cultural shift.⁵⁰ She posits that in addition to the four requirements listed above, some type of public engagement in the effort to change the law must occur.⁵¹ When a change stems from a mobilized public demand, whether through litigation or legislation on state or federal levels, the resulting change has an immediate culture-shifting impact.⁵² She thus places great emphasis on mobilization and empowerment of those seeking legal assistance, and strengthening the represented constituency or community organization.⁵³ This empowerment is valuable because the constituent community will work toward larger, more fundamental change, viewing the law as a tool to accomplish this change as opposed to viewing the reform of the law as the end goal in and of itself.⁵⁴ Consequently, these communities will not be constrained by the limits of the law and will better serve as repeat players in the scheme of social change.⁵⁵ Professor Chai Feldblum suggests that in order for the public to believe in the legitimacy of a change, whether enacted by the legislature or decided by a court, there must be an engagement with the morality underlying the issue.⁵⁶ She maintains that the moral discourse surrounding the debate of social issues must not be discounted.⁵⁷ While legal commentators have long documented the impact of judicial reasoning on the moral rhetoric surrounding a controversial issue, the legislators' discourse has lacked similar recognition.⁵⁸ Because the surrounding rhetoric is so powerful, it must involve a real engagement with the underlying moral issues, as this grappling will have an impact on the type of culture-shift that occurs.⁵⁹ Because the issues around which social change occur are those that are grounded, at their core, in morality, the more the moral aspects of the issues are emphasized, the greater the impact of the cultural shift. ⁶⁰

Blocks

A2 Law Sucks/Excludes Us

Engaging Paradoxically with the law has value – if the law is BAD then the only way it will change is buying getting into the trenches

Hirsch 12 (Dr. Alexander Keller Hirsch is Assistant Professor in the Department of Political Science at the University of Alaska, Fairbanks. His primary field is political theory, and his research and teaching interests focus on the entanglements, impasses, and dreamworlds faced by people who inhabit the aftermath of catastrophe, 2012, "The promise of the unforgiven: Violence, power and paradox in Arendt," pgs. 9-11, online @ psc.sagepub.com/content/early/2012/12/13/0191453712467319.full.pdf+html//DM)

My approach to the paradox differs from both Young-Bruehl's and Bar On's in that I am less interested in smoothing over, correcting, or otherwise neutralizing Arendt's aporia. Rather than view it as something to be explained or solved, I contend that the irresolvability of the paradox is precisely its source of generativity. In this sense I follow in line with a number of scholars who have recently argued that paradox, far from an endgame, represents a condition of possibility for a renewed vision of democratic politics as an inherently tragic venture. Perhaps Bonnie Honig has been most effective in this regard. In her marvelous recent collection of essays, *Emergency Politics*, Honig invokes Rousseau's well-known paradox of politics. For Rousseau, famously, political founding requires virtuous citizens to set it in motion, and yet such a citizenry cannot exist until that founding has conditioned a people capable of founding in the first place. As Honig parses Rousseau, 'In order for there to be a people well-formed enough for good lawmaking, there must be good law, for how else will the people be well formed?'⁴⁴ Where most deliberative theorists, such as Seyla Benhabib or Jürgen Habermas, work to find normative or prescriptive principles and procedures for solving Rousseau's paradox, Honig urges us to bracket the inclination to settle, sublimate, or otherwise resolve it at all. Rather she sees the paradox of politics as fecund with possibility. On this point, it is well worth quoting Honig at length: It might seem that acknowledging the vicious circularity of the paradox of politics must be costly to a democracy, or demoralizing: If the people do not exist as a prior – or even as a post hoc – unifying force, then what will authorize or legitimate their exercises of power? But there is ... also promise in such an acknowledgment. Besides, denial is costly too, for we can deny or disguise the paradox of politics only by suppressing or naturalizing the exclusion of those (elements of the) people whose residual, remaindered, minoritized existence might call the pure general will into question. From the perspective of the paradox of politics, unchosen, unarticulated, or minoritized alternatives – different forms of life, identities, solidarities, sexes or genders, alternative categories of justice, unfamiliar tempos – represent themselves to us daily, in one form or another, sometimes inchoate. The paradox of politics provides a lens through which to re-enliven those alternatives. It helps us to see the lengths to which we go or are driven to insulate ourselves from the remainders of our settled paths. It keeps alive both the centripetal force whereby a people is formed or maintained as a unity and the centrifugal force whereby its other, the multitude, asserts itself.⁴⁵ Here, Honig highlights those forms of exclusion that get erased when the paradox of politics is resolved or forgotten. Taking the irreparability of that paradox seriously means that new angles of vision get opened up. Specifically, the paradox helps us to see the extent of our attempts to conceal the violence committed in the act of founding a people. What is further revealed is the extent to which the work of democratic politics entails 'not just rupture but maintenance, not just new beginnings but preparation, receptivity, and orientation'.⁴⁶ This is the tragic condition of the political paradox Honig redeems for democratic thinking. In qualifying what constitutes a tragic condition Honig turns to the moral philosophy of Bernard Williams. For Williams, Honig recalls, tragic situations are 'situations where there is no right thing to do but something must be done. Here every

action is inaction.⁴⁷ Tragic situations are paradoxical ones. No matter what choice we make we are stuck. In this sense, tragedy questions the view that the subject is the sovereign master of its destiny. Tragedy raises doubts about the Platonist vision of the hyper-rational ideal and the Kantian belief in the sufficiency and autonomy of the self.⁴⁸ Instead, tragedy affirms the notion that the subject and its actions are vulnerable to forces and power not entirely within rational control. Moreover, for Williams, as for Honig, ‘the question posed to the moral agent by the tragic situation is not simply what should we do in a tragic situation but what does the tragic situation do to us and how can we survive it with our moral integrity intact?’⁴⁹ The goal of moral theory is not to guide action or prescribe the normative ‘right thing’ to do, but rather to help the agent to survive the situation. **‘The goal’**, Honig writes, **‘is to salvage from the wreckage of the situation enough narrative unity for the self to go on.’**⁵⁰ Arendt’s paradox is certainly tragic in this sense. If forgiveness is both violent, in its suddenness, and yet redeeming, in its capacity to release us from what we have violently done, we are left wedged between an impossible choice and a no less compelling imperative to act. If promising is what we do to subdue the unexpected and beckoning chaos of the future, then we must promise not to forgive, not to begin, not to do the violence required of us if we are to enter the world of appearances together and generate the conditions for power’s emergence. This tragic situation calls for a theory of survivability and survival, for a salvaging on behalf of the self. Importantly though, I think there is more than a moral dimension to the tragedy at play in the paradox of Arendt’s treatment of violence, power, forgiveness and promising. There is a political face too. A tragic view sacralizes the restlessly ongoing and irresolvable quality of conflict endemic to human experience. It also induces a critical responsiveness to ambivalence, what Richard Seaford calls the ‘prevalence of duality over unity’.⁵¹ Politics, seen as a tragic condition of human life, is conceived less as a means of foreclosing the conflicts that arise out of difference and disagreement than as a channel through which they might be quickened, elaborated and honed. In this sense, tragedy is attuned to an immensely complex field of powers, pressured encounters and civic possibilities. When conceived politically, which is to say tragically, democracy fosters robust and active modes of citizenship engaged in projects of public and counter-public building. These projects are aware both of the omnipresent and ineliminable quality of conflict and that the dynamism of this conflict is the source of political agency in the perpetually disputed and contingent character of the world held in common. This is a world shimmering with plurality, so long as the tragedy of democratic experience is upheld.

A2 Cant Engage the Surveillance Culture

Forum exists in the FISA Court to challenge the NSA – public advocates prove

Nolan et al. 13 (Andrew Nolan, Richard M. Thompson II, and Vivian S. Chu, Legislative Attorneys of the Congressional Research Service, 10/23/2013, “Introducing a Public Advocate into the Foreign Intelligence Surveillance Act’s Courts: Select Legal Issues,”

<https://www.justsecurity.org/wp-content/uploads/2013/10/CRS-Report-FISC-Public-Advocate-Oct.-25-2013.pdf>)

It is a basic principle of American constitutional law that with one exception⁴⁶ the Constitution only applies to the federal government and, via the Fourteenth Amendment and certain other clauses, to the governments of the states.⁴⁷ Accordingly, before evaluating the constitutional implications of including a public advocate in FISA proceedings a threshold issue is to assess what the exact role of the FISA advocate is as a legal matter and, more specifically, whether the advocate is a sovereign entity that can be subject to the constraints of the Constitution.⁴⁸ At first blush, one can argue that an opposition advocate in a FISA proceeding cannot be considered a government actor, as a public advocate represents the privacy interests of either the general public or those being targeted. Indeed, as one scholar noted in another context regarding the concept of a public advocate, the institution itself, in actively

opposing the position of a government agent, is “so different from the traditional three branches of government” that the advocate “would be like a fourth branch of government, totally different from anything contemplated by the framers at the time of the ratification of the Constitution,” and, therefore, free of the constraints of the Constitution.⁴⁹ Moreover, if one assumes a public advocate is a direct analogue to that of a public defender in a federal criminal case, the adversarial relationship of the FISA advocate with the government arguably prevents consideration of the opposition advocate as an instrument of the federal government.⁵⁰ Specifically, a public advocate, being bound by the canons of professional responsibility, must exercise independent judgment on behalf of his client – the public – and cannot be considered a “servant of an administrative superior” – i.e., the government.⁵¹ Put another way, an opponent of the government’s position cannot be converted into its “virtual agent.”⁵² In this light, some proposals for including an advocate have described the advocate’s client as not being the government, but the “people of the United States” in “preserving privacy and civil liberties.”⁵³

HUMINT Advantage Answers HSS

Neg

Intelligence Internals

Generic

1nc Frontline

Alt causes- HUMINT issues generate from deployment of spies and complete penetration of organizations is impossible

O'Brien, 05- President and CEO of Artemis Global Logistics & Solutions, Former Graduate Research Assistant at the Jebson Center for Counter Terrorism Research, Former International Trade Specialist for the Department of Commerce (James, "Trojan Horses: Using Current U.S. Intelligence Resources To Successfully Infiltrate Islamic Terror Groups", International Affairs Review Vol. 14 No.2 Fall 2005)/KTC

Nevertheless, it is easier to recognize HUMINT deficiencies than to fix them. This is especially true when reconstituting sectors spread over several agencies that have been allowed to corrode. There is no quick fix in resolving this deficiency. This reality is recognized by both policy advisors and policy-makers, who propose long-term investments in intelligence reform. A 2002 Congressional Research Service report exemplifies this mindset: While U.S. policymakers are emphasizing the need for rapid intelligence overhaul to close the HUMINT deficit, the United States is fighting a War on Terror with other countries' unreliable eyes. 142 · International Affairs Review First is a renewed emphasis on human agents. Signals intelligence and imagery satellites have their uses in the counterterrorism mission, but intelligence to counter terrorism depends more on human intelligence (HUMINT) such as spies and informers. Any renewed emphasis on human intelligence necessarily will involve a willingness to accept risks of complicated and dangerous missions, and likely ties to disreputable individuals who may be in positions to provide valuable information. Time and patience will be needed to train analysts in difficult skills and languages.^h Unfortunately, the "time and patience" necessary to develop these operatives is not a luxury the United States can afford. The 9/11 Commission Report describes the rapid nature and lack of warning that defines the current security environment: National security used to be considered by studying foreign frontiers, weighing opposing groups of states, and measuring industrial might.... Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place.... Now threats can emerge quickly. An organization like al Qaeda, headquartered in a country on the other side of the earth, in a region so poor that electricity or telephones were scarce, could nonetheless scheme to wield weapons of unprecedented destructive power in the largest cities of the United States.ⁱ Furthermore, even if the United States succeeds in developing the types of intelligence operatives with the skill sets desired for an effective war against Islamic extremists, the capacity to penetrate these groups will likely never be fully achieved. The problem is that Islamic terrorist groups are highly insulated from outside intrusion because of their family-based and/or clan-based recruitment policies: "Ethnically based terrorist groups recruit new members personally known to them, people whose backgrounds are known and who often have family ties to the organization. Intelligence penetration of organizations recruited this way is extremely difficult."^j Even those organizations that do not recruit exclusively through family ties, such as al Qaeda, still employ a severe level of vetting that places an operative's survival in jeopardy. Regional dialects, local cultural sensitivities and "six-degrees-of-separation" within small populations all work against an operative attempting to secure a terrorist leader's trust. Recognizing these difficulties, Rich Trojan Horses · 143 and Betts summarizes this operational reality: "More and better spies will help, but no one should expect breakthroughs if we get them. It is close to impossible to penetrate small, disciplined, alien organizations like Osama bin Laden's al Qaeda, and especially hard to find reliable U.S. citizens who have even a remote chance of trying."^k Nevertheless, the intelligence community should pursue HUMINT reform that will develop operatives with penetration potential, but accessing the inner circles of terror groups may take years to materialize, or may even be impossible. For example, if the operative is accepted by a terror group, he may be isolated or removed from the organization's hierarchy, leaving the operative uninformed as to what other groups within the same organization are planning, including the cell within which he may be operating.^l Therefore, recognizing the U.S. HUMINT deficiency, the lengthy process of comprehensive reform, the unpredictable nature of

terrorism as a constant imminent threat, and the insulated structure of terrorist groups, the United States will need to employ creative methods to collect information without jeopardizing long-term intelligence reform. Bruce Hoffman suggests “some new, ‘out-of-the-box’ thinking that would go beyond simple bureaucratic fixes.” One possibility is taking a backdoor approach to penetrating various fundamentalist terrorist organizations. SOLUTION PROPOSED: WORK WITH THE TOOLS WE HAVE The Backdoor One backdoor ripe for exploitation is the dependence of Islamic extremists on illicit activities and services to fund, train, and/or facilitate their operations. The “Achilles heel” of terror groups is their dependence on criminal or other interconnected terrorist groups to provide certain services to them, specifically weapons and drug smuggling. The United States should exploit this dependence and has the capacity to do The “Achilles heel” of terror groups is their dependence on criminal or other interconnected terrorist groups to provide certain services to them, specifically weapons and drug smuggling. 144 · International Affairs Review so. This backdoor should be envisioned just as the name connotes: an alternative entrance that is easier to sneak into than the front door. In the world of computer programming, a backdoor is “an undocumented way of gaining access to a program, online service or an entire computer system. The backdoor is written by the programmer who creates the code for the program. It is often only known by the programmer. A backdoor is a potential security risk.” when hackers discover backdoors in software programs, they exploit them. The U.S. intelligence community should adopt the hackers’ approach; infiltration agents should be looking for similar types of alternative access routes.

No NSA overload – Accumulo tech solves.

Harris ‘13

(Not Scott Harris, because large data sets do sometimes overwhelm him... But Derrick Harris. Derrick in a senior writer at Gigaom and has been a technology journalist since 2003. He has been covering cloud computing, big data and other emerging IT trends for Gigaom since 2009. Derrick also holds a law degree from the University of Nevada, Las Vegas. This evidence is also internally quoting Adam Fuchs – a former NSA employee that was involved in software design. “Under the covers of the NSA’s big data effort” – Gigaom - Jun. 7, 2013 - <https://gigaom.com/2013/06/07/under-the-covers-of-the-nsas-big-data-effort/>)

The NSA’s data collection practices have much of America — and certainly the tech community — on edge, but sources familiar with the agency’s technology are saying the situation isn’t as bad as it seems. Yes, the agency has a lot of data and can do some powerful analysis, but the argument goes, there are strict limits in place around how the agency can use it and who has access. Whether that’s good enough is still an open debate, but here’s what we know about the technology that’s underpinning all that data. The technological linchpin to everything the NSA is doing from a data-analysis perspective is Accumulo — an open-source database the agency built in order to store and analyze huge amounts of data. Adam Fuchs knows Accumulo well because he helped build it during a nine-year stint with the NSA; he’s now co-founder and CTO of a company called Sqrl that sells a commercial version of the database system. I spoke with him earlier this week, days before news broke of the NSA collecting data from Verizon and the country’s largest web companies. The NSA began building Accumulo in late 2007, Fuchs said, because they were trying to do automated analysis for tracking and discovering new terrorism suspects. “We had a set of applications that we wanted to develop and we were looking for the right infrastructure to build them on,” he said. The problem was those technologies weren’t available. He liked what projects like HBase were doing by using Hadoop to mimic Google’s famous BigTable data store, but it still wasn’t up to the NSA requirements around scalability, reliability or security. So, they began work on a project called CloudBase, which eventually was renamed Accumulo. Now, Fuchs said, “It’s operating at thousands-of-nodes scale” within the NSA’s data centers. There are multiple instances each storing tens of petabytes (1 petabyte equals 1,000 terabytes or 1 million gigabytes) of data and it’s the backend of the agency’s most widely used analytical capabilities. Accumulo’s ability to handle data in a variety of formats (a characteristic called “schemaless” in database jargon) means the NSA can store data from numerous sources all within the database and add new analytic capabilities in days or even hours. “It’s quite critical,” he added. What the NSA can and can’t do with all this data As I explained on Thursday, Accumulo is especially adept at analyzing trillions of data points in order to build massive graphs that can detect the connections between them and the strength of the connections. Fuchs didn’t talk about the size of the NSA’s graph, but he did say the database is designed to handle months or years worth of information and let analysts move from query to query very fast. When you’re talking about analyzing call records, it’s easy to see where this type

of analysis would be valuable in determining how far a suspected terrorist's network might spread
and who might be involved.

Accumulo solves without violating privacy.

Henschen '13

Doug Henschen is Executive Editor of InformationWeek, where he covers the intersection of enterprise applications with information management, business intelligence, big data and analytics. He previously served as editor in chief of Intelligent Enterprise, editor in chief of Transform Magazine, and Executive Editor at DM News. He has covered IT and data-driven marketing for more than 15 years. "Defending NSA Prism's Big Data Tools"- Information Week - Commentary - 6/11/2013 - <http://www.informationweek.com/big-data/big-data-analytics/defending-nsa-prisms-big-data-tools/d/d-id/1110318?>

The more you know about NSA's Accumulo system and graph analysis, the less likely you are to suspect

Prism is a privacy-invading fishing expedition. It's understandable that democracy-loving citizens everywhere are outraged by the idea that the U.S. Government has back-door access to digital details surrounding email messages, phone conversations, video chats, social networks and more on the servers of mainstream service providers including Microsoft, Google, Yahoo, Facebook, YouTube, Skype and Apple. But the more you know about the technologies being used by the National Security Agency (NSA), the agency behind the controversial Prism program revealed last week by whistleblower Edward Snowden, the less likely you are to view the project as a ham-fisted effort that's "trading a cherished American value for an unproven theory," as one opinion piece contrasted personal privacy with big data analysis. The centerpiece of the NSA's data-processing capability is Accumulo, a highly distributed, massively parallel processing key/value store capable of analyzing structured and unstructured data. Accumulo is based on Google's BigTable data model, but NSA came up with a cell-level security feature that makes it possible to set access controls on individual bits of data. Without that capability, valuable information might remain out of reach to intelligence analysts who would otherwise have to wait for sanitized data sets scrubbed of personally identifiable information. Sponsor video, mouseover for sound [Want more on the Prism controversy? Read NSA Prism: Inside The Modern Surveillance State.] As InformationWeek reported last September, the NSA has shared Accumulo with the Apache Foundation, and the technology has since been commercialized by Sqrl, a startup launched by six former NSA employees joined with former White House cybersecurity strategy director (and now Sqrl CEO) Ely Khan. "The reason NSA built Accumulo and didn't go with another open source project, like HBase or Cassandra, is that they needed a platform where they could tag every single piece of data with a security label that dictates how people can access that data and who can access that data," said Khan in an interview with InformationWeek. Having left government employment in 2010, Kahn says he has no knowledge of the Prism program and what information the NSA might be collecting, but he notes that Accumulo makes it possible to interrogate certain details while blocking access to personally identifiable information. This capability is likely among the things James R. Clapper, the U.S. director of National Intelligence, was referring to in a statement on the Prism disclosure that mentioned "numerous safeguards that protect privacy and civil liberties." Are They Catching Bad Guys? So the NSA can investigate data with limits, but what good is partial information? One of Accumulo's strengths is finding connections among seemingly unrelated information. "By bringing data sets together, [Accumulo] allowed us to see things in the data that we didn't necessarily see from looking at the data from one point or another," Dave Hurry, head of NSA's computer science research section, told InformationWeek last fall. Accumulo gives NSA the ability "to take data and to stretch it in new ways so that you can find out how to associate it with another piece of data and find those threats."

Aff exaggerates – NSA budget's too small for untargeted mass data collection

Harris '13

(Not Scott Harris, because large data sets do sometimes overwhelm him... But Derrick Harris. Derrick in a senior writer at Gigaom and has been a technology journalist since 2003. He has been covering cloud computing, big data and other emerging IT trends for Gigaom since 2009. Derrick also holds a law degree from the University of Nevada, Las Vegas. This evidence is also internally quoting Adam Fuchs – a former NSA employee that was involved in software design. "Under the covers of the NSA's big data effort" – Gigaom - Jun. 7, 2013 - <https://gigaom.com/2013/06/07/under-the-covers-of-the-nsas-big-data-effort/>)

We're not quite sure how much data the two programs that came to light this week are actually collecting, but the evidence suggests it's not that much — at least from a volume perspective. Take the PRISM program that's gathering data from web properties including Google, Facebook, Microsoft, Apple, Yahoo and AOL. It seems the NSA would

have to be selective in what it grabs. Assuming it includes every cost associated with running the program, **the \$20 million per year allocated to PRISM**, according to the slides published by the Washington Post, **wouldn't be nearly enough to store all the raw data—much less new datasets created from analyses— from such large web properties. Yahoo alone**, I'm told, **was spending over \$100 million a year to operate its** approximately 42,000-node Hadoop environment, consisting of hundreds of **petabytes**, a few years ago. **Facebook users are generating more than 500 terabytes of new data every day. Using** about **the least-expensive option** around **for mass storage**— cloud storage provider Backblaze's open source storage pod designs — just storing 500 terabytes of Facebook data a day **would cost more than \$10 million in hardware alone over the course of a year.** Using higher-performance hard drives or other premium gear — things Backblaze eschews because it's concerned primarily about cost and scalability rather than performance — would cost even more. Even at the Backblaze price point, though, which is pocket change for **the NSA**, the agency **would easily run over \$20 million trying to store too many emails, chats, Skype calls, photos, videos and other types data** from the other companies it's working with.

Big Data can handle it.

Pontius '14

Brandon H. Pontius. The author holds a B.S. from Louisiana State University and an M.B.A., Louisiana State University. The author wrote this piece in partial fulfillment of a MASTER OF SCIENCE IN COMPUTER SCIENCE from the NAVAL POSTGRADUATE SCHOOL. The thesis advisor that reviewed this piece is Mark Gondree, PhD. Gondree is a security researcher associated with the Computer Science Dept at the Naval Postgraduate School – “INFORMATION SECURITY CONSIDERATIONS FOR APPLICATIONS USING APACHE ACCUMULO” - September 2014 - http://calhoun.nps.edu/bitstream/handle/10945/43980/14Sep_Pontius_Brandon.pdf?sequence=1

Generation of actionable intelligence from large data sets requires efficient analysis. Manual analysis of large data sets to develop these insights is unsustainably resource intensive. In January 2014, the deputy director of the Defense Intelligence Agency noted, “We’re looking for needles within haystacks while trying to define what the needle is, in an era of declining resources and increasing threats” [7]. **Big data platforms have the storage and analytical capabilities necessary to handle large data sets. These solutions can relieve the processing burden on human analysts and allow them to spend more time generating real intelligence** [5]. **Big data analytics make information more usable, improve decision making, and lead to more focused missions** and services. For instance, geographically separated teams can access a real-time common operating picture, **diagnostic data mining can support proactive maintenance programs that prevent battlefield failures**, and data can be transformed into a common structure that allows custom queries by a distributed force composed of many communities [4], [6].

1nc Frontline Resource Wars

() *No resource wars – too expensive and market checks*

Victor '8

David G,- Adjunct Senior Fellow for Science and Technology, Council on Foreign Relations; Director, Program on Energy and Sustainable Development @ Stanford “Smoke and Mirror” <http://www.nationalinterest.org/PrinterFriendly.aspx?id=16530>

MY ARGUMENT is that classic **resource wars**—hot conflicts driven by a struggle to grab resources—**are increasingly rare. Even where resources play a role, they are rarely the root cause of bloodshed.** Rather, the root cause usually lies in various failures of governance. That argument—in both its classic form and in its more nuanced incarnation—is hardly a straw man, as Thomas Homer-Dixon asserts. Setting aside hyperbole, the punditry increasingly points to resources as a cause of war. And so do social scientists and policy analysts, even with their more nuanced views. I’ve triggered this debate because conventional wisdom puts too much emphasis on resources as a cause of conflict. Getting the story right has big implications for social scientists trying to unravel cause-and-effect and often even larger implications for public policy. Michael Klare is right to underscore Saddam Hussein’s invasion of Kuwait, the only classic resource conflict in recent memory. That episode

highlights two of the reasons why classic resource wars are becoming rare—**they're expensive and rarely work.** (And even in Kuwait's case, many other forces also spurred the invasion. Notably, Iraq felt insecure with its only access to the sea a narrow strip of land sandwiched between Kuwait on one side and its archenemy Iran on the other.) In the end, **Saddam lost resources on the order of \$100 billion** (plus his country and then his head) **in his quest for Kuwait's 1.5 million barrels** per day of combined oil and gas output. By contrast, Exxon paid \$80 billion to get Mobil's 1.7 million barrels per day of oil and gas production—a merger that has held and flourished. **As the bulging sovereign wealth funds are discovering, it is easier to get resources through the stock exchange than the gun barrel.**

() *Chinese Resource War claims are false*

Victor '7

(David G.- Adjunct Senior Fellow for Science and Technology, Council on Foreign Relations; Director, Program on Energy and Sustainable Development @ Stanford "What Resource Wars?" 11/12 <http://www.nationalinterest.org/Article.aspx?id=16020>)

RISING **ENERGY prices and** mounting **concerns about environmental depletion have animated fears that the world may be headed for a spate of "resource wars"**—hot conflicts triggered by a struggle to grab valuable resources. Such fears come in many stripes, but **the threat industry has sounded the alarm bells especially loudly in** three areas. First is the rise of **China, which is poorly endowed with many of the resources it needs**—such as oil, gas, timber and most minerals—and has already “gone out” to the world with the goal of securing what it wants. Violent conflicts may follow as the country shunts others aside. A second potential path down the road to resource wars starts with all the money now flowing into **poorly governed** but resource-rich **countries.** Money can fund civil wars and other hostilities, even leaking into the hands of terrorists. And third is global **climate change,** which could multiply stresses on natural resources and trigger water wars, catalyze the spread of disease or bring about mass migrations. **Most of this is bunk,** and nearly all of it has focused on the wrong lessons for policy. **Classic resource wars are good material for Hollywood screenwriters. They rarely occur in the real world.** To be sure, resource money can magnify and prolong some conflicts, but **the root causes of those hostilities usually lie elsewhere.** Fixing them requires focusing on the underlying institutions that govern how resources are used and largely determine whether stress explodes into violence. When conflicts do arise, the weak link isn't a dearth in resources but a dearth in governance.

Ext. No Resource Wars

() *Resource wars are empirically false and won't escalate*

Homer-Dixon '8

(Thomas,- Chair of Peace and Conflict Studies at the Trudeau Centre for Peace and Conflict Studies at the University. of Toronto. "Oil, Oil, Toil and Trouble."– The National Interest – January /February, edition)

Rather, we argue that **resource stress always interacts in complex conjunction with a host of other factors**--ecological, institutional, economic and political--**to cause mass violence**. Also, **causation is almost always indirect**. People, groups and **countries rarely fight over natural resources directly**; instead, resource stress causes various forms of social dislocation--including widening gaps between rich and poor, increased rent-seeking by elites, weakening of states and deeper ethnic cleavages--that, in turn, make violence more likely. And, finally, **this violence is almost always sub-national**; it takes the form of insurgency, rebellion, gangsterism and urban criminality, **not** overt interstate war. **The claim that resource stress is sufficient by itself to cause violence is easily refuted. One simply has to identify cases where resource stress was present but violence didn't occur.** Likewise, the claim that resource stress is a necessary cause of violence is easily refuted by finding cases of violence not preceded by resource stress. At various points in his article, Victor uses exactly these strategies to debunk the link between resources and war.

() *Best studies prove resources have very small effect on warfare.*

Goldstone '2K

(Jack,- professor of public policy, George Mason, Population and Security: How Demographic Change Can Lead to Violent Conflict., JOURNAL OF INTERNATIONAL AFFAIRS, Fall2002, Vol. 56, p. 123)

For example, Wenche Hauge and Tanja Ellingsen, in **the most comprehensive** global **test of the** environmental-**scarcity-leads-to-violence hypothesis** with recent data (1980-92), **found that while deforestation, land degradation and low freshwater** availability **were** positively **correlated with** the incidence of civil war and armed **conflict, the magnitude of their effects was tiny**. By themselves, **these factors raised the probability of civil war by** 0.5 to under **1.5 percent**. These factors did have a slightly higher impact on the probability of lesser kinds of armed conflict (causing increases in the chances of such conflict by from 4 percent to 8 percent); **but their influence paled compared to the impact of such traditional risk factors as poverty, regime type and current and prior political instability.**

Ext. HUMINT fails

HUMINT fails- intelligence officers can't adapt

Sano 1/28 (John, 2015, Former Deputy Director, National Clandestine Service, CIA, "Guide to the Study of Intelligence: The Changing Shape of HUMINT," Draft of paper, <http://www.afio.com/publications/SANO%20Changing%20Shape%20of%20HUMINT%20DRAFT%202015Jan28.pdf//RTF>)

Managing this younger, more technically astute, workforce can be problematic for a number of reasons – not the least of which is the dramatic generational difference when it comes to learning. Today's workforce thinks and processes information significantly differently from its predecessors. As Dr. Bruce Perry of Baylor College of Medicine has stated, "Different kinds of experiences lead to different brain structures."² As such today's workforce receives information much faster than their predecessors. And while reception does not always equal comprehension, it does present an issue for managers as well as for IC instructors. Education within the world of HUMINT is in large measure "anecdotally based," with instruction incorporating legacy-based scenarios, or "tribal memories" to emphasize key points. While useful, it is often a technique that many younger practitioners of espionage find unfamiliar,

even ineffective. Growing up on a regular diet of technology driven information today's clandestine officer is better connected and more adept at multitasking and networking than previous generations. Adjusting to this significant divide is often difficult, for most instructors view education in much the same way as they themselves were taught – via lectures, step-by-step logic and “tell-test” instruction. Today's officers are more comfortable with procedures that they grew up with – TV, Internet, video cams, cell phones and all the other accretions associated with the digital age. What does this mean? Aside from the way today's officers want to learn, it also impacts expectations. Today's clandestine service officer expects to access any information, anytime, anywhere, and on any device. Aside from the obvious security aspects, there is also the problem of managing these expectations – attempting to inculcate the proper balance of security vs. expediency, not to mention patience within an increasingly impatient workforce is no easy task, but nonetheless critical aspect of any clandestine activity.

HUMINT is a bad form of intelligence gathering – 7 reasons

Turner ,05 -Dr. Michael A. Turner teaches at both San Diego State University and the University of San Diego. He is also a consultant to the United States Government on national security matters. Until 2006, Dr. Turner was the Director of International Relations Program at Alliant International University in San Diego, CA. Before joining Alliant, Dr. Turner was a senior CIA officer, attached both to the analytical directorate as well as to elements supporting the Director of Central Intelligence. At varying times, Dr. Turner has taught strategic affairs at the University of Maryland, the University of Virginia, Johns Hopkins University, the University of Southern California, and the Air War College. Dr. Turner's research interests include intelligence and national security, American foreign policy, Middle East as well as Central and South Asian Politics, and counterterrorism policy. Dr. Turner teaches both graduate and undergraduate international relations courses. (Michael A., “Why Secret Intelligence Fails”, pg 92, accessed 6-30-15)//KTC

On the other hand, HUMINT's disadvantages probably outweigh its advantages. One, American case officers may not have sufficient training and know-how to perform their jobs well. According to the one analyst, CIA operatives are not particularly well prepared; they seldom speak foreign languages well and almost never know a line of business or a technical field.¹³ Two, the process of recruiting spies is time consuming and lengthy, which often brings into question the benefits of such an activity in relation to its cost. Three, HUMINT information is highly perishable and therefore has a low threshold of utility. Four, HUMINT is often vulnerable to deception and double- agent operations. Five, spying is illegal everywhere, and case officers who have been caught in the process of recruitment have embarrassed the U.S. government and damaged relations with both unfriendly and friendly governments. Six, espionage is risky to the lives of the intelligence agents and their assets. Seven, because HUMINT assets are often employed in covert actions, espionage operations sometimes become corner shed in political controversies at home. Eight, many people believe that spying is ethically wrong, an activity that diminishes the moral standing of the United States around the globe.

Ext. Accumulo checks overload

() *Data overload wrong – Accumulo tech solves*

Gallagher '13

Sean Gallagher is the IT editor at Ars Technica. Sean is a University of Wisconsin grad, a former systems integrator, a former director of IT strategy at Ziff Davis Enterprise. He wrote his first program in high school – “What the NSA can do with “big data”” - Ars Technica - Jun 11, 2013 - <http://arstechnica.com/information-technology/2013/06/what-the-nsa-can-do-with-big-data/2/>

Ironically, about the same time these two programs were being exposed, Internet companies such as **Google and Yahoo were solving the big data storage and analysis problem**. In November of 2006, Google published a paper on BigTable, a database with petabytes of capacity capable of indexing the Web and supporting Google Earth and other applications. And **the** work at Yahoo to catch up with Google's GFS file system—the basis for BigTable—resulted in the Hadoop. BigTable and Hadoop-based **databases offered a way to handle huge amounts of data being captured by the NSA's operations, but they lacked** something critical to intelligence operations: compartmentalized **security** (or any security at all, for that matter). **So** in 2008, **NSA set out to create a better version** of BigTable, **called Accumulo**—now an Apache Foundation project. Accumulo is a “NoSQL” database, based on key-value pairs. It's a design similar to Google's BigTable or Amazon's DynamoDB, but **Accumulo has special security features designed for the NSA, like multiple levels of security access**. The program is built on the open-source Hadoop platform and other Apache products. One of those is called Column Visibility—a capability that allows individual items within a row of data to have different classifications. That allows users and applications with different levels of authorization to access data but see more or less information based on what each column's “visibility” is. Users with lower levels of clearance wouldn't be aware that the column of data they're prohibited from viewing existed. **Accumulo also can generate near real-time reports from specific patterns in data, so, for instance, the system could** look for specific words or addressees in e-mail messages that come from a range of IP addresses; or, it could look for phone numbers that are two degrees of separation from a target's phone number. Then it can **spit** those **chosen e-mails or phone numbers into another database, where NSA workers could peruse it at their leisure. In other words, Accumulo allows the NSA to do what Google does** with your e-mails and Web searches—**only with everything that flows across the Internet**, or with every phone call you make. **It works because of a type of server process called “iterators.”** These pieces of code constantly process the information sent to them and send back reports on emerging patterns in the data. Querying a multi-petabyte database and waiting for a response would be deadly slow, especially because there is always new data being added. **The iterators are like NSA's tireless data elves.**

() *No NSA data overload - Accumulo checks.*

Kelly '12

Jeff Kelly is a Principal Research Contributor at The Wikibon Project and a Contributing Editor at SiliconANGLE. He focuses on trends in Big Data and business analytics. His research has been quoted and referenced by the Financial Times, Forbes, CIO.com, Network World, GigaOM, TechTarget and more – “Accumulo: Why The World Needs Another NoSQL Database” – Wikibon Blog – August 20th - <http://wikibon.org/blog/breaking-analysis-accumulo-why-the-world-needs-another-nosql-database/>

If you've been unable to keep up with all the competing NoSQL databases that have hit the market over the last several years, you're not alone. To name just a few, there's HBase, Cassandra, MongoDB, Riak, CouchDB, Redis, and Neo4J. To that list you can **add Accumulo, an open source database originally developed at the National Security Agency**. You may be wondering why **the world needs** yet **another database to handle** large volumes of multi-structured data. The answer is, of course, that no one of these NoSQL databases has yet checked all the feature/functionality boxes that most enterprises require before deploying a new technology. In the Big Data world, that means the ability to handle the three V's (**volume, variety and velocity**) of data, the ability to process multiple types of workloads (analytical vs. transactional), and the ability to maintain ACID (atomicity, consistency, isolation and durability) compliance at scale. With each new NoSQL entrant, hope springs eternal that this one will prove the NoSQL messiah. So what makes Accumulo different than all the rest? According to proponents, **Accumulo is capable of maintaining consistency even as it scales to thousands of nodes and**

petabytes of data; it can both read and write data in near real-time; and, most importantly, it was built from the ground up with cell-level security functionality.

Ext. Accumulo solves privacy

Accumulo tech solves overload – and does so without mass privacy violations.

Jackson ‘13

Joab Jackson covers enterprise software and general technology breaking news for the IDG News Service, and is based in New York. “NSA's Accumulo data store has strict limits on who can see the data” - PC World - Oct 31, 2013 - <http://www.pcworld.com/article/2060060/nsas-accumulo-nosql-store-offers-rolebased-data-access.html>

With its much-discussed enthusiasm for collecting large amounts of data, the NSA naturally found much interest in the idea of highly scalable NoSQL databases. But the U.S. intelligence agency needed some security of its own, so it developed a NoSQL data store called Accumulo, with built-in policy enforcement mechanisms that strictly limit who can see its data. At the O'Reilly Strata-Hadoop World conference this week in New York, one of the former National Security Agency developers behind the software, Adam Fuchs, explained how Accumulo works and how it could be used in fields other than intelligence gathering. The agency contributed the software's source code to the Apache Software Foundation in 2011. “Every single application that we built at the NSA has some concept of multi-level security,” said Fuchs, who is now the chief technology officer of Sqrl, which offers a commercial edition of the software. The NSA started building Accumulo in 2008. Much like Facebook did with its Cassandra database around the same time, the NSA used the Google Big Table architecture as a starting point. In the parlance of NoSQL databases, Accumulo is a simple key/value data store, built on a shared-nothing architecture that allows for easy expansion to thousands of nodes able to hold petabytes worth of data. It features a flexible schema that allows new columns to be quickly added, and comes with some advanced data analysis features as well. Accumulo's killer feature Accumulo's killer feature, however, is its “data-centric security.” Fuchs said. When data is entered into Accumulo, it must be accompanied with tags specifying who is allowed to see that material. Each row of data has a cell specifying the roles within an organization that can access the data, which can map back to specific organizational security policies. It adheres to the RBAC (role-based access control) model. This approach allowed the NSA to categorize data into its multiple levels of classification—confidential, secret, top secret—as well as who in an organization could access the data, based on their official role within the organization. The database is accompanied by a policy engine that decides who can see what data. This model could be used anywhere that security is an issue. For instance, if used in a health care organization, Accumulo can specify that only a patient and the patient's doctor can see the patient's data. The patient's specific doctor may change over time, but the role of the doctor, rather than the individual doctor, is specified in the database. The NSA found that the data-centric approach “greatly simplifies application development.” Fuchs said. Because data today tends to be transformed and reused for different analysis applications, it makes sense for the database itself to keep track of who is allowed to see the data, rather than repeatedly implementing these rules in each application that uses this data.

North Korea

1nc Frontline

Squo solves North Korean nuclear detection

Dahl 14 (Frederick, May 9th, Reuters, “Monitoring body 'ready to detect' any North Korea nuclear test,” <http://www.reuters.com/article/2014/05/09/us-northkorea-nuclear-ctbto-idUSBREA480FL20140509//RTF>)

The global nuclear test monitoring agency would quickly detect seismic signs of any new underground atomic explosion conducted by North Korea and inform member states, its head said on Friday. The United States said last month it was watching the Korean peninsula closely after reports that North Korea may be planning a fourth nuclear test since 2006, and it urged Pyongyang not to take any step that would threaten regional peace. The Comprehensive Test Ban Treaty

Organization (CTBTO), set up in the mid-1990s, says it now has more than 85 percent of a planned worldwide network of 337 facilities up and running to check the planet for any atomic bomb testing. The Vienna-based CTBTO's International Monitoring System consists of stations designed to pick up seismic, radionuclide, infrasound or hydroacoustic signals. "The normal (mode) of the organization is being highly on alert," Lassina Zerbo, CTBTO executive secretary, told Reuters when asked about the possibility of a North Korean nuclear test. "I can assure you that we are always ready to detect anything, anywhere, anytime," he said. "We stand ready to face any type of test or event." The first, almost immediate indication would likely be in the form of seismic shockwaves, while it could take weeks to pick up any "smoking gun" radioactive traces, if at all. When North Korea last detonated a nuclear device - in February 2013 - the CTBTO detected radioactive gases that could have come from the explosion only about two months later. Zerbo said this remained "unique" as it had not been picked up by anybody else, including the five recognized nuclear weapon states - the United States, China, Russia, Britain and France. "None of those countries were able to detect this sniff of radio-isotope 50 days or so after the test," he said. The impoverished North, which routinely threatens the United States and South Korea with destruction, warned in March it would not rule out a "new form" of atomic test after the U.N. Security Council condemned the country's launch of a mid-range ballistic missile into the sea east of the Korean peninsula. "I'm hoping that it is only rumors and that they will not cross that red line in pursuing the fourth nuclear test," Zerbo said. "They have been warned by the international community." North Korea is already subject to U.N. sanctions over its previous three atomic tests. TEST BAN NOT YET LAW Zerbo, a geophysicist from Burkina Faso who took office last year, also called on countries which have yet to ratify the test ban treaty to do so in order for it to finally become international law. There is widespread international support for the pact, which has been ratified by more than 160 states, but it cannot come into effect because some nuclear powers like the United States and China have not yet taken that step. Proponents argue U.S. ratification of the pact - which they say has helped to dramatically cut the number of tests since the Cold War with only North Korea setting off an atomic device in this century - could encourage other holdouts to sign on. But, "any of the eight remaining countries should show leadership," Zerbo said, referring to all those whose ratification is still required, also including India, Pakistan, Israel, Iran, North Korea and Egypt. He said Israel - assumed to be the Middle East's only nuclear-armed country - could become the next to ratify, saying there had been "positive" signs when he visited it in March. President Barack Obama's administration argues that the United States no longer needs to conduct nuclear tests. But the Senate needs to approve the treaty, which it rejected in 1999. Opponents argued at the time that a formal, permanent end to testing could erode the reliability of the U.S. nuclear arsenal and some also questioned whether cheaters could be detected. U.S. Under Secretary for Arms Control and International Security, Rose Gottemoeller, said last month that despite the treaty's clear merits, "we need time to educate the public and Congress to build support for U.S. ratification"

North Korea war is unlikely and won't start by accident.

Farley 13 — Robert Farley, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, 2013 ("North Korea and the Fallacy of Accidental Wars," *The Diplomat*, April 5th, accessible online at <http://thediplomat.com/2013/04/north-korea-and-the-fallacy-of-accidental-wars/>, accessed on 6-22-15)

Few wars happen by accident. Given the situation on the Korean Peninsula, a war seems unlikely, as none of the combatants stand to benefit.

Accidental wars rarely happen. Historians have demonstrated that most wars initially deemed "accidental," (perhaps most notably the First World War), have in actuality resulted from deliberative state policy, even if the circumstances of the war were unplanned. While war seems discordant, it actually requires a great deal of cooperation and coordination. Fundamentally, two parties have to agree to conduct a war; otherwise, you have either a punitive raid or an armed surrender negotiation.

Consequently, the baseline for evaluating the chances for accidental war on the Korean Peninsula should be judged as quite low. South Korea, in all likelihood, views the prospect of decisive victory against North Korea as worse than the status quo. The United States has no interest in fighting a war against the DPRK at the moment. For example, the sinking of the Cheonan was obviously an act of war, but neither the United States nor South Korea were interested in fighting

a war on the terms offered. While we know less about the strategic calculus of North Korea, there is little reason to think that North Korea was interested in war, either; it probed South Korean capabilities and resolve, but did not press the issue in ways that could have forced Seoul's hand.

Ext. Detection Now

CTBT Verification system Solves

Wächter 2014 (Elisabeth, December 9th, Chief of Public Information for CTBTO, "LARGEST-EVER CTBT ON-SITE INSPECTION EXERCISE CONCLUDES SUCCESSFULLY," <https://www.ctbto.org/press-centre/press-releases/2014/largest-ever-ctbt-on-site-inspection-exercise-concludes-successfully/>)//RTF

The most sophisticated on-site inspection exercise conducted to date by the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) formally concludes this week. The Integrated Field Exercise IFE14 in Jordan started on 3 November and involved four years of preparation, 150 tonnes of specialized equipment and over 200 international experts. CTBTO Executive Secretary Lassina Zerbo said: "Through this exercise, we have shown the world that it is absolutely hopeless to try to hide a nuclear explosion from us. We've now mastered all components of the verification regime, and brought our on-site inspection capabilities to the same high level as the other two components, the 90% complete network of monitoring stations and the International Data Centre." During the five-week long exercise, the inspection team searched an inspection area of nearly 1,000 square kilometres using 15 of the 17 techniques permissible under the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Some of these state-of-the-art techniques were used for the first time in an on-site inspection context, including equipment to detect traces of relevant radioactive noble gases on and beneath the ground as well as from the air. Other techniques scanned the ground in frequencies invisible to the human eye. Key pieces of equipment were provided by CTBTO Member States as voluntary and in-kind contributions.

Throughout the inspection, the team narrowed down the regions of interest to one limited area where relevant features including traces of relevant radionuclides were successfully found.

Inspection team leader Gregor Malich said: "We started off with the 1,000 square kilometres specified in the inspection request, using all available information provided. We also used satellite imagery and archive information for planning the initial inspection activities. Once in the field, the team conducted overflights, put out a seismic network and undertook wide area ground-based visual observation as well as radiation measurements. This helped us narrow down the areas of interest to more than 20 polygons which we then inspected in more detail. In the end, we detected radionuclides relevant for the on-site inspection and indicative of a nuclear explosion. At this location, the team also applied geophysical methods to find signatures (tell-tale signs) consistent with a recent underground nuclear explosion." The exercise also tested the CTBTO's elaborate logistical system, which features specially developed airfreight-compatible containers that allow for field equipment, sensors or generators to be used straight from the containers. Thanks to a strict safety and security regime, not a single health or security incident occurred throughout the exercise.

We can already detect North Korean nuclear tests

Williams 13 (Martyn, April 24th, The Guardian, "North Korea: Radioactive gases 'consistent with' nuclear test detected," <http://www.theguardian.com/world/2013/apr/24/north-korea-nuclear-radiation/>)//RTF

A nuclear monitoring station in Japan has recorded what could be the first radioactive noble gases from February's nuclear test in North Korea. The station in Takasaki, about 1,000km from North Korea's Punggye-ri nuclear test site, is operated by the Comprehensive Nuclear Test Ban Treaty Organization, which made the announcement yesterday. Radioactive isotopes of the noble gas xenon – xenon-131m and xenon-133 – were detected, something the organisation called "rather unusual." The measurements, almost two months after Pyongyang said it had carried out the underground detonation, gave no indication of whether plutonium or highly enriched uranium was used, the organisation said. The time that had passed before the so-called noble gases were picked up made it "very difficult" to distinguish between the two fissile materials, said spokeswoman Annika

Thunborg. Noble gases are one of four things the organisation looks out for in its nuclear monitoring process, because the gases can be released by either slowly seeping through rock and sediment from underground to the surface after a nuclear test or come from activity at a test site. The Comprehensive Nuclear Test Ban Treaty Organization said the ratio of the detected xenon isotopes is consistent with a nuclear fission event occurring more than 50 days before the detection, matching the timeframe for the North Korean nuclear test. Further, atmospheric modeling indicates the isotopes could be carried from Punggye-ri to Takasaki. But the organisation isn't quite ready yet to say the detection is definitely linked to the February test in North Korea. "We are in the process of eliminating other possible sources that could explain the observations; the radionuclides could have come from a nuclear reactor or other nuclear activity under certain specific conditions, but so far we do not have information on such a release," Mika Nikkinen said in a statement. The Comprehensive Nuclear Test Ban Treaty Organization's monitoring system was one of the first to indicate that North Korea had conducted its nuclear test. The organisation maintains almost 100 stations monitoring the tell-tale seismic activity that occurs with a nuclear test. On 12 February those stations recorded the event at 2:57:51 UTC (11:57:51 local time). The test was measured at magnitude 4.9 and located at latitude 41.313 degrees north and longitude 129.101 degrees east.

We can verify nuclearization now- CTBT safeguards are effective

Wolfsthal 13 (John, 4/24/13, Deputy Director, James Martin Center for Nonproliferation Studies, "Detection of North Korea Test Shows CTBT Can Be Verified," http://www.huffingtonpost.com/jon-wolfsthal/north-korea-nuclear-verification_b_3140106.html)//RTF

One of the strongest concerns expressed by those who oppose American approval of the Comprehensive Test Ban Treaty (CTBT) is that of verification. News on Tuesday that in addition to the 94 seismic sensors that detected the actual detonation on February 12 of an alleged North Korean nuclear weapon, the verification system set up by the CTBT has detected radioactive particles in the air all but put to rest the legitimacy of those concerns. If, despite significant efforts by North Korea to ensure that no tell-tale gases escaped the underground test site, the system put in place by the Treaty has registered that material, it strongly supports what the United States government has been saying about the CTBT for over 15 years -- the CTBT is effectively verifiable. Debates over the value of arms control agreement often center on the issue of verification -- can you be sure that cheating will be detected? This is the right debate to have as no one wants to put agreements in place that cannot deter or detect significant cheating. The verification system to be put in place under the CTBT, however, has been unfairly maligned by those who oppose the treaty of philosophical grounds. Can people create fantastic hypothetical cases that might reduce the confidence that the monitoring network might detect a small event? Of course they can. But in the real world, where states have to operate, it now appears that despite their best efforts to prevent the release of noble gases from the test site, North Korea -- exactly the kind of state we would want to monitor with the CTBT, has failed. By any stretch of the imagination, the seismic readings alone have been and would be enough to trigger an on-site inspection under the CTBT, were it to be in force. Detection of unique gases released from nuclear explosions would be icing on the cake and make even the most reluctant treaty member keenly aware that a possible violation has taken place. Other critical issues that will have to be addressed if and when the Treaty is brought up for consideration in the United States Senate include the ability of the United States to maintain its nuclear deterrent in the absence of nuclear testing. To be sure, a national consensus about how large a nuclear arsenal we need and what maintaining it should cost are desperately needed conversations. But the capabilities of the CTBT system, backed up by American intelligence means, are now demonstrably capable of detecting clandestine, underground nuclear tests making the treaty effectively verifiable. This position, confirmed through a National Academy of Sciences report issued in 2010, has now been validated in the real world and it would be nice if members of the Senate decided to visit there.

Ext. No War

Zero risk of a premeditated attack- deterrence checks

Kimball 14 (Daryl, October 31st, Daryl Kimball is executive director of the Arms Control Association, “Will North Korea ever use its nuclear weapons?,” <http://www.theguardian.com/world/2014/oct/31/sp-north-korea-nuclear-weapons>)//RTF

North Korea’s nuclear weapons test explosion on 12 February 2013 – its third – has been the single-most worrisome development in recent years. The blast was conducted in defiance of Pyongyang’s lone remaining ally, China. The explosion was the first under the reign of Kim Jong-un, a signal that he was doubling down on a more confrontational approach vis-à-vis the rest of the world rather than seeking a more moderate path. One more test does not fundamentally change the security threat North Korea poses. But this test, unlike the two previous ones, produced a significant yield of about six to seven kilotons. The use of highly enriched uranium is significant because North Korea’s plutonium supply is limited, perhaps enough for fewer than 10 bombs. The use of highly enriched uranium is significant because North Korea’s plutonium supply is limited, perhaps enough for fewer than 10 bombs. If its nuclear and missile programmes continue unchecked, the risk that Pyongyang sells fissile material to another country or to terrorists in exchange for much-needed hard currency could increase. Denuclearisation is still possible, but for now it should not be the precondition for resuming diplomatic efforts to halt further North Korean nuclear and missile advances. Further sanctions on the North through the UN security council are certainly justified in the wake of the latest nuclear test, but by themselves, will not produce adequate results. China must recognise that Pyongyang’s continued nuclear pursuits represent a direct threat to its long-term interests and security. Its leaders must take stronger steps to implement existing UN sanctions. North Korea’s leaders still appear to be willing to abandon portions of their nuclear weapons programme in exchange for improved relations with the US, a formal end to the Korean war, and the possibility of much-needed energy and economic support. As president Ronald Reagan once said, “a nuclear war can never be won and must never be fought”. North Korea does not have, and will not have for many years, the means to strike with nuclear weapons beyond the peninsula – that would be suicide. Combined US and South Korean forces would end the Kim dynasty and destroy much of the country. Therefore, there is a near zero chance of a premeditated North Korean nuclear attack. The serious risk of miscalculations by either side could increase over time if leaders in Seoul make the mistake of trying to develop their own independent nuclear weapons capability – which is all the more reason to renew efforts to freeze, and then later reverse, North Korea’s nuclear and missile programmes.

War is unlikely — North Korea is a rational actor, claims are just rhetoric.

Murray and Cox 13 – Robert W. Murray is an Adjunct Professor of Political Science at the University of Alberta, Canada — Dan G. Cox is an Associate Professor of Political Science at the School of Advanced Military Studies, 2013 (“Crazy, Irrational, or Under Pressure? Why War with North Korea is Unlikely,” *E-Ir*, April 21st, accessible online at <http://www.e-ir.info/2013/04/21/crazy-irrational-or-under-pressure-why-war-with-north-korea-is-unlikely/>, accessed on 6-23-15)

There is certainly cause for concern when tensions continue to increase as the tit-for-tat game between the North Korean regime and the United States goes on, but we contend war is still unlikely unless continued misperceptions persist. As a new and young leader, Kim Jong-un is working through a process of trying to appease military hardliners that may question his ability to lead and just how far he will go to stand up to the United States. The cult of personality in North Korea can only be sustained if the divine claims about the abilities of the leader persist, and so it should come as little surprise that promises of world destruction have become louder and louder. Further, the nuclear variable is a constant source of fear for states, as is the case whenever a new member of the nuclear club emerges, particularly one with a reputation of being irrational according to western political standards.

Even so, by looking closely at the situation, it is difficult to genuinely believe that war is imminent. To date, North Korea has not successfully tested a model of delivery that would see a nuclear weapon capable of reaching US territory, including Guam and/or Hawaii. A rocket test is a far cry from an armed nuclear warhead attached to the rocket. Moving beyond the technological limitations, there is no evidence to date that would suggest Kim Jong-un is ready or willing to commit an entirely irrational act of preemptive strikes against the United States or its allies. Obtaining a nuclear weapon does not automatically signal that a state will become an aggressor. In fact, quite the opposite is true, as the logic of Mutual Assured Destruction (or, in this case, assured destruction of North Korea) still applies and though we might question the sanity of a leader or state apparatus, rationality calculations are an entirely different thing. The same causal logic can be applied to Iran, or any other nuclear state. Wanting a bomb, developing a bomb, and having a bomb does not mean the use of a bomb. If it did, it is probable the world would have seen nuclear war well before now.

Even if war occurs, nuclear escalation is unlikely.

Wall 13 — Mike Wall, Freelance Journalist — Internally citing Union of Concerned Scientist reports about North Korean nuclear probability and capabilities, 2013 (“North Korea Nuclear Strike on US Unlikely,” *Space.com*, April 5th, accessible online at <http://www.space.com/20527-north-korea-nuclear-threat-united-states.html>, accessed on 6-22-15)

There's little reason to believe that North Korea can actually make good on its recent threats to turn major American cities into "seas of fire," experts say.

Angered by United Nations sanctions and joint U.S./South Korean military exercises, Pyongyang has been ramping up its bellicose rhetoric over the past few weeks, threatening to launch nuclear strikes on Washington, D.C. and other parts of the American mainland.

But the available evidence suggests that North Korea's missiles cannot deliver nuclear warheads to such distant targets, analysts say. Further, the regime likely has just a handful of nuclear weapons, which it may not want to put atop missiles of questionable reliability.

"If I were in South Korea and this were ratcheting up, if I were in Japan — you might worry about chemical weapons or something like that that they could put on the front of [a missile]." said physicist and missile-technology expert David Wright, co-director of the Union of Concerned Scientists' Global Security Program. "But once you get farther away than that, I think it's really a bluff." [Images: North Korea's Rocket Program]

Rising tensions

Tension has been escalating on the Korean peninsula since December, when North Korea launched a satellite into orbit for the first time. Many officials in the United States and allied nations viewed the launch, which used a rocket called the Unha-3, as a thinly disguised test of ballistic missile technology.

Two months later, North Korea conducted its third-ever nuclear-weapons test. Both the launch and the test violated UN Security Council resolutions, so further economic sanctions were imposed on the already isolated communist nation.

North Korean officials reacted angrily to the sanctions, and the ongoing American/South Korean military exercises have further stoked their ire. The result has been a stream of threats, with

Pyongyang announcing Wednesday (April 3) that it had authorized a potential nuclear attack against the United States.

North Korean leaders have also stated that the nation is now in a state of war with South Korea. In addition, Pyongyang has moved a missile to its east coast, South Korean officials say, and barred South Korean workers from an industrial complex run jointly by the two nations.

While such talk and activity fit into a longstanding pattern of North Korean bluster and brinkmanship, the United States is responding with some countermeasures. The Pentagon announced Wednesday (April 3), for example, that it will deploy a missile-interception system to the U.S. Pacific territory of Guam in the coming weeks, two years ahead of the original schedule.

The United States will also beef up its missile defense sites in Alaska and California over the next few years, Defense Secretary Chuck Hagel said last month.

Civilian Casualties Scenario

Civilian Casualties

1nc Frontline

Human intelligence doesn't improve effectiveness or accuracy of strikes

Ali and Abbott 13 (Shazad and Chris, October 24th, Shazad is a Journalist in Pakistan and pursuing a PhD in European Studies at the University of Karachi and Chris is founder and executive director of Open Briefing. He is an Honorary Visiting Research Fellow in the School of Social and International Studies at the University of Bradford and the former deputy director of Oxford Research Group, "US DRONE STRIKES IN PAKISTAN: INEFFECTIVE AND ILLEGITIMATE," <http://sustainablesecurity.org/2013/10/24/us-drone-strikes-in-pakistan/>)/RTF

However, even those strikes directed by intelligence are fallible. Such strikes rely on a mixture of signals intelligence and human intelligence from assets on the ground in Pakistan. The local CIA operatives are notoriously unreliable sources of intelligence. The doubts over the accuracy of US intelligence have some credence, as there are several cases in which a militant was reported killed in a drone strike only to be declared dead again following a later strike. For example, the alleged al-Qaeda leader in Pakistan, Ilyas Kashmiri, was reportedly killed in a drone strike in January 2009 and then again in September 2009, though he gave an interview to a Pakistani journalist the next month. Civilians are known to have been harmed in these unsuccessful attacks. In the January attack, 14-year-old Fahim Quershi lost an eye and suffered multiple injuries. In the September 2009 attack, 15-year-old Sadaullah Wazir lost his both legs and an eye. Three of his relatives died in the same attack. Kashmiri was again declared dead in July 2011, which is also contested. The United States has indeed managed to kill many militants in drone strikes in Pakistan, but these have been mostly low-level targets. According to a September 2012 study by Stanford Law School and New York University's School of Law, only 2% of militant casualties in drone strikes between 2004 and 2012 were high-value targets.

Targeted drone strikes necessary are necessary and civilian casualties decreasing

Baker, 10 – Writer for the New York Times (Peter, "Obama's War Over Terror", The New York Times, 1/17/10, Lexis Nexis)/KTC

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The Christmas Day plot touched off a new round of questions among Obama's critics about whether the president is enough of a warrior for the fight against Islamic terrorism. But he has spent much of his time in office killing suspected extremists. With information processed at the NCTC and elsewhere, Obama has authorized the C.I.A. to greatly expand a program inherited from Bush using unmanned Predator and Reaper drones to launch missiles at suspected Al Qaeda hideouts along the border between Pakistan and Afghanistan. Critics complain that such "targeted assassinations" are morally suspect and strategically dangerous because of the reaction among Pakistanis when civilians are killed. Obama had a searching conversation during the transition with Brennan and Denis McDonough, Catholics who oppose the death penalty, about whether to keep the program. "He was wrestling with it," one adviser says. But in the end, there was no serious disagreement with the decision to continue the program. At one of his first Situation Room meetings as president, according to a participant, Obama said pointedly, "The C.I.A. gets what it needs." The C.I.A. launched more than 50 such strikes in Obama's first year in office, more than during Bush's entire presidency, according to data compiled by Peter Bergen and Katherine Tiedemann at the New America Foundation. In part, that strategy owes to increasingly precise technology that has made it easier in the last couple of years to hit a desired target with fewer civilian casualties. And in part, it underscores the ability to redirect resources away from Iraq now that the war has subsided there; when the Obama administration came into office, it learned that dozens of drones were devoted to operations in Iraq and Afghanistan but just five or six in the tribal areas of Pakistan where Al Qaeda's leadership is mainly holed up, according to officials who declined to be identified discussing a classified program. Obama has authorized doubling the number of drones in the Pakistani border area, as well as increasing the presence over Yemen and Somalia, officials said. Over the course of Obama's first year in office, his drones have taken out a number of "high-value targets," including Baitullah Mehsud, leader of the Pakistani Taliban; Saad bin Laden, a son of Osama bin Laden; and Tahir Yuldashev, leader of the Islamic Movement of Uzbekistan, a close ally

of Al Qaeda. At the same time, according to estimates by Bergen and Tiedemann, the civilian death rate of those killed by drone strikes has fallen to about 24 percent in 2009 from about 40 percent from 2006 to 2008. Government officials insist that the civilian casualty rate is even lower. "I don't hear anyone inside the government, including people like me who came from outside, who thinks the Predator program is anything but essential," a senior Obama counterterrorism official says. "There are a lot of negatives, but it is completely essential."

Yemen

Meta-Level Defense

Frontline

Not reverse causal enough — even if some signal is sent to potential recruits, the government currently controlling Yemen has “death to America” in its charter.

Saudi strikes and US intervention fail to solve — ongoing intervention still creates instability — the timeframe for solvency is decades.

The Independent 15 — The Independent UK newspaper, 2015 (“Sand storm looms: Continuing Saudi air strikes against civil-war ravaged Yemen can only further undermine the region's stability,” *The Independent*, June 18th, accessible online at <http://www.independent.co.uk/voices/editorials/sand-storm-looms-continuing-saudi-air-strikes-against-civilwar-ravaged-yemen-can-only-further-undermine-the-regions-stability-10327270.html>, accessed on 6-27-15)

The Saudis do not deserve to "win" in any meaningful sense of the term, but it would also be a disaster if the instability that is now all around them began to throw the major power in the region - and source of so much of the world's oil - into turmoil. That would do no one, rich or poor, in Saudi Arabia or the wider world, any good.

In Syria, the West learned the hard way that picking a winner in a civil war, among constantly shifting factions with uncertain loyalties and goals, can be a losing game. Much the same can be said for Libya, Somalia and the rest. There are at least eight separate civil wars raging in an arc from the Maghreb to virtually the borders of India and Pakistan.

The dilemma for the West is that doing nothing is not going to bring them to an end; intervening on the ground or from the sky, usually adds to the tensions; and sponsoring peace talks has proved a fairly futile exercise.

Yemen's agonies look set to intensify; and Saudi Arabia increasingly vulnerable.

Alt cause — the US will still use risky drone strikes to help Yemeni forces.

Goodman 14 — Ryan Goodman, Anne and Joel Ehrenkranz Professor of Law at NYU School of Law, Formerly Rita E. Hauser Professor of Human Rights and Humanitarian Law and Director of the Human Rights Program at Harvard Law School, Ph.D. from Yale University, J.D. in Law from Yale Law School, B.A. in Political Science and Government from the University of Texas,

Austin, 2014 (“Ongoing “Drone Strikes” in Yemen Raise Four Questions,” *Just Security*, April 21st, Accessible Online at <http://justsecurity.org/9604/ongoing-drone-strikes-yemen-raise-questions/>, Accessed On 6-25-15)

4. Yemen’s internal armed conflict

Six months ago, I wrote that US operations in Yemen appear to have slid into fighting a domestic insurgency alongside the Yemeni authorities (here and here). If true, these actions would run contrary to an earlier position of President Obama and John Brennan who, according to Dan Klaidman’s book, opposed getting involved in the insurgency. And it would run counter to several public assurances by the administration. For example, in May 2012, the National Security Council spokesperson stated: “We’re pursuing a focused counter-terrorism campaign in Yemen designed to prevent and deter terrorist plots that directly threaten US interests at home and abroad ... We have not, and will not, get involved in a broader counter-insurgency effort.”

The ongoing US actions in Yemen (in addition to the actions I discussed late last year) raise questions about whether those official US statements still hold. First, according to Yemeni officials, recent actions were in response to a threat to civilian and military installations at least in Bayda province (#2 above). The statement by the state news agency also added that the militants killed in the strike were responsible for the assassination of Bayda’s deputy governor on April 15. Those sound more like fighting an insurgency rather than fighting AQAP’s direct threat to the United States. Second, the strikes were described as a joint U.S.-Yemen operation by the Yemeni official who spoke to CNN. And he explained that Yemeni troops would have faced heavy losses if they had attempted a ground assault themselves.

Finally, the Long War Journal reports that “no senior AQAP leaders or operatives are reported to have been killed in the strike” on Saturday (the LWJ is yet to report on the other strikes). The LWJ, has previously described a “trend” in which “the US has targeted not only senior AQAP operatives who pose a direct threat to the US, but also low-level fighters and local commanders who are battling the Yemeni government,” which is contrary, the LWJ notes, to the fact that “Obama administration officials have claimed, however, that the drones are targeting only those AQAP leaders and operatives who pose a direct threat to the US homeland, and not those fighting AQAP’s local insurgency against the Yemeni government.” Once again, however, we should not fall victim to hindsight bias with respect to the recent operations. Even though no senior AQAP operatives have (yet) been reported killed in any of the recent days’ operations, we have also yet to learn who exactly was the target of the attacks.

Presidential override — the President can override restrictions for civilian casualties on national security grounds.

Goodman 14 — Ryan Goodman, Anne and Joel Ehrenkranz Professor of Law at NYU School of Law, Formerly Rita E. Hauser Professor of Human Rights and Humanitarian Law and Director of the Human Rights Program at Harvard Law School, Ph.D. from Yale University, J.D. in Law from Yale Law School, B.A. in Political Science and Government from the University of Texas, Austin, 2014 (“Ongoing “Drone Strikes” in Yemen Raise Four Questions,” *Just Security*, April 21st, Accessible Online at <http://justsecurity.org/9604/ongoing-drone-strikes-yemen-raise-questions/>, Accessed On 6-25-15)

3. Presidential override

One provision of the New Rules that has escaped significant media attention is a clause that appears to allow the President to override these restrictions. After setting forth criteria for kill and capture operations, the new rules state near the end:

“Reservation of Authority. These new standards and procedures do not limit the President’s authority to take action in extraordinary circumstances when doing so is both lawful and necessary to protect the United States or its allies.”

Notice that the criteria (in #2) limit lethal actions to threats to US persons, but the “Reservation of Authority” states that the President may nevertheless take actions “to protect the United States or its allies” (my emphasis). The Reservation of Authority presumably may also lend itself to a decision by the President to authorize military operations that incur a greater risk of civilian casualties than the rules otherwise provide.

Aff can’t solve without resolving larger political issues — instability causes AQAP, not the other way around.

Goodman 14 — Ryan Goodman, Anne and Joel Ehrenkranz Professor of Law at NYU School of Law, Formerly Rita E. Hauser Professor of Human Rights and Humanitarian Law and Director of the Human Rights Program at Harvard Law School, Ph.D. from Yale University, J.D. in Law from Yale Law School, B.A. in Political Science and Government from the University of Texas, Austin — citing Adam Baron, Visiting Fellow on the Middle East and North Africa at the European Council on Foreign Relations, Ph.D. in Middle East Studies from King’s College London, 2014 (“Ongoing “Drone Strikes” in Yemen Raise Four Questions,” *Just Security*, September 25th, Accessible Online at <http://justsecurity.org/9604/ongoing-drone-strikes-yemen-raise-questions/>, Accessed On 6-25-15)

Among the world’s many trouble spots, Yemen has been experiencing political turmoil, which carries significant implications for the people of Yemen and for US national security interests. To help us think critically about this fast developing situation, I asked leading Yemen analyst Adam Baron the following set of questions:

The AP recently noted that, while Yemen has been no stranger to turmoil, it “had largely been spared Shiite-Sunni hatreds like those that tore apart Syria and Iraq” – and that this may be changing given current events. How should the community of US national security experts, inside and outside the US government, best understand the current turmoil in Yemen, viewed in light of its implications for US security interests? What would you identify as potential myths or mistakes that US decision-makers should avoid in reacting to the unfolding situation in Yemen?

Baron graciously provided the following response:

For years now, the concept of a so-called “Yemen model” has been repeated as virtual dogma in beltway circles. The frequent protestations of many of those familiar with the country—myself included—seemed subsumed into a general steamroller of a narrative casting the United States’ intervention in the country as a multifaceted success. Yemen’s internationally-brokered transition, we were told, was a model for a region in post-Arab Spring upheaval; the Obama administrations cooperation with the Yemeni government, Obama trumpeted roughly two weeks ago, had lead unparalleled progress in the battle against the Yemen-based Al Qaeda in the Arabian Peninsula (AQAP).

Both narratives have come to a head with an increasingly disparate reality as of late, as rebel fighters belonging to the Zaidi Shi'a lead Houthi movement managed to seize virtual control of Sanaa, the Yemeni capital, with little resistance from the Yemeni military, raising immediate questions regarding the utility of hundreds of millions of dollars in US military aid and a US-sponsored program of military restructuring, to say nothing of the viability of Yemen's already fraught transition.

When it comes to understanding what's just occurred in Sanaa, then, its key stress that much of mainstream consensus is flawed at best, and, key among that, is the idea that recent events in Sanaa amount to a Sunni-Shia battle.

The Houthis have their roots in the far northern province of Saada, but they've been able to transcend their origins in Zaidism, a nearly exclusively Yemeni branch of Shi'a Islam and that—rather than their sectarian identity—has proven the key to their success; their most recent demands—the reversal of a decision to remove fuel subsidies and the replacement of Yemen's prime minister and his cabinet—have wide-ranging support from all Yemenis. And, regardless of the group's alleged ties to Iran—the United States and Yemeni governments alike have claimed that the Houthis are armed and funded by the Islamic Republic—the Houthis' success is rooted in their ability to understand—and capitalize on—the local political situation and the concerns of the average Yemeni.

That being said, the rise of a group whose members emphatically shout a slogan including the phrase “death to America” and whose leaders refuse to meet with American diplomats on ideological grounds could certainly create tensions in the United States government's until now cordial relationship with the country's post Arab Spring government. It's unclear how much power close American ally Abdo Rabbu Mansour Hadi truly has at the moment: those on the ground speak of the Houthis as defacto rulers of Sanaa but, notably, the president has retained the right to name the heads of the ministries of the Interior, Defense, Finance and Foreign Affairs in the new government according to the new agreement, though it remains to be seen whether Houthi fighters—who currently maintain checkpoints throughout the city—will withdraw from Sanaa's streets any time soon.

Ultimately, **the past week only underlines the folly of a Sanaa-centric Yemen policy.** Indeed the past weekend's events only underline the key importance of events outside the capital; after all, not so long ago, the clashes between the Houthis and their rivals seemed like a distant echo. And, regardless of the ultimate fallout—which remains unclear—the fact remains that such issues as the battle against Al Qaeda in the Arabian Peninsula (AQAP) cannot be dealt with as separate issues from the larger challenge facing Yemen at the moment: the establishment of inclusive, accountable governance and the shoring up of state authority—which, at the moment, verges on nonexistent—across the country. As the US-supplied military equipment currently being paraded in the streets of Sanaa by jubilant Houthi militants demonstrates, a counter-terrorism centered policy risks missing the forests for the trees.

Extend #1 — Not Reverse Causal

The affirmative has categorically misrepresented their internal link — even if they switch the mindset of some AQAP recruits and Yemeni people, the larger civil war still forces various regional interventions and greater instability, forging a regional sectarian split and escalating simmering tensions.

At best, they can resolve one of the players in a larger destabilizing civil war, not stop the war itself. That doesn't come close to solvency.

This functions as more than an alt cause to stability — civil war actively empowers AQAP.

Rayman 15 — Noah Rayman, Middle East Editor for Time Magazine, B.A. in Social Studies and Middle Eastern Studies from Harvard University, 2015 (“Houthis’ Rise in Yemen Risks Empowering al-Qaeda,” *Time Magazine*, January 22nd, accessible online at <http://time.com/3677676/houthis-yemen-al-qaeda/>, accessed on 6-28-15)

On Wednesday, in a statement reported on by Reuters, Hadi indicated that the contentious draft constitution was open to amendments, a key rebel demand, but that he would remain in his post. Still, it’s clear who is pulling the strings now in Sana’a.

The Houthis are members of a northern minority Shi’ite sect known as the Zaidi, and they have waged a decade-long on-and-off insurgency against the government calling for greater rights for their people. But since the ouster of President Ali Abdullah Saleh in 2011 amid the wave of popular protests that swept the region, the Houthi movement has gained wider traction as self-proclaimed reformers, capitalizing on dissatisfaction with the poor economic and security situations under Hadi’s U.S.-backed government.

The movement’s surge has posed a particularly thorny problem for the U.S. as it fights al-Qaeda in the Arabian Peninsula (AQAP), the Yemen-based terrorist group that is among al-Qaeda’s most powerful affiliates. AQAP claimed responsibility for the Jan. 7 terrorist attack on the French satirical newspaper Charlie Hebdo and has been linked to three failed attempts to take down U.S.-bound airplanes.

For years, the U.S. has struck at AQAP in Yemen with drones and Special Ops, but it has also invested in the Yemeni government to help repel AQAP on the ground, pouring nearly \$1 billion of economic, military and humanitarian aid into the country since 2011. That strategy has been hailed as a success by President Barack Obama and was used as a blueprint for the fight against the Islamic State in Iraq and Greater Syria (ISIS). But as the government has focused on the Houthi rebellion, AQAP has regained a foothold in southern Yemen. U.S. officials now fear that a prolonged power vacuum in Sana’a could give AQAP free rein to grow—and to pose new threats to the West.

“Yemen was supposed to be a role model for this smarter approach of building local capacity and getting our allies to do more,” Bruce Riedel, a senior fellow at the Brookings Institution, wrote in a blog post. “It’s a sobering reality that it’s not working.”

The Houthis, though, are no friends of the Sunni al-Qaeda militants. The group, which is believed to be backed by the Shi’ite leadership of Iran, has clashed with al-Qaeda in Yemen and criticized

Hadi's failure to quash Sunni extremism. The problem for the U.S.'s counterterrorism operations is that it also has no interest in an alliance with the U.S.; it has been equally critical of Hadi's dependence on U.S. support, and its motto reads in part, "Death to Israel, Death to America."

Meanwhile, its growing influence in Sana'a threatens to marginalize Sunnis in the deeply fractured country and boost support for al-Qaeda. "The Houthis victory also ironically benefits AQAP by polarizing Yemen, the poorest country in the Arab world, between Shia and Sunni, with AQAP emerging as the protector of Sunni rights." Riedel writes.

Extend #2 — Intervention Fails

Decades of regional instability in the Middle East is inevitable — intervention can't stop it.

Haass 15 — Richard Haass, President of the Council on Foreign Relations, Sol M. Linowitz Visiting Professor of International Studies at Hamilton College, DPhil in International Relations from Oxford University, B.A. in Public Policy from Oberlin College, 2015 ("Decades of deadly conflict will spread across the Middle East," *Financial Times*, March 26th, accessible online at <http://www.ft.com/intl/cms/s/0/8ad02c70-d3d5-11e4-99bd-00144feab7de.html>, accessed on 6-28-15)

The modern Middle East is like 17th-century Europe, enmeshed in violent and costly, political and religious struggles within and across borders that could well last for three decades longer. The situation in Yemen, long characterised by poverty and internal divisions along tribal, religious, political and geographic lines, is just the latest in those conflicts. There is now a civil war involving at least three principal actors: remnants of the former Sunni-led government of Abd Rabbuh Hadi; the terrorist group al-Qaeda in the Arabian Peninsula; and the Houthis, supported by a segment of Yemen's population representing a branch of Shia Islam.

But there is also outside involvement. US intelligence services, for example, had forged a working relationship with the government against al-Qaeda and other groups seen to be regional and even global threats. Drone strikes were common. But the policy collapsed when the government fell and the security situation deteriorated.

Iran, for its part, is alleged to be providing arms, training and money to the ascendant Houthis. Now Saudi Arabia and countries apparently including the United Arab Emirates, Bahrain, Morocco and Jordan are coming to the aid of what was the government. Other Sunni governments, including Pakistan, are said to be considering joining the operation. Air strikes have already been carried out against Houthi-controlled military bases and assets.

This Saudi-led military intervention is almost sure to be too little, too late, as air strikes alone will not be able to take back territory controlled by either the Houthis or al-Qaeda. But the action does reflect recognition in Riyadh and beyond that a failed Yemen, or one dominated by a group aligned to Iran, would be a big threat to the interests of Saudi Arabia and other Sunni governments

What this means is that Yemen has become the latest locus of Iran-Saudi, Shia-Sunni conflict. Another is Bahrain: four years ago the Saudis and the UAE dispatched several thousand troops to bolster a minority Sunni government facing protests from a majority Shia population. But Bahrain has a population maybe one-20th that of Yemen; its territory less than 1 per cent. The Bahraini government never lost control and the protests were not civil war. A relatively small number of police and soldiers could restore order.

There are other reasons to predict limits to what the Saudis can do. They lack much in the way of capable ground forces, and also have to worry about the home front. It is only a matter of time before Saudi Arabia faces a direct challenge from groups such as the Islamic State of Iraq and the Levant, also known as Isis, which will see ousting the government that controls Islam's two holiest cities as essential to their ambitions.

Meanwhile, the Syrian civil and regional war continues. There is the Iran- and Russia-backed minority government of Bashar al-Assad; radical Sunni groups, including Isis; Kurds; and other Sunni groups. Sunni states have launched air attacks but have not committed ground forces to the fight. Hundreds of thousands of Syrians have lost their lives; more than 10m have lost their homes. **There is no end in sight.**

Iraq has its own dynamic. Government forces aided by Iran and Shia militia are taking on Isis in an effort to regain control of Tikrit, a Sunni-dominated city once home to Saddam Hussein. The US has held back — until recently, when its aircraft joined the attack. Left unclear is what will happen in the aftermath of pushing Isis out. Sunnis and Kurds will never accept a country dominated by Iran and Shia militias.

All of which brings us back to Europe's 30 Years War. Civil wars fuelled by outsiders with religious and political agendas tend to end for one of several reasons: order is imposed by one side or a third party, or the sides settle, usually out of exhaustion. Alas for the Middle East, no such scenario seems imminent.

Extend #3 — No Signature Strike Stop

Drone strikes are wildly popular — congress and the American people will fight hard for signature strikes.

NYT 15 — New York Times, major American newspaper — Byline: Scott Shane — Internally citing Micah Zenko, Drone Fellow at the Council on Foreign Relations, 2015 (“Drone Strikes Reveal the Uncomfortable Truth: US is Often Unsure of Who Will Die,” *New York Times*, April 23rd, accessible online at <http://www.nytimes.com/2015/04/24/world/asia/drone-strikes-reveal-uncomfortable-truth-us-is-often-unsure-about-who-will-die.html>, accessed on 6-28-15)

Despite the bad reviews overseas, drone strikes remain persistently popular with the American public, with about two-thirds expressing approval in polls. And despite the protests of a few liberal Democrats or libertarian Republicans, they have enjoyed unusual bipartisan support in Congress, where they are viewed as reducing the threat of terrorist attack and keeping American operators out of harm's way.

Mr. Zenko said that Mr. Obama and Congress should create a commission to examine the targeted killing program, its results and its flaws. But he said the combination of public and Congressional popularity probably mean that even the latest disclosures will not bring such scrutiny to the program.

"I predict that even this episode will have no effect," he said.

*The episode referred to is a drone strike in Afghanistan that killed 6 Western hostages from the U.S. and Italy.

Extend #4 — Presidential Override Circumvention

Obama will use signature strikes regardless of better intelligence — he views risky strikes as key to his overall terror strategy.

NYT 15 — New York Times, major American news source — Byline: Peter Baker and Julie Davis, 2015 (“Amid Errors, Obama Publically Wrestles with Drones’ Limits,” *New York Times*, April 24th, accessible online at <http://www.nytimes.com/2015/04/25/us/politics/hostage-deaths-show-risk-of-drone-strikes.html>, accessed on 6-28-15)

Aides say that the president views the strikes as a critical tool in confronting Al Qaeda in dangerous and remote regions such as the one where Mr. Weinstein and Mr. Lo Porto died. They argue that the practice has undermined Al Qaeda's ability to plot and execute attacks against the United States, recruit followers and operate a military organization.

At the same time, the use of unmanned aircraft seems to appeal to Mr. Obama's desire to steer clear of freewheeling military engagements in favor of technology-driven precision strikes that minimize harm to bystanders. But he is aware - and increasingly open to acknowledging in public - that the standard of "near certainty" for avoiding such collateral damage, which he laid out in a 2013 speech on drone policy, is difficult to achieve.

"Narrowly tailored counterterrorism operations are the kinds of operations that do the most to reduce the risk of civilian casualties," Mr. Earnest said. "But necessarily, these kinds of operations are contemplated in regions of the world where absolute certainty is just not possible."

Weighing the inherent risk to civilians against the potential national security benefits of such strikes is among the most difficult exercises Mr. Obama has to go through, Mr. Earnest said.

Mr. Panetta, who personally approved drone strikes, said there were no other options for hunting down terrorists in the forbidding tribal regions of Pakistan, where the central government has little authority, that would not cause far greater civilian losses.

Extend #5 — Political Instability Alt Cause

Oil Price Spikes

Frontline

Closure of the strait is extremely unlikely and wouldn't affect global commerce or prices.

Daoud 15 — Zaid Daoud, Head Economist at the National Qatar Bank, Ph.D. in International Commerce from the London School of Economics, 2015 (“Will the conflict in Yemen impact oil prices?,” *Awraq*, March 30th, accessible online at <http://ziaddaoud.blogspot.com/2015/03/will-conflict-in-yemen-impact-oil-prices.html>, accessed on 6-23-15)

This could take the form of the closure of the Bab el-Mandeb Strait. The strait is an important trade route, where 3.8m b/d of crude oil and refined products passed through in 2013, mostly going from the Gulf to the Mediterranean. But the closure of the Bab el-Mandeb Strait does not take this supply out of the market; it just means that the oil tankers have to use an alternative

route around Africa. This would add time and transit cost, but the impact on the oil market should still be contained.

In this regard, the strait of Bab el-Mandeb is far less important than that of Hormuz both in terms of oil flow (17m b/d in Hormuz versus 3.8m b/d in Bab el-Mandeb) but also in terms of the availability of alternative routes to bypass each strait (there is not enough pipeline capacity to bypass the strait of Hormuz, while alternative routes exist to bypass Bab el-Mandeb).

The closure of the Bab el-Mandeb Strait is unlikely. There is a heavy presence of international warships in nearby waters as well as an American military base in Djibouti. And if necessary, the Egyptian, Saudi or even the Israeli navy could be deployed to keep the strait open.

Oil price shocks don't harm the US economy — the US is diversified and it boosts the oil industry.

Rines 15 — Samuel Rines, Economist at Chiton Consulting, M.A. in Economics from the University of New Hampshire, B.A. in International Economics from Oxford University, B.A. in Economics from Georgetown University, 2015 (“Newsflash: The U.S. economy does not have the same relationship it once had with high oil prices,” *The National Interest*, May 5th, accessible online at <http://nationalinterest.org/feature/get-ready-america-high-oil-prices-could-be-good-thing-12803>, accessed on 6-24-15)

In the second half of 2014, oil prices plummeted, and most of the United States—and the world—cheered. Now, oil may have bottomed, possibly marking the beginnings of a comeback. The vaunted "tax break" from lower prices, and its positive economic effects, may be evaporating. But it does not appear the U.S. economy realized the majority of the benefits from lower oil. This is why if higher oil prices are on the horizon, it might actually be a good thing for the U.S. economy.

To date, lower oil prices have not been all that helpful. In the first quarter of 2015, GDP showed lackluster consumption growth. This should not be surprising. Before consumers are willing to spend the “gasoline stimulus,” they need to have confidence lower oil prices will stay low. For a decline in oil to matter, it's not enough for the price of oil to fall. It needs to remain low. Since oil has not been low enough for long enough, the economy has yet to feel the stimulus. There is some evidence households are using the savings to pay down debt, but little evidence that it's increasing economic growth. Households have yet to believe that oil will remain low. And there are reasons to believe households will be harder to convince today than in previous cycles.

The economic rhetoric has been focused on the increasing demand from developed markets, and oil prices have been exceedingly volatile over the past ten years. Because of the rhetoric and how volatile the price of oil has been lately, it may take longer for households to alter their consumption habits.

There are a few pieces of data that have seen an oil boost. Consumer sentiment indicators are elevated, and some of this is attributable to lower oil prices, but some is also due to lower unemployment and the feeling of a stable economic environment. And while the economic data underlying the reasoning is suspect, the news still positively influences consumer sentiment. It should not be a surprise, then, that lower oil prices have yet to really benefit the underlying U.S. economy. Households may require longer time periods to trust low oil prices will remain depressed.

The U.S. economy does not have the same relationship it once had with high oil prices. Not long ago, higher oil prices threatened to cut short economic expansions. To the contrary, the United States has now become a pseudo-petrostate, and oil patch job losses came swiftly as the rig count fell. Companies react far more quickly than households, and they slashed payrolls quickly. It could get worse, granted. But the U.S. economy has already felt some of the possible pain of oil's downside.

Higher oil prices allowed a number of U.S. regions to grow quickly, and those regions drove much of the growth in the U.S. economy out of the Great Recession. As oil has fallen, so have the growth rates in the regions. Texas gets much of the attention, but others have greater concentrations of oil for their growth. The reason Texas gets much of the attention is simply its size and recent rapid growth in GDP and jobs. This was particularly noticeable when Texas job growth sputtered in March, and dragged the national statistics down with it. The shale boom was a significant boost to the recovery, and its absence is already beginning to be felt.

As a consequence, the U.S. economy is waiting for the benefit, and already felt some of the pain. But this leaves the U.S. economy in an intriguing spot. Since it's already taken the pain, there is incrementally less to come if current prices persist. Households haven't spent the savings, so prices increasing would not be the typical headwind to growth. Instead, reasonably higher prices would stem the job losses in the oil sector without damaging the consumer much at all. This dynamic places the U.S. economy in a strong position to handle higher oil prices. Putting it together, a moderate rise in the price of oil may strengthen, not weaken, the U.S. economy.

We control uniqueness — prices and perception of instability are decreasing.

Gloystein 15 — Henning Gloystein, Reuters Energy Editor, M.A. in Politics and International Relations from Humboldt University of Berlin, 2015 (“Oil prices fall more than \$1 as supply threat eases,” *Live Mint*, March 27th, accessible online at <http://www.livemint.com/Money/pvqSzSaSAwsStRXhZajRnK/Oil-prices-fall-more-than-1-as-supply-threat-eases.html>, accessed on 6-24-15)

Oil prices fell more than \$1 on Friday, after sharp gains in the previous session, as worries of a disruption to crude supplies due to Saudi Arabia-led air strikes in Yemen eased.

Goldman Sachs Group Inc. said in note that the strikes in Yemen would have little effect on oil supplies as the country was only a small crude exporter and tankers could avoid passing its waters to reach their ports of destination.

Brent crude was at \$58.18 a barrel at 10:00am, down \$1. It fell to \$58.17 earlier in the session. US crude was down \$1.06 at \$50.37 a barrel, after dropping to a low of \$50.25 earlier in the day.

Oil jumped around 5% on Thursday, the biggest daily gain in a month, as air strikes in Yemen by Saudi Arabia and its Gulf Arab allies sparked fears that escalation of the Middle East battle could disrupt world crude supplies.

The rally had been driven by worries over the possible impact on the Bab el-Mandeb strait, the closure of which could affect 3.8 million barrels a day of crude and product flows.

Yemen is a small producer, with an output of around 145,000 barrels per day in 2014.

“Now the market is questioning how sustainable the (impact of the) geopolitical event is on oil prices,” said Jonathan Barratt, chief investment officer at Sydney’s Ayers Alliance.

Extend #1 — No Closure/Internal Link

The internal link chain is extremely unlikely — the waters are heavily militarized by foreign powers that would use military force to keep the strait open, and even if it was closed, the impact wouldn’t be large because of alternative routes around Africa — that’s Daoud.

Prefer our evidence — Daoud is predictive and one of the leading Middle East economists.

Other supply routes fill in — producers will find other ways to get products to the market.

FT 3/23 — Financial Times, major financial newspaper, 2015 (“Yemen attack raises spectre of oil disruption,” *Financial Times*, March 23rd, accessible online at <http://www.ft.com/intl/fastft/298943/oil-saudi-arabia>, accessed on 6-23-15)

News of Saudi Arabia-led air strikes on Sana'a, the Yemeni capital and retaliation triggered a jump in the price of crude oil on Thursday.

Brent, the international benchmark, rose \$2.27 to \$58.80 while West Texas Intermediate, the US marker, increased by \$2 to \$51.30 a barrel. Both had risen by more than \$3 a barrel in earlier trading, reports Anjali Raval, oil and gas correspondent.

The attack is not expected to cause any major disruption to supplies.

Yemen is a small oil producer of less than 130,000 barrels a day of crude last year, down from a peak of 400,000 b/d in 2001, due to natural declines and numerous supply disruptions.

Richard Mallinson, geopolitical analyst at Energy Aspects, a London-based consultancy, said **although there may be more disruption to Yemen's oil and gas output as fighting intensifies, "there is no real threat to Saudi territory or oil production".**

Even so, the narrow waters between Yemen and Djibouti are considered a "chokepoint" to global oil supplies, according to the US energy department.

Almost 7 per cent of global oil maritime trade at around 3.5m b/d passes through the Bab el-Mandeb strait.

Oil from big producers such as Saudi Arabia, the United Arab Emirates, Kuwait and Iraq has to go into the Gulf of Aden in order to pass through the Red Sea and Suez Canal to Europe.

Mr Mallinson said **although the closure of the strait would force tankers to sail around the southern tip of Africa instead, he does not believe the transit route is a target of the Houthis and other militant groups.**

They "are unlikely to be able to carry out a sustained campaign against shipping, so there is little risk to global trade."

No closure — Western militarization and alternative trade routes.

Gloystein 15 — Henning Gloystein, Reuters Energy Editor, M.A. in Politics and International Relations from Humboldt University of Berlin, 2015 (“Oil prices fall more than \$1 as supply threat eases,” *Live Mint*, March 27th, accessible online at <http://www.livemint.com/Money/pvqSzSaSAwsStRXhZajRnK/Oil-prices-fall-more-than-1-as-supply-threat-eases.html>, accessed on 6-24-15)

If the fighting becomes a regional conflict involving Islamic militants, then prices could climb, but a blockade of the Bab el-Mandeb strait—a chokepoint for shipping between the Red Sea and Gulf of Aden—seems unlikely, he said.

In case of a closure of the strait, tankers could be diverted to travel a longer route around Africa instead of passing Yemen, analysts said.

Analysts also said that the less than 40 km narrow strait between Yemen and Djibouti was heavily militarized by the West, with the United States and France both operating bases in Djibouti and NATO and other allies having a fleet presence in the Gulf of Aden to combat piracy.

Extend #2 — No Economy Impact

No harm to the US economy — the economy relies on more sectors than just oil and the oil sector would be helped by a rise in global prices — the “stimulus effect” of lower oil prices is negligible because consumers don’t spend it — that’s Rines.

Prefer our evidence — Rines is a global market strategist with years of experience and multiple degrees.

No connection between Oil shocks and economic decline — 2014 oil shock proves.

Reid et al. 14 — Jim Reid, Managing Director, Head of Global Fundamental Credit Strategy at Deutsche Bank, BA in Economics and Economic History from Warwick University — Nick Burns, Credit Consultant at IMA Financial Group, M.A. in Economics from the University of Notre Dame — Seb Barker, Associate at Deutsche Bank, BSc in Economics from the University of Warwick, B.A. in Economics from King’s School Gratham, 2014 (“Credit Outlook 2015: Plate Spinning,” *Deutsche Bank*, December 12th, accessible online at https://institutional.deutscheawm.com/content/_media/Credit_Outlook_2015.pdf, accessed on 6-25-15)

It’s also important to remember that whilst oil is an important global commodity it is rare for it alone to drive global economic outcomes. The halving of global oil prices in 2008 didn’t prevent many of the world’s oil importing economies from suffering severe recessions and as Figure 135 shows there is no easy nor automatic relationship between falling oil prices and rising US growth. The environment within which the oil price change occurs is important. Indeed if the current drop in the price of oil is being driven by expectations of falling demand driven by expectations of a slowdown in global growth it’s possible that the drop in the oil price

is at best going to partially cushion the global economy from a slowdown rather than drive it to higher growth rates.

Also importantly for investors, falling oil prices will not affect all areas of economies equally, even in those economies that should benefit at an aggregate level. As our US credit strategy team wrote recently, energy companies make up the largest single sector component of the US HY market at 16% (US HY DM Index) and so the falling oil price may prove a negative for the US HY credit market. Our US team added that if the WTI price fell to \$60/bbl this would push the whole US HY energy sector into distress, with around 1/3rd of US energy Bs/CCCs forced to restructure, implying a 15% default rate for overall US HY energy which would contribute 2.5% to the broad US HY default rate. This could be a sizeable enough shock to cause concern throughout the rest of the US HY market.

There is no doubt that the fall in the price of oil in 2014 has been a significant economic shock. Most estimates suggest that this should add to global growth, weigh on global inflation and most likely have varied but oil-specific asset price implications (EM oil producing nations and US HY weakness stand out); however it is likely that growth tailwinds from this year's fall in oil prices will not be the main story for investors in 2015.

Their studies lack basis — the empirical examples they cite are flawed.

Andrews 14 — Robert Andrews, Independent Oil consultant, BSc in Geology from Aberystwyth, MSc in Applied Physics from Binghamton University, 2014 (“Oil Shocks And The Global Economy,” *Oilprice.com*, October 22nd, accessible online at <http://oilprice.com/Energy/Oil-Prices/Oil-Shocks-And-The-Global-Economy.html>, accessed on 6-24-15)

There's also no evidence that oil price fluctuations had any more impact on consumption than they did on GDP outside recessionary periods. Neither the oil price collapse in 1985-86 nor the tripling of oil prices between 1999 and 2007 had any visible impact, although some of the recession-induced consumption decreases, particularly the one during the Great Recession, clearly had a depressing impact on price.

Figure 6 shows XY plots of the annual data from the above Figures. There is no significant relationship between annual percentage changes in oil price and real per-capita GDP nor between annual percentage changes in oil price and oil consumption. There is, however, a relationship between annual percentage changes in real per-capita GDP and annual percentage changes in oil consumption, particularly before 1986, and the relationship is positive, i.e. with consumption increasing as GDP increases. I interpret this to mean that GDP growth is driving consumption, which is the basis for my comments on earlier threads that wealth now generates oil and not the other way round:

A final word on oil and the “Great Recession”. It's generally accepted that this recession was triggered by what are now euphemistically called “structural defects” in the financial markets and had little or nothing to do with oil. Wikipedia, for example, gives a long list of potential contributors, starting with subprime lending and the housing bubble, and while it does eventually get around to mentioning oil it doesn't get there until section 14.8.

Extend #3 — Getting Better

We control uniqueness — perceptions of a cut-off or other oil production related concerns faded — there is no “perception” internal link to oil prices because countries and investors have already realized there’s very little risk of supply disruptions — that’s Gloystein.

The oil market won’t react to violence in Yemen — other source fill in, and small risk.

Forex 15 — Forex, a trading magazine run by Orbex Financial management — citing Ali Naimi, Saudi Arabia’s oil minister, 2015 (“Crude Oil market seems comfortable with small risk,” *Forex*, June 9th, accessible online at <http://www.atozforex.com/news/crude-oil-market-seems-comfortable-with-small-risk/>, accessed on 5-25-15)

*Risk premium — the return for a risky investment given to investors that braved the uncertainty.

Ali Naimi, Saudi Arabia’s Oil Minister responded to Questions about the ongoing violence in Iraq, Libya, Yemen, saying there was “very, very small” risk premium in the current oil price.

“This premium is there but fortunately the world is getting very comfortable with the risk,” said Naimi, addressing an OPEC seminar before the cartel’s output meeting on Friday.

“That is why you see that portion is really very small no matter what is happening ... in the most productive part of the Middle East. They don’t seem to be affecting production, shipping, demand, supply... The risk premium is there, but it is very, very small because of the variability of supplies.”

OPEC produces about 30 percent of the world’s oil in the Crude Oil market, and chose to keep its collective production target at 30 million barrels per day in their last meeting, even though lower oil prices slashed revenues for the cartel’s 12 members. This was in an effort to maintain OPEC’s share of the market which was flooded by a vast supply glut, attributed partly to booming US shale oil.

The oil market has stabilized on the whole — it’s following the dollar and becoming less volatile.

WSJ 6/19 — Wall Street Journal, leading American newspaper — Byline: Tim Puko and Georgi Kantchev, 2015 (“Oil Prices Fall on Firming U.S. Dollar,” *Wall Street Journal*, June 19th, accessible online at <http://www.wsj.com/articles/oil-prices-fall-on-firming-u-s-dollar-1434705270>, accessed on 6-24-15)

Oil markets Friday followed a common recent pattern of taking cues from moves of the dollar, even largely ignoring an updated count on the amount of oil drilling in the U.S., analysts said.

The Wall Street Journal Dollar Index, which tracks the dollar against a basket of other currencies, spend most of Friday’s session in positive territory. Oil is priced in dollars and becomes more expensive for holders of other currencies as the greenback appreciates. The dollar fell back to unchanged in the afternoon, and oil subsequently pared losses that had briefly pushed U.S. oil below \$59 a barrel.

New data in the afternoon did show the U.S. oil-rig count fell by four to 631 in the latest week, according to Baker Hughes Inc., marking the 28th straight week of declines. The number of

working U.S. oil rigs, a proxy for drilling and production, has fallen now about 61% since its peak in October.

The small cutback revealed Friday reaffirms a trend suggesting the most dramatic cutbacks are past, said John Saucer, vice president of research and analysis at Mobius Risk Group in Houston. But that wasn't enough to jolt prices, he added.

"It wasn't any sort of seismic shift," Mr. Saucer said. "Today was another day that crude is just following the dollar-euro cross."

Instability

Frontline

Middle East instability is inevitable — the Arab Spring has faded and terror organizations have filled the void.

Beauchamp 15 — Zach Beauchamp, Editor of TP Ideas, reporter for ThinkProgress.org, B.A.s in Philosophy and Political Science from Brown University, M.Sc in International Relations from the London School of Economics, 2015 ("Yes, Bush helped create ISIS — and set up the Middle East for a generation of chaos," *Vox News*, June 2nd, accessible online at <https://www.vox.com/2015/6/2/8703059/bush-isis-middle-east>, accessed on 6-23-15)

Today, the US is without a playbook in the Middle East. Its old system of authoritarian alliances remains (mostly) in place, but it's poorly suited to dealing with problems like ISIS and the Yemeni civil war. Bush's democracy-promotion agenda is in tatters; the Arab Spring protests having mostly given rise to failed states, civil war, and sectarian conflict. And instead of developing a brand new regional strategy, the Obama administration has essentially drifted from crisis to crisis — an approach that's been effective in some cases, like securing a tentative nuclear deal with Iran, but terribly ineffective in others.

That's particularly bad in the case of the region's destabilizing civil wars, from Iraq to Syria to Libya to Yemen. With the exception of Libya, these conflicts are playgrounds for Iran and Saudi Arabia in their struggle for regional influence. These two regional powers tend to support (respectively) Shia and Sunni factions, making the region's sectarian bloodletting much worse — and much harder to control.

Obama's attempts to ameliorate the regional crisis have, in some cases, heightened that tension by strengthening Iran. For example, US airstrikes against ISIS in Iraq have put ISIS on the defensive, but they have relied on ground support from Iranian-backed militias — thus boosting Iran's political influence in Iraq.

It's not that the failure of the freedom agenda caused all of the regional problems we see today. It's that its legacies — civil war in Iraq and the Saudi-Iranian competition — bled into the post-Arab Spring conflicts and made them much worse than they had to be.

So there still isn't really an American plan for a Middle East full of failed states and civil conflict. Its old strategies helped make the problem: its key authoritarian ally, Saudi Arabia, helped spread violent Islamic extremism. Its new strategies exacerbated it: Bush's democracy-promotion strategy collapsed Iraq, sparking an uncontrollable regional cold war. The US desperately needs a

new approach. But the scary thing is that no one seems to know what a good one would look like.

No Middle East proliferation — numerous infrastructural and political checks.

Esfandiary and Tabatabai 15 — Dina Esfandiary, McArthur Fellow in the Centre for Science and Security Studies at King’s College, London, Research Associate in the Non-Proliferation and Disarmament programme of the International Institute for Strategic Studies, Ph.D. in Security Studies from the Graduate Institute of Security Studies of Geneva, M.A. in Security Studies from King’s College, London — Ariane Tabatabai, visiting assistant professor in the Security Studies Program at the Georgetown University School of Foreign Service, Ph.D. in War Studies from King’s College, London, M.A. in International Peace and Security with Distinction from King’s College London, B.A. in Political Science and Cinema and Cultural Studies from the SUNY, Stony Brook, 2015 (“Why an Iran deal won’t lead to nuclear proliferation,” *Washington Post*, April 28th, accessible online at <http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/04/28/why-an-iran-deal-wont-lead-to-nuclear-proliferation/>, accessed on 6-25-15)

But developing nuclear power is neither easy, nor cheap. There are a number of technical, legal and political hurdles regional states need to overcome.

Should they do so, then the fear is that aspects of their civilian nuclear programs will pave the way for the bomb. But that, too, is implausible.

First, the entire region, except for nuclear-armed Israel, is party to the NPT. This means that they’ve already legally given up the nuclear weapon option. Moreover, nuclear weapon states can’t legally provide them nuclear weapons either. Second, many countries have safeguards agreements and some, the additional protocol, in place. This means that their programs are under close International Atomic Energy Agency (IAEA) scrutiny.

None of these states have expressed an interest in reprocessing, which closes the plutonium path to the bomb. Some have even foregone enrichment, which blocks the uranium path to the bomb. That’s the case for the UAE. But some states, such as Saudi Arabia and Turkey, want to reserve “the right” to enrich. Riyadh went further and stated it wanted whatever Iran got out of the negotiations, including enrichment.

Saudi Arabia, Turkey, Egypt, Jordan and the UAE are all dependent on foreign suppliers and expertise for their programs. They lack the human capacity for the programs. Foreign involvement makes it difficult, though not impossible, to covertly develop a nuclear weapon. This means that suppliers also need to do their due diligence and ensure that buyers use their equipment for purely peaceful purposes.

One explanation as to why Tehran went so far in developing its indigenous nuclear technology, including enrichment, is that international suppliers weren’t as involved and reliable after the 1979 Islamic Revolution. Following the revolution, Iran’s original suppliers, the United States, France and Germany, dumped the country, which then looked East. It went to Pakistan, including the illicit nuclear procurement network led by Pakistan’s A.Q. Khan, Russia and China. But Iran’s government believed it could not rely on any of these partners. Without a strong involvement in its program by foreign suppliers committed to nonproliferation, Iran was able to pursue indigenous nuclear technology. This diminished the international community’s leverage on Tehran.

The Iranian context, however, is different from other countries in the region, which depend on the West and U.S. allies for their nuclear programs. Today's nuclear newcomers must comply with certain international requirements for their programs to be completed by these suppliers. This means that suppliers can and should try to limit the further proliferation of enrichment and reprocessing.

No "Domino Effect" — the advantage oversimplifies complex geopolitics and misrepresents fundamental state interests.

Esfandiary and Tabatabai 15 — Dina Esfandiary, McArthur Fellow in the Centre for Science and Security Studies at King's College, London, Research Associate in the Non-Proliferation and Disarmament programme of the International Institute for Strategic Studies, Ph.D. in Security Studies from the Graduate Institute of Security Studies of Geneva, M.A. in Security Studies from King's College, London — Ariane Tabatabai, visiting assistant professor in the Security Studies Program at the Georgetown University School of Foreign Service, Ph.D. in War Studies from King's College, London, M.A. in International Peace and Security with Distinction from King's College London, B.A. in Political Science and Cinema and Cultural Studies from the SUNY, Stony Brook, 2015 ("Why nuclear dominoes won't fall in the Middle East," *Bulletin of Atomic Scientists*, April 22nd, accessible online at <http://thebulletin.org/why-nuclear-dominoes-wont-fall-middle-east8236>, accessed on 6-25-15)

But technical constraints aside, there are political obstacles to the proliferation cascade theory. Countries like Turkey and Saudi Arabia are dependent on Western allies for their security. Washington can leverage this influence to stop them from going nuclear. The United States showed its willingness to do just that in 1988, when it learned that Riyadh purchased Chinese missiles and it threatened to block the sale of military equipment.

The conventional wisdom is wrong.

Conventional wisdom holds that a nuclear Iran will lead to a nuclear weapon proliferation cascade in the highly volatile Middle East, making an already rough neighborhood even more unstable and insecure. After all, a combination of fragile and failed states, terrorist organizations, and nuclear weapons could well constitute a horror story.

Nuclear history shows us that nuclear arms races are the exception rather than the rule. A final agreement between six world powers and Iran to limit the Iranian nuclear program would aim to keep Tehran from acquiring a nuclear weapon. But if an agreement is not reached or Iran cheats and acquires nuclear weapons, a nuclear weapons race is still unlikely to unfold in the Middle East. A number of political and technical challenges are likely to prevent it. No country in the region currently has the technical ability to develop a nuclear weapon by itself. Most regional candidates to become nuclear weapons states—especially ones most vocal in claiming they'll go nuclear, if Tehran does—depend heavily on the United States and other Western states for their security, providing the West with significant leverage over them.

Multiple alt causes to small arms proliferation — stopping one entrance point doesn't stop the spread.

Stohl and Hogendoorn 10 — Rachael Stohl, Senior Associate with the Managing Across Boundaries Initiative at the Stinson Center, adjunct professor in the Security Studies Program at Georgetown University, M.A. in international policy studies from the Monterey Institute of International Studies, B.A. in political science and German from the University of Wisconsin-Madison — EJ Hogendoorn, Crisis Group's Africa Deputy Program Director, Ph.D. in Security Studies from Princeton University, 2010 ("Stopping the Destructive Spread of Small Arms," *Center for American Progress*, March, accessible online at https://www.americanprogress.org/wp-content/uploads/issues/2010/03/pdf/small_arms.pdf, accessed on 6-28-15)

The abundance of small arms-based initiatives and programs since the mid-1990s has not eliminated the problems caused by uncontrolled small arms proliferation and misuse. On the contrary, small arms continue to contribute to devastation around the world. Why have these initiatives failed?

There are several reasons. Some of them are based on the dynamics of the arms trade—of political and economic pressures—while others have more to do with priorities and agendas. As we've shown, numerous treaties, agreements, and programs exist to address the excessive and destabilizing accumulations of small arms, but they do so in many different ways. Some governments may simply ignore new agreements, but it is also often difficult to ascertain the implementation of existing instruments because of ambiguous language, a lack of verification regimes, or the absence of enforcement mechanisms.

For some countries signing a treaty or agreement is all that is accomplished. The lack of implementation could be due to a lack of capacity or resources or could be linked to what plagues the small arms issue above all—a lack of political will. Governments may not have the financial or technical resources or the actual manpower or know-how to implement effective programs, policies, and actions. Still others may be uninterested in pursuing the small arms agenda—other issues may top their priority list—or they have political or economic reasons not to act as the agreement requires.

Many global small arms initiatives are undermined by the inherent limitations of the United Nations itself. First, the United Nations is a consensus-based body, so in many cases a lower denominator outcome is negotiated to gain consensus, leaving little impetus for those already in compliance with the agreement to do more. Moreover, at times the United Nations has been slow to act and is unimaginative in their efforts. The small arms issue has been pigeonholed in the disarmament community, which means issues of development or demand are often left out of the arms control, supply-sided focus of current initiatives. These approaches often have little relevance for countries affected by small arms and so little action is taken by them.

What's more, some governments have refused to develop small arms initiatives until other issues are addressed first and have demanded action on nuclear agreements before future work is done on small arms (such as some Middle Eastern countries claiming that work on small arms cannot begin until Israel's nuclear program is dealt with). Other small arms issues have been viewed as too controversial to consider both politically and economically, and thus solutions to small arms proliferation have missed many opportunities.

For example, some states, including the United States, have been loath to mention restrictions on civilian weapons ownership, the legal trade and manufacture of small arms and light weapons, or on the sale of small arms and light weapons to entities other than governments. Arms exporters want to maintain their market opportunities and not have economic or foreign policy considerations impede their trade. States also want to maintain deniability if their arms are used for unintended or illegal purposes.

Extend #1 — Instability is Inevitable

Instability is inevitable — the Arab spring created a power vacuum in the Middle East that was filled by terror groups and weak governments — the US built a house of cards, and the collapse will take decades — trying to promote stability inevitably fails — that's Beauchamp.

Regional stability is already ruined — multiple simultaneous state collapses prove.

Vox 15 — Vox.com, major online news source — Byline: Max Fisher, 2015 (“This is a terrible idea for fixing Iraq, and Washington loves it,” *Vox.com*, June 22nd, accessible online at <https://www.vox.com/2015/6/22/8824069/iraq-breakup>, accessed on 6-23-15)

And those were the success stories; elsewhere, peace by partition has been disastrous. Dividing up India and Pakistan was meant to solve sectarianism. Instead, it led to the forced migration of an estimated 12 to 14 million people, and triggered massive, violent attacks on civilians that killed thousands more. Post-partition, those tensions went from internal to interstate, with India and Pakistan fighting multiple wars and in at least one instance coming to the brink of nuclear war. Today, their proxy conflict is one of the drivers of the chaos in Afghanistan.

The idea of partitioning Iraq was rightly derided in 2006 and looks even dicier today. It offers the false hope of a solution to the problem of sectarianism among Sunni Arabs. Presumably, the idea is that the world would promise Sunni Arabs their own state in exchange for helping drive out ISIS. But there is a reason Sunni Arabs were willing to embrace ISIS and its violent sectarianism: Those ideas are popular.

Rewarding Sunnis with more sectarianism, permanently enshrined in an explicitly sectarian state, is going to worsen that problem, not solve it. For one thing, minorities in that region are already in constant peril; that peril is likely to increase if Sunni Iraq becomes an officially sectarian state. And partition will create many new minorities: The Shias left in the post-partition Sunni state and the Sunnis in the post-partition Shia state will be vulnerable to ethnic cleansing.

And perhaps more importantly, Iraq's problems do not exist in isolation. Rather, they are just one part of a Middle East divided by sectarianism, driven both at the grassroots level and by regional states such as Saudi Arabia and Iran that foment it to serve their own interests. Handing Saudi Arabia and Iran new sectarian proxy states is going to entrench that problem, not solve it.

US attempts to promote stability in the Middle East fail — foreign policy ignores the internal dynamics of the region.

Green 14 — Andrew Green, Former Ambassador to Syria, M.A. in Demography from Oxford University, 2014 (“Why Western democracy can never work in the Middle East,” *The Telegraph*, August 16th, accessible online at

<http://www.telegraph.co.uk/news/worldnews/middleeast/11037173/Why-Western-democracy-can-never-work-in-the-Middle-East.html>, accessed on 6-23-15)

The enthusiasm of yester-year for the “Arab Spring” has proved entirely misguided. It has led to chaos in Egypt and anarchy in Libya. Those determined to be “on the right side of history” now find themselves on the wrong side of the argument. Democracy is emphatically not the solution for extremely complex societies and Western meddling only makes matters immeasurably worse. The fundamental reason for our failure is that democracy, as we understand it, simply doesn’t work in Middle Eastern countries where family, tribe, sect and personal friendships trump the apparatus of the state. These are certainly not societies governed by the rule of law. On the contrary, they are better described as “favour for favour” societies. When you have a problem of any kind, you look for someone related to you by family, tribe or region to help you out and requests are most unlikely to be refused since these ties are especially powerful. In countries where there is no effective social security, your future security lies only in the often extensive family.

Behind what we might perceive as this somewhat chaotic structure lie the secret police and the armed forces. They hold the state together under the aegis of the president, king, or whoever rules the roost. That leader keeps the different elements of society in play with concessions to each group but he has an iron fist to be used when necessary, as the public well understand.

Examples can readily be found in Presidents Mubarak in Egypt, Asad in Syria and Saddam in Iraq. Nor are the kings of Jordan, Bahrain or, indeed, Saudi Arabia altogether different. There is much less cruelty in the latter countries but the iron fist is there when needed. Yet who in those countries today could survey the Middle East and believe that a republic would be a better option.

The West’s abject failure to understand the inner workings of these countries has had some disastrous effects. Iraq is the classic case. I was opposed to the invasion of that country, not because I had any love for Saddam but because I believed that the alternative would be worse. I was concerned that our invasion would destroy the stability of the Gulf which had, since the fall of the Shah in 1979, depended on a tripod comprising Iran, Iraq and Saudi Arabia (the latter supported by the West). That is exactly what happened and we now find that the Iranians are in a position to dominate the Gulf region.

Internally, the outcome was even worse. The army was disbanded (although some would say it disbanded itself). The Americans then closed down the Ba’ath party, the only political organisation in the country. Certainly, it had been an instrument of Saddam’s rule but it was not all bad. Just as anybody in a position of responsibility in the Soviet Union was obliged to be a member of the Communist party so were senior Iraqis obliged to be members of the Ba’ath party. The result was to atomise the social and political structure of the entire country. Favour for favour ground to a halt and so did the country’s governance

A while later, elections were held to loud applause from Washington. There was a huge turnout by the majority Shia’ who must have been amazed at the naivety of their occupiers. As it turned out, Nouri Malaki, the Iraqi prime minister who was finally forced to step down this week, proved to be a Shia’ version of Saddam – at least as the minority Sunnis perceived him. Indeed, it was the severe disaffection of the Sunni tribes in the North of Iraq that permitted IS to make the rapid territorial gains that have stunned both the West and the governments of the region.

We in the West have little conception of the mutual hatred and contempt between these two Islamic sects. Think of the Protestant and Catholic hatreds, thankfully of the past, and multiply them up. Then add in a regional struggle for power. We now have the leading Sunni power, Saudi Arabia, feeling threatened by the growing power of the Shia' standard bearer in Iran as their influence spreads in Syria and Lebanon – a Shi'ite arc which the Saudis are determined to oppose.

Where do our interests now lie? We have a humanitarian interest in getting effective aid to the hundreds of thousands of refugees fleeing the blood curdling violence of the Islamic fighters. Protecting them requires that the front line of Kurdish controlled Iraq be stabilised. Only the Kurds can do that and, as the US and most of Europe - EU foreign ministers met in emergency session in Brussels yesterday to discuss the issue - HAVE now recognised, they must be provided with the ammunition, equipment and intelligence that they need. It is very likely that close air support will also be necessary, at least for some months but any involvement of ground troops would be a very serious mistake. While it may be necessary to have a very small number of special forces in a position to direct air strikes, we cannot allow “mission creep” to take over. Before long the very presence of Western forces generates resentment and hostility.

Once the immediate crisis has been addressed, we must prevent the development of the Islamic state. That will require an effective government in Baghdad who must take steps to win back the acquiescence, if not the loyalty, of the Northern tribes who, of course, are Sunni and who could take on the Islamic extremists if they chose to. Beyond that we need to review our attitude to the present regimes in Tehran and in Damascus – yes, Damascus. We cannot afford to do less. An “Islamic state” poses a major threat to the stability of the whole Middle East. Furthermore, it establishes an area under the control of Islamic extremists which poses a threat to Britain itself. The Security Service have been unambiguous in pointing to the risk of “blow-back” – that is young men from Britain going out to fight and coming back fired up with hostile intent. This risk will be exacerbated by any success that IS may continue to have as it will certainly be seen by its adherents as a sign of God's favour to their cause.

To be effective in the region and to ensure our own security, we must, for once, learn from the past and ensure that our policies take account of the internal dynamics of the countries of the region. We cannot afford any more mistakes. The growing chaos in the Middle East poses a real and present danger both to our economy and the peace of our society and indeed to that of the wider world.

Extend #2 — No Middle East Proliferation

This is specifically true of Saudi Arabia — infrastructural and international barriers make it impossible.

Esfandiary and Tabatabai 15 — Dina Esfandiary, McArthur Fellow in the Centre for Science and Security Studies at King's College, London, Research Associate in the Non-Proliferation and Disarmament programme of the International Institute for Strategic Studies, Ph.D. in Security Studies from the Graduate Institute of Security Studies of Geneva, M.A. in Security Studies from King's College, London — Ariane Tabatabai, visiting assistant professor in the Security Studies Program at the Georgetown University School of Foreign Service, Ph.D. in War Studies from King's College, London, M.A. in International Peace and Security with Distinction from King's College London, B.A. in Political Science and Cinema and Cultural

Studies from the SUNY, Stony Brook, 2015 (“Why nuclear dominoes won't fall in the Middle East,” *Bulletin of Atomic Scientists*, April 22nd, accessible online at <http://thebulletin.org/why-nuclear-dominoes-wont-fall-middle-east8236>, accessed on 6-25-15)

Saudi Arabia: The human and technical impediments to a nuclear arsenal. Saudi Arabia is viewed as the Middle East's most likely nuclear proliferator. Riyadh has been the loudest voice in the region, claiming it'll "go nuclear" should Iran do so. It also wants an enrichment capability to mirror Iran's. An assessment of the nascent Saudi nuclear power program shows that for all of Riyadh's foot-stomping, it doesn't have the technical capability to build nuclear weapons. Even if this technical deficit could be overcome, its allies could influence its intentions.

Saudi Arabia has ambitious plans for its nuclear industry. It wants to build 16 nuclear reactors in the next few decades, but right now Saudi Arabia does not have any nuclear reactors, and its first won't go on line until 2022, at earliest. To date, the King Abdullah City for Atomic and Renewable Energy (KA-CARE) has scouted out foreign suppliers and developed regulatory frameworks—but gone no further down the nuclear path.

Riyadh lacks the human capacity to develop and operate its own nuclear infrastructure in the foreseeable future. But Saudi Arabia is aware of its technical shortcomings, and it's looking for other options

After contributing financially to Pakistan's nuclear weapons program and defense sector, the Saudis may want Islamabad to return the favor, some observers believe. The Saudi leadership plays along with suggestions it may acquire nuclear technology from Pakistan. In March 2015, King Salman bin Abdulaziz urgently summoned Pakistani Prime Minister Nawaz Sharif to Riyadh to discuss strategic cooperation efforts, while calling for Pakistani involvement in Saudi efforts in Yemen. This was intended to remind nuclear weapons state negotiators that Riyadh is keeping its nuclear options open.

But it is unlikely the Saudis will get a nuclear weapon from Pakistan. Pakistan—which covertly developed its nuclear arsenal outside the nuclear nonproliferation regime—aims to normalize its nuclear status, rather than becoming further alienated from the international community.

Islamabad was already singled out for the activities of the world's biggest and most successful illicit nuclear trafficking network, led by a key figure in its nuclear weapons program, A.Q. Khan. What's more, Islamabad is extremely proud of its nuclear achievements. In the words of Zulfiqar Ali Bhutto, “We will eat grass, even go hungry, but we will get one of our own [bomb].” Pakistanis didn't eat grass, but they endured a great deal of hardship to get the bomb. The program was extremely costly for the country. So, it's no surprise that many Pakistani officials and former officials take issue with assertions that their country might give nuclear weapons to Saudi Arabia.

Even if Pakistan agreed to provide the Kingdom with the bomb, the Saudis are very unlikely to go through with such an acquisition. Saudi Arabia is dependent on the United States for security guarantees. As long as Washington remains Riyadh's main security guarantor, it has the power to influence Saudi decision making on other issues, including, specifically, nuclear weapon acquisition. And the Kingdom would find it very difficult to attract another country willing to supply the security and trade guarantees that the United States now provides. It is hard to imagine any of the world's major powers agreeing to be viewed as a supporter of nuclear proliferation.

Effect #3 — No “Domino Effect”

“Domino” theories are more rhetoric than reality — no state has the capability or political will.

Varnum 15 — Jessica Varnum, NTI Project Manager and a Research Associate at the James Martin Center for Nonproliferation Studies, Adjunct Professor of Conflict and Peace Analysis at the Middlebury Institute of International Studies in Monterey, M.A. in International Policy Studies from the Monterey Institute of International Studies, B.A. in government and international studies from Colby College, 2015 (“Middle East Nuclear Race More Rhetoric Than Reality,” *World Politics Review*, May 14th, accessible online at <http://www.worldpoliticsreview.com/articles/15769/middle-east-nuclear-race-more-rhetoric-than-reality>, accessed on 6-25-15)

In the run-up to the June 30 deadline for a comprehensive nuclear agreement with Iran, **alarmists** in Washington, Tel Aviv and elsewhere **are again warning of an imminent race to nuclear weapons capabilities in the Middle East**—one that will occur in the guise of peaceful nuclear programs, as countries such as Saudi Arabia, Egypt and Turkey all rush to construct their first nuclear power plants.

But the logic of chain-reaction proliferation in the Middle East is critically flawed. Equally flawed are assumptions that the region’s nuclear power aspirants are anywhere near having operational programs. Ambitious rhetoric aside, including Saudi Arabia’s pledge to compete with Iranian enrichment levels, **few countries in the region have meaningfully increased their civil or military nuclear capabilities in recent years.** With the Gulf Cooperation Council summit at Camp David Thursday putting talk of a nuclear Middle East back into the headlines, **it’s time for a reality check on the region’s actual capacity for both nuclear energy and nuclear weapons.**

Extend #4 — Small Arms Proliferation Inevitable.

Credibility Scenario

1nc Frontline

Litany of alt causes to US human rights violations – the UN found 25

Hudson, 14- B.A. in International Relations and a minor in Middle Eastern Languages, Literatures and Cultures, focusing on the Arabic language. Studied international humanitarian law and public policy at the University of Oxford (Adam, “UN Human Rights Committee Finds US in Violation on 25 Counts”, Truth Out, 4/4/14, <http://www.truth-out.org/news/item/22887-un-human-rights-committee-finds-us-in-serious-violation>)/KTC

While President Obama told the country to “look forward, not backward” when it came to Bush’s torture program, the United Nations has taken a different route. Recently, **the UN Human Rights Committee issued a report excoriating the United States for its human rights violations. It focuses on violations of the International Covenant on Civil and Political Rights, to which the country is party. The report mentions 25 human rights issues where the United States is failing. This piece will focus on a few of those issues - Guantanamo, NSA surveillance, accountability for Bush-era human rights violations, drone strikes, racism in the prison system, racial profiling, police violence, and criminalization** of the homeless.

Status quo solves a bigger internal link to perception US image- assumes global opposition to surveillance

Pew Research Center 14 (Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping America and the world. We conduct public opinion polling, demographic research, content analysis and other data-driven social science research. “Global Opposition to U.S. Surveillance and Drones, but Limited Harm to America’s Image” 7/14/14 <http://www.pewglobal.org/2014/07/14/global-opposition-to-u-s-surveillance-and-drones-but-limited-harm-to-americas-image/> lg)

Another high-profile aspect of America’s recent national security strategy is also widely unpopular: drones. In 39 of 44 countries surveyed, majorities or pluralities oppose U.S. drone strikes targeting extremists in countries such as Pakistan, Yemen and Somalia. Moreover, opposition to drone attacks has increased in many nations since last year. Israel, Kenya and the U.S. are the only nations polled where at least half of the public supports drone strikes. Despite these misgivings about signature American policies, across 43 nations, a median of 65% express a positive opinion about the U.S. And these overall ratings for the U.S. are little changed from 2013. Moreover, President Obama is still largely popular internationally – across 44 nations, a median of 56% say they have confidence in him to do the right thing in world affairs. And, while Obama no longer has the same high levels of popularity that he enjoyed immediately after his election in 2008, there has been very little change in his appeal over the past year. The biggest declines in his ratings since last year are found in two nations where the U.S. has listened to the private phone conversations of national leaders: Germany (from 88% confident in 2013 to 71% confident now) and Brazil (69% in 2013, 52% now). Obama’s favorability is also down considerably in Russia, reflecting recent tensions over the crisis in Ukraine. Only 15% of Russians currently express confidence in the American president, down from an already low 29% in 2013. U.S. favorability has also declined dramatically – just 23% of Russians say they have a favorable opinion of the U.S., less than half of the 51% registered in last year’s survey. In spite of the unpopularity of U.S. spying and its use of drones, America also remains more popular globally than China, its principal rival in world affairs. A median of 49% of the publics surveyed hold a positive view of China. And the U.S. is still considered the world’s top economic power, although this is less true today than it was before the Great Recession. However, looking to the future, a median of 50% of those surveyed in both 2013 and 2014, up from 41% last year, see China eventually supplanting America as the dominant world superpower. But China’s rising power also generates its own anxieties, especially in its immediate neighborhood. In particular, there are strong concerns in Asia that territorial disputes between China and its neighbors will lead to military conflict. More than seven-in-ten in the Philippines, Japan, Vietnam, South Korea and India say this is a concern. And two-thirds of Americans agree, as do 62% in China itself. These are among the major findings of a new survey by the Pew Research Center, conducted in 44 countries among 48,643 respondents from March 17 to June 5, 2014. The survey also finds that in most nations, young people are more favorable than their elders toward both the U.S. and China.

Credibility doesn’t matter and obsession with it increases the risk of conflict

Walt 1/6 (Stephen M., 2015, Robert and Renée Belfer professor of international relations at Harvard University, “The Credibility Addiction,” <http://foreignpolicy.com/2015/01/06/the-credibility-addiction-us-iraq-afghanistan-unwinnable-war/>)RTF

Does U.S. credibility matter? If so, how much? Is it more important for other states to have high confidence that the United States will fulfill its overseas commitments, even when doing so might be expensive and not necessarily in America’s best interest? Alternatively, is it better if other states have high confidence in America’s judgment, i.e., in its ability to analyze emerging international problems and devise effective responses to them? As anyone who’s studied the history of U.S. foreign relations knows, American leaders have been obsessed with credibility ever since World War II. If other states ever doubted U.S. power or resolve, so the argument ran, communists would be emboldened, deterrence would weaken, and America’s allies would be intimidated and neutralized, leaving the United States isolated and friendless in a hostile world. This concern led American leaders to constantly reiterate their pledges to defend allies all over the world, led Presidents Lyndon Johnson and Richard Nixon to fight on for years in Vietnam, and drove U.S. efforts to acquire some sort of “nuclear superiority” over the USSR. Even today, whenever something bad happens almost anywhere in the world, hawkish voices will immediately proclaim that America’s credibility will collapse if Uncle Sam does not do something now. It’s not surprising that credibility looms so large in U.S. foreign-policy thinking. Because the United States is the linchpin of a vast alliance network, it has to convince lots of other countries that its promises are really believable. A lot of these countries aren’t

especially powerful or strategically significant, however, so there are good reasons to wonder if it was really in America's interest to defend them. Moreover, some of these commitments involve nuclear guarantees of one sort or another, which means they entail at least some slight risk of nuclear war. As a result, Washington has to convince allies and adversaries that it might be willing to run big risks on behalf of other countries, even when the United States is not directly threatened and the countries it has pledged to defend aren't vital to maintaining the global balance of power or to American security more broadly. Add to these concerns the supposed "lesson" of Munich (i.e., the idea that all dictators are the equivalent of Adolf Hitler and that appeasement never, ever works), and you have a formula for viewing even trivial issues as somehow bearing on the broader question of how the United States will respond when its vital interests really are on the line. Of course, both the U.S. military and the foreign-policy elite are quick to embrace the notion that U.S. credibility was both fragile and all-important, because it provided another reason for large defense budgets and another justification for getting involved all over the world. Unfortunately, this obsession with credibility was misplaced. For one thing, a state's "reputation" for being tough or reliable didn't work the way most foreign-policy elites thought it did. American leaders kept worrying that other states would question the United States' resolve and capability if it ever abandoned an unimportant ally, or lost some minor scrap in the developing world. But as careful research by Ted Hopf, Jonathan Mercer, and Daryl Press has shown, states do not judge the credibility of commitments in one place by looking at how a country acted somewhere far away, especially when the two situations are quite different. In fact, when the United States did lose, or when it chose to cut its losses and liquidate some unpromising position, dominos barely fell and its core strategic relations remained unaffected. In other words, how the United States responds to a challenge in Southeast Asia or sub-Saharan Africa tells you nothing about how it would or should respond somewhere else, and other states understood this all along. When trying to figure out what the United States is going to do, other states do not start by asking what the United States did in some conflict on the other side of the world. Instead, they ask whether it is in America's interest to act in the situation at hand. And guess what? This implies that U.S. commitments are most credible when the American interest is obvious to all. I mean, nobody really doubts that the United States would fight like a tiger to defend its own soil, right? Exaggerated worries about U.S. credibility had a number of unfortunate consequences. They encouraged American leaders to act in places that didn't matter, in order to convince others that it would also act in places that did. Squandering resources on marginal conflicts undermined confidence in U.S. protection, however, because it consumed resources that could have been committed elsewhere and it sometimes made a war-weary American public even less interested in far-flung foreign adventures. Ironically, misguided efforts to bolster U.S. credibility may have weakened it instead. The credibility obsession also made it easier for U.S. allies to free-ride (something they were already inclined to do), because they could always get Uncle Sucker to take on more burdens by complaining that they had doubts about American resolve. I don't blame them for trying this ploy, but I do blame American officials for falling for it so often. In fact, had allies been a bit less confident that the United States was going to protect them no matter what, these states might have been willing to spend more on their own defense and been more attentive to Washington's wishes. If the goal is retaining U.S. influence and leverage, what really matters is whether other states have confidence in America's judgment. If they believe that the United States is good at weighing threats soberly and rationally, and if they are convinced that Washington can set clear priorities and stick to them, then U.S. allies can calibrate their actions with ours and will be more inclined to follow the U.S. lead. If allies and adversaries believe the United States understands what is going on in key regions and has a clear sense of its own interests, then they will know that the United States won't be buffaloeed into unwise actions by self-serving allied whining, or provoked into overreactions by enemies eager to drag us into another costly quagmire. By contrast, if American leaders panic at every sign of danger and treat minor problems as mortal threats, then other states will be less inclined to trust Washington's views on these matters and be more inclined to follow their own counsel. When Washington goes to war on the basis of cooked intelligence, worst-case assumptions, and unsurpassed hubris, then other countries will be warier the next time we try to get them to line up alongside us. If the United States

keeps throwing soldiers' lives and billions of dollars into unwinnable conflicts, confidence in our political system's ability to make rational decisions will decline even more. If foreign powers believe U.S. policy is driven more by domestic politics than by strategic imperatives, they'll view us with barely veiled contempt and meddle even more in our porous political system. If foreign leaders pay close attention to the bluster and balderdash that pass for strategic debate in official Washington, they'll have reason to wonder if the self-appointed Leader of the Free World really knows what it is doing. And of course, when they see a lengthy series of costly screw-ups (Iraq, Afghanistan, Yemen, Somalia, Libya, Ukraine, etc.), they will be more inclined to think for themselves than to trust Washington's guidance. What I'm suggesting, in short, is that successful diplomacy depends less on endlessly reaffirming our "will" or "resolve," and more on building confidence in the analytical capacity of the American foreign-policy community and the judgment of top U.S. officials. And that's not surprising, either. Diplomacy is mostly about persuasion; it is ultimately about convincing others to do what we want. They are more likely to accept our recommendations when we can tell a truly convincing story, i.e., one that has the merit of being true. And that means that credibility isn't the key to a successful foreign policy, especially when it becomes a reflexive tendency to respond to any and all challenges with threats, bluster, and the use of force. If America still wants other states to follow our lead, what really matters is judgment: analyzing issues intelligently, setting clear and sensible priorities, and being willing to rethink a course of action in response to events. New York Yankees pitcher Lefty Gomez famously said that it was better to be "lucky than good." He was probably right, but it's even better to be lucky and smart. And both matter more than being mindlessly predictable. Or, to paraphrase Walt Whitman, a "foolish credibility is the hobgoblin of small minds."

US image doing well

Pew 14 - The Pew Research Center is a nonpartisan American think tank based in Washington, D.C., that provides information on social issues, public opinion, and demographic trends shaping the United States and the world. ("Global Opposition to U.S. Surveillance and Drones, but Limited Harm to America's Image," <http://www.pewglobal.org/2014/07/14/global-opposition-to-u-s-surveillance-and-drones-but-limited-harm-to-americas-image/> 7/14/2014) STRYKER

A country's brand is a valued commodity, especially when that nation is the world's largest economic and strategic power. And, in 2014, America's image remains strong in much of the world. Despite anger with Washington over U.S. spying on both foreign leaders and foreign nationals, widespread opposition to U.S. drone strikes, disagreements about what to do in the Middle East and other recurring tensions, most surveyed publics around the world still hold a favorable view of the United States. Young people, in particular, in many nations have an especially positive opinion of America. Overall, attitudes toward the U.S. are largely unchanged from 2013. A global median of 65% voice an affirmative opinion about America. This includes a median of 74% in Africa, 66% in Western Europe, 66% in Asia, 65% in Latin America, but just 30% in the Middle East. For nearly a decade and a half the U.S. global image has been on a roller coaster ride. At the beginning of the century America was seen favorably by majorities in most of the countries where comparable public opinion data are available. Over the next few years the bottom fell out of U.S. approval numbers, amid widespread opposition to the war in Iraq and other aspects of U.S. foreign policy. America's image began to rally in some nations and to soar by the end of the decade following the election of Barack Obama, at least in Europe and parts of Asia and Latin America. After slipping a bit again in the first years of this decade, brand U.S. has stabilized and even recovered in a few nations in 2014. Currently, majorities in 30 of 43 nations express a favorable opinion of the United States. This includes majorities in five of seven European nations, where 78% of Italians, 75% of the French and 73% of Poles voice positive views of Uncle Sam. There is no evidence of a rise of anti-Americanism in most of Western Europe, home to great animosity toward Washington in the middle of the last decade. Only in Germany, where U.S. favorability is down 13 points since 2009, has the positive image of the United States slipped significantly. And, despite this slippage, roughly half of Germans (51%) still see America in a positive light. The biggest decline in ratings for the U.S. is in Russia, where 71% now hold an unfavorable opinion. About half (51%) the Russian public expressed a positive opinion of Uncle Sam in 2013. In 2014, only 23% hold that view, a drop of 28 percentage points. Russians' sentiments have been up and down in the last few years (57% positive as recently as 2010). The recent souring of the Russian mood about the United States has come at a time of growing Moscow-Washington tension over Crimea, Ukraine and U.S. economic sanctions against some Russians. A significant number of Greeks also harbor anti-American sentiment. More than six-in-ten Greeks express a negative view (63%, vs. 34% favorable). Greeks have been

quite negative the past three years at a time of growing Greek frustration over their economic situation. In Asia, majorities in eight of 11 nations express a positive opinion of the United States. This includes 92% of Filipinos, 82% of South Koreans and 76% of Bangladeshis and Vietnamese. Even half the Chinese give Uncle Sam a thumbs up. Only Pakistanis are strongly anti-American, with just 14% expressing a favorable assessment of the U.S., while 59% are unfavorable. The median positive approval of the United States in Pakistan in 13 surveys since 2002 has been a mere 15%. In eight of nine Latin American countries, majorities see the U.S. in a favorable light. Salvadorans (80%) are particularly positive in their assessment, as are Chileans (72%) and Nicaraguans (71%). Notably, despite all the tensions between Washington and Caracas, 62% of Venezuelans have a favorable opinion of the U.S. But less than four-in-ten Argentines (36%) are positively disposed toward Washington. In the seven surveys the Pew Research Center has conducted in Argentina since 2002, never more than about four-in-ten Argentines have expressed favorable sentiment toward their big neighbor to the north. Africans express particularly positive views about America. Strong majorities in all seven nations surveyed back the United States, including roughly three-quarters or more of Kenyans (80%), Ghanaians (77%), Tanzanians (75%) and Senegalese (74%). The Middle East is the sole region where anti-Americanism is both deep and widespread. Eighty-five percent of Egyptians and Jordanians and 73% of Turks voice a negative opinion of the United States. Only 10% of Egyptians, 12% of Jordanians and 19% of Turks have a favorable view. The Egyptian rating is the lowest among the 43 nations in the study. The Tunisians are divided: 42% positive, 47% negative. Israelis are the only public in the region where a majority (84%) holds a favorable opinion of America. And they are the second biggest U.S. fans among the nations surveyed, trailing only the Filipinos. While hardly embracing America, Palestinians' views of the United States improved by 14 percentage points, from 16% favorable in 2013 to 30% positive in 2014, possibly the consequence of Washington's efforts to restart the Middle East peace process, even though the attempt ultimately failed. The global public's view of the United States is largely unchanged from 2013. Among the thirty-five countries surveyed in both 2013 and 2014, the median favorable assessment in 2014 is 62%, unchanged from 2013. Young See U.S. Positively Young people are more likely than their elders to have a favorable view of the United States in many parts of the world. In 24 of 43 nations, there is a generation gap in sentiment toward America with those ages 18 to 29 far more supportive of Uncle Sam than people 50 years of age and older. This age disparity is particularly evident in parts of Asia, where young Vietnamese (89%) look more favorably on the U.S. than do older Vietnamese (64%), a 25 percentage point difference that is possibly a legacy of the Vietnam War, which the older generation would have experienced personally. There is a similar generation gap about the United States in Thailand (+22 points) and China (+21 points). Ethnic and Religious Divides about the United States In a number of nations where the population is divided among major ethnic and religious groups, views of the United States can divide along those fault lines. In Israel, 91% of Jews have a favorable opinion of America. Just 46% of Israeli Arabs voice a positive view. In Lebanon, Israel's neighbor to the north, more than half of Sunni Muslims (55%) and Christians (53%) say they are positively disposed toward the United States. But only 10% of Shia Muslims agree. Meanwhile in Malaysia, Buddhists (74%) are more supportive of the U.S. than are Muslims (40%). And in Nigeria, 80% of Christians express a favorable opinion of America, compared with 59% of Muslims. Obama Still Popular The election of Barack Obama as the 44th U.S. president in 2008 was widely approved around the world, leading to high expectations for the new American leader. His election also coincided with a dramatic jump in favorability of the United States, promising an end to the anti-Americanism that had plagued much of Washington's relations with the rest of the world for several years. Today, Obama remains largely popular in much of the world, except the Middle East. Half or more of the public in 28 of 44 countries surveyed has confidence in him to do the right thing in world affairs. And his median positive rating is 56%. In most nations the public's assessment of Obama's performance is largely unchanged since 2013. His image has dropped by double-digits in five nations – Brazil, Germany, Argentina, Russia and Japan. But it has risen appreciably in Israel and China. Western Europeans' views of Obama remain fairly positive. More than eight-in-ten French (83%) and seven-in-ten Italians (75%), British (74%) and Germans (71%) have confidence in the U.S. president doing the right thing. Revelations that Washington systematically reads both Americans' and some foreigners' emails and listens in on their telephone conversations appears to have significantly damaged Obama's approval in only one European Union (EU) country: Germany. Germans' views of Obama fell 17 percentage points since last year. Nonetheless, German confidence in the U.S. president remains relatively high. Russian (15%) faith in Obama, already quite low in 2013, is down 14 points, a likely casualty of the Ukraine confrontation. And Obama's handling of that crisis has not won the U.S. president much support in Ukraine, where only 44% give him a positive grade. Half or more of the publics in nine of 11 Asian nations surveyed have confidence in Obama to do the right thing in world affairs. Such pro-Obama sentiment is particularly strong in the Philippines (89%) and South Korea (84%). About half the Chinese (51%) now approve of his conduct internationally, up 20 points in the past year. Just 7% of Pakistanis think highly of Obama, making them his most severe critic. Notably, confidence in Obama's leadership, while still high in Japan (60%), is down 10 points since 2013. In Africa, half or more of the public in all seven nations surveyed give Obama a positive rating. He is particularly appreciated in Kenya (78%) and Tanzania (74%). Latin Americans take a more jaundiced view of the U.S. president. In just four of the nine countries in the

survey do half or more approve of his conduct of foreign affairs. And his highest rating is a relatively modest 58% in El Salvador. Meanwhile, roughly a third rate Obama highly in Venezuela (33%) and Argentina (31%). Moreover, appreciation for the U.S. president's international stewardship is down 17 points in Brazil and 13 points in Argentina in just the past year. Obama's lowest regional approval is in the Middle East. Only 13% of Palestinians, 17% of Jordanians and 19% of Egyptians have confidence in his leadership. At the same time, 71% of Israelis give Obama a thumbs up. And that approval has risen 10 points since 2013, possibly thanks to the Obama administration's renewed efforts to find some settlement for the Israeli-Palestinian problem. Whatever global publics think of the American president in 2014, there is widespread disappointment in his leadership in world affairs compared with views in 2009, his first year in office. Since 2009 Obama's ratings have declined in 19 of 21 countries for which comparable data exist. It is up significantly in only one. And the median assessment of his global stewardship is down from 62% in 2009 to 55% in 2014. This includes a drop of 30 percentage points in Argentina, a 25-point falloff in Japan, a 23-point decline in Egypt and 22-point slides in Germany and Russia. Only in Israel has the public's view of Obama improved significantly. Israeli confidence in him is up 15 points, from 56% to 71%, since he became president.

Ext. No impact to Heg

No impact to heg

Fettweis 10 (Christopher J. Professor of Political Science at Tulane, *Dangerous Times-The International Politics of Great Power Peace*, pg. 175-6)

If the only thing standing between the world and chaos is the US military presence, then an adjustment in grand strategy would be exceptionally counter-productive. But it is worth recalling that none of the other explanations for the decline of war — nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms — necessitate an activist America to maintain their validity. Were American to become more restrained, nuclear weapons would still affect the calculations of the would be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. More importantly, the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world be virtually risk free.

No impact to hegemonic transition – the US order will be upheld

Ikenberry, 08 – Gilford John Ikenberry is a theorist of international relations and United States foreign policy, and a professor of Politics and International Affairs in the Woodrow Wilson School of Public and International Affairs at Princeton University (Gilford John, “The Rise of China and the Future of the West Can the Liberal System Survive?”, *Foreign Affairs*, January/February 2008 Issue, <https://www.foreignaffairs.org/articles/asia/2008-01-01/rise-china-and-future-west>)

Some observers believe that the American era is coming to an end, as the Western-oriented world order is replaced by one increasingly dominated by the East. The historian Niall Ferguson has written that the bloody twentieth century witnessed "the descent of the West" and "a reorientation of the world" toward the East. Realists go on to note that as China gets more powerful and the United States' position erodes, two things are likely to happen: China will try to use its growing influence to reshape the rules and institutions of the international system to better serve its interests, and other states in the system -- especially the declining hegemon -- will start to see China as a growing security threat. The result of these developments, they predict, will be tension, distrust, and conflict, the typical features of a power transition. In this view, the drama of China's rise will feature an increasingly powerful China and a declining United States locked in an epic battle over the rules and leadership of the international system. And as the world's largest country emerges not from within but outside the established post-World War II international order, it is a drama that will end with the grand ascendance of China and the onset of an Asian-centered world order. That course, however, is not inevitable. The rise of China does not have to trigger a wrenching hegemonic transition. The U.S.-Chinese power transition can be very different from those of the past because China faces an international order that is fundamentally different from those that past rising states confronted. China does not just face the United States; it faces a Western-centered system that is open, integrated, and rule-based, with wide and deep political foundations. The nuclear revolution, meanwhile, has made war among great powers unlikely -- eliminating the major tool that rising powers have used to overturn

international systems defended by declining hegemonic states. Today's Western order, in short, is hard to overturn and easy to join. This unusually durable and expansive order is itself the product of farsighted U.S. leadership. After World War II, the United States did not simply establish itself as the leading world power. It led in the creation of universal institutions that not only invited global membership but also brought democracies and market societies closer together. It built an order that facilitated the participation and integration of both established great powers and newly independent states. (It is often forgotten that this postwar order was designed in large part to reintegrate the defeated Axis states and the beleaguered Allied states into a unified international system.) Today, China can gain full access to and thrive within this system. And if it does, China will rise, but the Western order -- if managed properly -- will live on.

Ext. Heg unsustainable

US Heg is already on a decline

Goure 9/24 (Daniel, Dr. Daniel Goure, is a Vice President at the Lexington Institute, an analyst on national security and military issues - worked as an Adjunct Professor in the National Defense University's Homeland Security program, Gouré received a degree in Government and History from Pomona College, an MA in International Relations and Russian Studies from Johns Hopkins University, “Could America Lose Its Superpower Status?”, 9/24/2014, http://www.realcleardefense.com/articles/2014/09/24/on_the_road_from_superpower_to_regional_power_with_some_global_reach_107460.html) BBer

At last week's Air Force Association annual conference, I was privileged along with other defense analysts to have a series of conversations with senior Air Force leaders, many of whom are responsible for conducting a wide range of day-to-day operations in complex and at times dangerous parts of the world. They see the evolution of threats to U.S. global interests and the rapid rise of military competitors up close. Every one of these military leaders told the same story of being required to do more with less. This is before sequestration will cut nearly \$100 billion from the proposed FY 2016 defense budget. If that happens, the impact on U.S. national security will be nothing short of catastrophic. One Air Force officer said it best: If sequestration takes effect, the United States will stop being a global superpower and become “a regional power with some global reach.” Today, the United States faces rising security challenges on no fewer than four continents. Europe faces the specter of a Russia willing to use force to redraw national boundaries, something that has not occurred there for more than 60 years. Moscow has threatened the West with the specter of nuclear attack and claims a special right to protect those it deems to be Russian even if they are citizens of foreign lands. In Asia, North Korea is testing a family of ballistic missiles as it continues to build nuclear weapons. China has asserted unlawfully the right to control large swathes of the international air and sea environment between it and neighboring countries. Its fighter jets have repeatedly “buzzed” U.S. surveillance aircraft operating in international airspace. It is building a modern military that in a few short years could be sufficiently lethal so as to deter U.S. military intervention in the event of Chinese aggression against one of our allies in the region. The explosion in the terrorist/insurgent threat in North Africa and the Middle East now extends all the way from Libya, Mali and northern Nigeria to Sudan, Somalia, Yemen, the Sinai, Gaza, Syria and Iraq. This is an area larger than the continental United States with about as many people. Most recently, the Ebola virus has threatened to become a pandemic in West Africa prompting the Obama Administration to deploy more troops to that part of the world than it has proposed sending to Iraq to train and assist anti-ISIS forces. The U.S. military is being stretched to the breaking point. Because most of the military is now based in the United States, deploying overseas for ongoing contingencies and crises takes more manpower, equipment and units than if the U.S. were still forward deployed. For every unit overseas, regardless of the mission, there is one that just returned and another preparing but not yet ready to deploy. Critical capabilities such as the U-2 airborne surveillance aircraft have been

maxed out, which is ironic since the Pentagon plans to retire the entire fleet in 2016 even though there is not a replacement either in quantity or quality available. The Marine Corps has been forced to deploy a special response unit with V-22s and aerial tankers to a base in Spain because it doesn't have enough amphibious warfare ships to conduct continuous maritime patrols in the Mediterranean as it once did. **The U.S. military is being forced to shed capacity – meaning people and equipment – that is required if this nation is going to be able to respond to more than one major threat in a region at a time.** In addition, as more capacity and responsibility is shifted to the National Guard and Reserves, particularly in the Air Force and Army, the institutional capacities of those services, **their ability to train and equip, is deteriorating.** The Air Force, for example, cannot train enough pilots to fill today's billets. This means that in the near future, there will not be enough trained pilots exiting the regular Air Force to fill the needs of the Air National Guard. It can be argued that the U.S. is unlikely to face simultaneous conflicts in four regions of the world. But **it is already evident that this country's interests and friends are threatened by well-armed competitors, if not outright adversaries.** in at least three.

US heg has been on a decline

Wallerstein 13, (Immanuel, a senior research scholar in the sociology department at Yale University and director emeritus of the Fernand Braudel Center at Binghamton University. He is also a resident researcher at La Fondation Maison des Sciences de l'Homme in Paris, "The consequences of US decline", Aljazeera, 11/2/2013, <http://america.aljazeera.com/articles/2013/11/2/the-consequencesofusdecline.html>) BBer

That **U.S. decline as a hegemonic power began circa 1970, and that a slow decline became a precipitate one during the presidency of George W. Bush. I first started writing about this in 1980 or so. At that time, the reaction to this argument, from all political camps, was to reject it as absurd.** However, after the burst bubble of 2008, opinion of politicians, pundits and the general public began to change. **Today, a large percentage of people** (albeit not everyone) **accepts the reality of at least some relative decline of U.S. power, prestige and influence.** In the United States, this is accepted quite reluctantly. Politicians and pundits rival each other in recommending how this decline can still be reversed. I believe **it is irreversible.** **The real question is what the consequences of this decline are. The first is the manifest reduction of U.S. ability to control the world situation, and in particular the loss of trust by the erstwhile closest allies of the United States in its behavior.** In the last month, because of the evidence released by Edward Snowden, it has become public knowledge that the U.S. National Security Agency (NSA) has been directly spying on the top political leadership of Germany, France, Mexico and Brazil among others (as well, of course, on countless citizens of these countries). I am sure the United States engaged in similar activities in 1950. But in 1950, none of these countries would have dared to make a public scandal of their anger, and demand that the United States stop doing this. If they do it today, it is because today the United States needs them more than they need the United States. These present leaders know that the United States has no choice but to promise, as President Obama just did, to cease these practices (even if the United States doesn't mean it). And **the leaders of these four countries all know that their internal position will be strengthened, not weakened, by publically tweaking the nose of the United States.** He reminds us that one wins wars only by ground warfare, and the **U.S. president is presently under enormous pressure by both politicians and popular sentiment not to use ground forces.** The problem for everyone in a situation of geopolitical chaos is the high level of anxiety it breeds and the opportunities it offers for destructive folly to prevail. **The United States, for example, may no longer be able to win wars, but it can unleash enormous damage to itself and others by imprudent actions.** **Whatever the United States tries to do in the Middle East today, it loses.** At present none of the strong actors in the Middle East (and I do mean none) take their cues from the United States any longer. This includes Egypt, Israel, Turkey,

Syria, Saudi Arabia, Iraq, Iran and Pakistan (not to mention Russia and China). The policy dilemmas this poses for the United States has been recorded in great detail in The New York Times. The conclusion of the internal debate in the Obama administration has been a super-ambiguous compromise, in which President Obama seems vacillating rather than forceful. Finally, there are two real consequences of which we can be fairly sure in the decade to come. The first is the end of the U.S. dollar as the currency of last resort. When this happens, the United States will have lost a major protection for its national budget and for the cost of its economic operations. The second is the decline, probably a serious decline, in the relative standard of living of U.S. citizens and residents. The political consequences of this latter development are hard to predict in detail but will not be insubstantial.

Ext. Soft Power High

Soft power high now because of FIFA scandal action

Shearer 5/30 (Derek, Stuart Chevalier Professor, Diplomacy and World Affairs at Occidental College, "US soft power triumphs in probe of Sepp Blatter's corrupt casino," The Conversation, 5/30/15, <https://theconversation.com/us-soft-power-triumphs-in-probe-of-sepp-blatters-corrupt-casino-42538>)/kjz

The selection by FIFA of Putin's Russia to host the 2018 World Cup and of tiny Qatar to host in 2022 was highly suspect. Suspicions of money changing hands and undue influence on the FIFA executive committee were widespread, and led to cynicism about FIFA as an international sporting organization.

Blatter, who was re-elected for his fifth term as head of the organization, has continually shrugged off concerns about his leadership. He has worked at FIFA for 40 years, the past 17 as president. Although FIFA is mocked by TV comedians like John Oliver and criticized by citizen groups demanding great transparency, reform of the organization has seemed unlikely. Blatter maintained tight control of the organization. FIFA's insider-controlled governance structure seemed impenetrable, until the US took legal action. John Oliver riffs on FIFA. "Today, soccer wins, transparency wins. Enough of dirty deals, enough of lies," former Argentine soccer star Diego Maradona told the media after the indictment. Romário de Souza Faria, a Brazilian soccer star turned politician, praised the FBI on the floor of the Brazilian Senate. Popular British soccer blogger Roger Bennett told CBS Morning News that the US deserved the thanks of the world for moving against FIFA officials. The immediate impact of the Department of Justice action is a plus for American soft power. Although the US is late to the soccer world – baseball, football and basketball have always had more appeal – the game has greatly expanded from AYSO youth leagues to top collegiate teams to a professional soccer league. Begun in 1993, Major League Soccer (MLS) has expanded to 20 cities in the US and Canada and is now moving toward profitability. Average attendance at matches exceeds that of the NBA and the NHL.

US soft power still high despite Chinese gains

Shah 14 (Ritula, a journalist and news presenter on BBC Radio, "Is US monopoly on the use of soft power at an end?," BBC World Tonight, <http://www.bbc.com/news/world-29536648>)/kjz

Chinese strategy There is another complicating factor, the US may still be the only superpower but there are now new, competing visions of what the world should look like. null China's Confucius Institutes have proved controversial The success of China's economy provokes both fear and admiration though China would like more of the latter. The 2008 Beijing Olympics probably marked the beginning of the Chinese government's efforts to nurture a soft power message. Since then, things have stepped up. There has been an expansion of Chinese Central Television, with the broadcaster producing English language programming from Washington and Nairobi. The Education Ministry is funding more than 450 Confucius Institutes which aim to spread Chinese language and culture. Their locations include some 90 universities in North America. But this attempt at building soft power has gone awry. Earlier this year, the American Association of University Professors wrote a report criticising the presence of Confucius Institutes on US campuses. The academics argued the Institutes were an arm of the Chinese state, which worked to "advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate". Tibet, Taiwan, and Tiananmen are said to be among the subjects that aren't open for discussion in the Institutes. And in recent weeks, two prominent US universities have suspended their affiliated Confucius Institutes, as concerns about them grow. So for now, China's state funded soft

power message, is treated with some suspicion and has nothing like the impact of the more grassroots US version. China is still feared rather than admired by most of its Asian neighbours (not least because of its military or hard power capacity) but over time, who is to say that Beijing's economic success, regardless of its political system, won't win over global admirers? So does soft power really matter? Governments seem to value it even though soft power alone won't prevent wars or silence your critics - although it may help to win support for your point of view. For now, US soft power, remains pre-eminent. America continues to succeed in selling us its culture, its ability to innovate and its way of life. But there are competing economic powers and competing ideologies, all demanding to be heard, all wanting to persuade you to see it their way. Wielding soft power effectively is set to get more complicated.

Ext. No risk decline

There is no risk of soft power decline OR tons of alternative causes

Nye 15 - Joseph Nye is university distinguished service professor and former dean of Harvard's Kennedy School of Government. He has served as assistant secretary of defense for international security affairs, chair of the National Intelligence Council, and deputy under secretary of state for security assistance, science, and technology. (*Is the American Century Over?* pp. 137-138 e-book, 2015) STRYKER
As we saw earlier, ancient Rome had an economy without productivity, a society riven by internecine warfare, and rampant corruption and decay in political institutions that made Rome incapable of defending itself. The facts above make it hard to draw a sustainable analogy between the United States and Rome. American culture has cleavages, but they remain manageable and less dangerous than at times in the past. Social problems abound, with some getting worse and some better. The society remains open to the outside world and better able than most to renew itself by immigration. The American economy is growing more slowly than in the past, but it remains innovative at using and commercializing technologies because of its entrepreneurial culture, the most mature venture capital industry, and a tradition of close relations between industry and the world's top ranking universities. It leads the world in research and development, and is at the forefront of new cyber, nano, bio, and energy technologies. Real problems exist in terms of inequality and educating the workforce of the future. The largest questions are about political institutions. Political gridlock was incorporated into the American system from the start, but it has been increasing in Washington in recent years. Even if they are not worse than in the past, the important question is whether the institutions will be able to cope with the problems of the future. At the same time, the federal system also ensures diversity and the potential for innovation in states and cities. And the lesser role of government means that much of the innovation in America occurs outside government and outside Washington. Moreover, despite the increased partisan bickering, several serious problems, ranging from deficits to energy to health care costs, have improved rather than deteriorated in recent years. America has many problems and they raise many questions, but they are not creating an absolute decline that gives us a clear answer about when the American century will end.

Ext. Soft power decline inevitable

Soft power loss inevitable—leads to failure to lead global order

Metla 6/10 (Valeriya, holds two Bachelor Degrees in regional studies and international criminal justice, "Is the United States a Superpower in Decline?," Law Street, 6/10/15, <http://lawstreetmedia.com/issues/world/united-states-superpower-decline/>)/kjz

It's commonly believed that the United States is experiencing the decline of its global power. Christopher Layne, Distinguished Professor of International Affairs and Robert M. Gates Chair in National Security at the Bush School of Government and Public Service, argues that global power is shifting from West to East, leading to an American decline in influence and loss of global dominance. Those who support the notion that America's superpower status is fading often argue the following: Due to its policies in the Middle East and Latin America, America lost its soft power influence over other countries. The war in Iraq is widely considered a failure that exhausted the U.S. military and broke the bank, increasing the country's debt and leading to even greater proliferation of terrorism in the Middle East. Starting from the period of decolonization, America portrayed itself as a protector of human rights and democratic values. Nevertheless, after 9/11, the United States widely used torture against suspected terrorists, who were confined in Guantanamo Bay and other "black

sites.” Basically, the United States condemns other countries for violating human rights but abuses those principles itself. America didn’t sign various important international treaties. For example, while the majority of countries can be prosecuted in the International Criminal Court (ICC) if their leaders commit certain international crimes, the United States cannot, suggesting double standards and tendency toward unilateral decision-making. At home, the state of permanent impasse in Congress is making it extremely difficult to make any progress in making decisions or reforming outdated and often counterproductive laws. In addition, racial inequality and poverty are on the rise, and infrastructure is deteriorating without proper investments. The U.S. economy still hasn’t fully recovered from the 2008 financial collapse, while other countries such as China, India, Brazil, and Turkey are becoming stronger in terms of their economies and militaries. Some even compare the United States with the British Empire, referring to its collapse a century ago. But, at the very least, this viewpoint suggests that America has lost the favor of many countries. Meanwhile, China has reached the status of a great power, and globalization has become omnipresent. Stephen Walt, Belfer Professor of International Affairs at Harvard’s John F. Kennedy School of Government, argues that “the real issue is whether developments at home and overseas are making it harder for the United States to exercise the kind of dominant influence that it did for much of the latter half of the 20th century.” According to this view, the United States is not declining and is still one of the most powerful countries in the world, but its capacity to lead global order has been diminished due to the array of domestic and foreign policy failures. As the Cold War ended, international relations also changed, making it more difficult for the United States to exercise its influence in the world. Further, Ian Bremmer, President of the Eurasia Group, argues in his book “Superpower: Three choices for America’s Role in the World” that the United States is still a global superpower. Watch the video below with Ian Bremmer to learn more about possible scenarios.

Ext. Soft power fails

US soft power fosters resentment

Gardels 05 (Nathan, editor of *New Perspectives Quarterly* since it began publishing in 1985. Since January 2014 he has been editor-in-chief of *THEWORLDPOST*, “The Rise and Fall of America’s Soft Power,” *New Perspectives Quarterly*, winter 2005, [//kjz](https://onlinelibrarystatic.wiley.com/store/10.1111/j.1540-5842.2005.00718.x/asset/j.1540-5842.2005.00718.x.pdf?v=1&t=ib9nb68d&s=a861662ec00cfe0815f1f12ce5848ee8cb9ca038)

DOUBLE MESSAGE | America’s soft power thus carries a double message. It is a beacon of hope for the huddled masses who risk their lives to get here across the scorching desert from Mexico, on rickety rafts from Haiti or in the holds of rusty cargo ships from China; but it is also a satellite signal that inflames the pious and mobilizes the militant. Those who want what America has but can’t get it are stuck in their hopeless lives under corrupt and repressive regimes. On the other hand, those who don’t want it can’t escape its ubiquitous presence. Either way there is combustible resentment and anger across the Muslim world that, as v. s. Naipaul sees it, “their misfortune is due to the success of another civilization

AT: Terrorism

Soft power fails at combatting terrorism—empirics

Kroenig, McAdam, and Weber 10 (Matthew, Associate Professor and International Relations Field Chair in the Department of Government and School of Foreign Service at Georgetown University and a Senior Fellow in the Brent Scowcroft Center on International Security at The Atlantic Council; Melissa, Visiting Scholar at George Washington University’s Elliott School, in the Institute for Security and Conflict Studies; Steven, Professor at the Information School, University of California, Berkeley, “Taking Soft Power Seriously,” *Comparative Strategy*, 12/13/10, [//kjz](http://www.tandfonline.com/loi/ucst20)

The United States has also sought to apply soft power to counter ideological support for terrorism. Again, despite a concerted effort by the United States, global support for terrorist ideology shows no sign of abating and, according to some measures, may be increasing. The inability of the United States to counter ideological support for terrorism can be attributed to an environment

hostile to the application of soft power. The societies and groups to which the United States has targeted its message largely lack functioning marketplaces of ideas and the U.S. message is not credible to the target audience. For these reasons, the application of soft power has been an ineffective tool for countering ideological support for terrorism, despite the importance of individual attitudes as a driver of terrorist behavior. In the 2005 National Defense Strategy, the United States presented a three-pronged strategy for winning the war on terror.⁴⁸ The first two elements of the strategy, attacking terrorist networks and defending the homeland, were definitively in the realm of hard power. The third and, according to many Pentagon officials, the most important element of the strategy was “countering ideological support for terrorism.”⁴⁹ As part of this soft power strategy, the United States declared its intent to “Support models of moderation in the Muslim world by helping change Muslim misperceptions of the United States and the West.”⁵⁰ According to the 2006 National Strategy for Combating Terrorism, “winning the War on Terror means winning the battle of ideas.”⁵¹ A special task force on “strategic communications” was set up at the Defense Science Board that argued, “the United States is engaged in a generational and global struggle about ideas.”⁵² Under the leadership of Karen Hughes as Undersecretary of State for Public Diplomacy, the State Department established regional media hubs offering U.S. spokespeople with foreign language skills to speak on America’s behalf in media outlets throughout the Middle East.⁵³ The United States government also increased the budget for the United States Agency for International Development (USAID), the U.S. agency responsible for dispensing foreign aid, by 60 percent, from 5 billion in 1998 to 8 billion in 2003.⁵⁴ The United States funded a variety of pro-American media in the Muslim world, including H1 magazine, Radio Sawa, and the Al Hurra television station.⁵⁵ Furthermore, the United States established reeducation facilities, such as the “House of Wisdom” in Iraq, to teach moderate Muslim theology to detainees captured in the war on terror.⁵⁶ Despite this widespread effort to communicate throughout the Muslim world, the United States largely failed in its effort to apply soft power to its advantage in the war on terror by the end of the Bush administration. The war on terror will probably be a “generational struggle,” but it is nevertheless troubling that after a sustained multiyear effort to counter ideological support for terrorism, the United States made real progress on very few of its stated objectives. The United States, since 9/11, avoided a major terrorist attack, and while the causes of this can be debated, it is not likely the result of a waning of terrorist ideology globally, as is evidenced by the string of attacks in other parts of the world.⁵⁷ Terrorist ideology continued to flourish globally with the help of the internet.⁵⁸ The low public opinion of the United States in the Muslim world, often thought to be one of the factors contributing to terrorism against the United States and its allies, did not improve by the end of the Bush administration. In fact, a 2006 study found that people’s “attitudes toward U.S. foreign policy actually worsened slightly since they started listening to Radio Sawa and Al Hurra.”⁵⁹ The U.S. failure to use soft power effectively in the war on terror was severely pronounced in some of the most important countries. In Egypt and Pakistan, for example, 60 percent and 41 percent of their respective publics possessed either positive or mixed views of al Qaeda in 2006.⁶⁰ According to Doug Miller, chairman of the international polling firm Globescan, “The fact that so many people in Egypt and Pakistan have mixed or even positive views of al Qaeda is yet another indicator that the US war on terror is not winning hearts and minds.”⁶¹ Why did the United States fail in its effort to use soft power to counter ideological support for terrorism? Part of the reason was that the United States was not able to compete in a functioning marketplace of ideas in most of the societies where a threat of jihadi terrorism exists. In the 2006 National Strategy for Combating Terrorism, the United States acknowledges that “terrorists recruit more effectively from populations whose information about the world is contaminated by falsehoods and corrupted by conspiracy theories. The distortions keep alive grievances and filter out facts that would challenge popular prejudices and self-serving propaganda.”⁶² In other words, many countries of the Middle East and the broader Muslim world lack a functioning marketplace of ideas. They are disproportionately authoritarian.⁶³ These governments often take measures, generally for the purposes of domestic stability, that have the effect of preventing meaningful competition in their domestic marketplaces of ideas. Foreign media content containing ideas about democracy and freedom is filtered.⁶⁴ Radical religious groups, extremist parties, and fundamentalist madrassas are supported to shore up the legitimacy of secular regimes.⁶⁵ Domestic problems are externalized and blamed on an “imperial” United States.⁶⁶ The lack of a functioning marketplace of ideas in this region contributes to the pervasiveness of conspiracy theories.⁶⁷ Due in part to these phenomena, public opinion of U.S. foreign policy in 2005 was lower in the Middle East than in any other world region.⁶⁸ The inability of the United States to communicate in this region is aptly described by Norman Patizz, an American media entrepreneur, who notes that “there is a media war going on [in the Muslim world] with incitement, hate broadcasting, disinformation, government censorship, self-censorship, and America is not in the race.”⁶⁹

AT:Proliferation

No prolif impact

Colin H. **Kahl 13**, Senior Fellow at the Center for a New American Security and an associate professor in the Security Studies Program at Georgetown University's Edmund A. Walsh School of Foreign Service, Melissa G. Dalton, Visiting Fellow at the Center for a New American Security, Matthew Irvine, Research Associate at the Center for a New American Security, February, "If Iran Builds the Bomb, Will Saudi Arabia Be Next?"
http://www.cnas.org/files/documents/publications/CNAS_AtomicKingdom_Kahl.pdf

*cites Jacques Hymans, USC Associate Professor of IR***

111. LESSONS FROM HISTORY Concerns over "regional proliferation chains," "falling nuclear dominos" and "nuclear tipping points" are nothing new; indeed, reactive proliferation fears date back to the dawn of the nuclear age.¹⁴ Warnings of an inevitable deluge of proliferation were commonplace from the 1950s to the 1970s, resurfaced during the discussion of "rogue states" in the 1990s and became even more ominous after 9/11.¹⁵ In 2004, for example, Mitchell Reiss warned that "in ways both fast and slow, we may very soon be approaching a nuclear 'tipping point,' where many countries may decide to acquire nuclear arsenals on short notice, thereby triggering a proliferation epidemic." Given the presumed fragility of the nuclear nonproliferation regime and the ready supply of nuclear expertise, technology and material, Reiss argued, "a

single new entrant into the nuclear club could catalyze similar responses by others in the region, with the Middle East and Northeast Asia the most likely candidates."¹⁶ Nevertheless, **predictions of inevitable proliferation cascades have historically proven false** (see The Proliferation Cascade Myth text box). In the six decades since atomic weapons were

first developed, nuclear restraint has proven far more common than nuclear proliferation, and cases of reactive proliferation have been exceedingly rare. Moreover, most **countries that have started down the nuclear path have found the road more difficult than imagined**, both technologically and

bureaucratically. **Leading the majority** of nuclear-weapons aspirants **to reverse course**. Thus, despite frequent warnings of an unstoppable "nuclear express,"¹⁷

William Potter and Gaukhar Mukhatzhanova astutely note that the "train to date has been slow to pick up steam, has made fewer stops than anticipated, and usually has arrived much later than expected."¹⁸ None of this means that additional proliferation in response to Iran's nuclear ambitions is inconceivable, but the empirical record does suggest that regional chain reactions are not inevitable. Instead, only certain countries are candidates for reactive proliferation. Determining the risk that any given country in the Middle East will proliferate in response to Iranian nuclearization requires an assessment of the incentives and disincentives for acquiring a nuclear deterrent, the technical and bureaucratic constraints and the available strategic alternatives. Incentives and Disincentives to Proliferate Security considerations, status and reputational concerns and

the prospect of sanctions combine to shape the incentives and disincentives for states to pursue nuclear weapons. **Analysts predicting proliferation cascades tend to**

emphasize the incentives for reactive proliferation while ignoring or downplaying the disincentives. Yet, as it turns

out, **instances of nuclear proliferation (including reactive proliferation) have been so rare because going down this road often risks**

insecurity, reputational damage and economic costs that outweigh the potential benefits.¹⁹ Security

and regime survival are especially important motivations driving state decisions to proliferate. All else being equal, if a state's leadership believes that a nuclear deterrent is required to address an acute security challenge, proliferation is more likely.²⁰ Countries in conflict-prone neighborhoods facing an "enduring rival" – especially countries with inferior conventional military capabilities vis-à-vis their opponents or those that face an adversary that possesses or is seeking nuclear weapons – may be particularly prone to seeking a nuclear deterrent to avert aggression.²¹ A recent quantitative study by Philipp Bleek, for example, found that security threats, as measured by the frequency and intensity of conventional militarized disputes, were highly correlated with decisions to launch nuclear weapons programs and eventually acquire the bomb.²² The Proliferation Cascade Myth Despite repeated warnings since the dawn of the nuclear age of an inevitable deluge of nuclear proliferation, such fears have thus far proven largely unfounded. Historically, nuclear restraint is the rule, not the exception – and the degree of restraint has actually increased over time. In the first two decades of the nuclear age, five nuclear-weapons states emerged: the United States (1945), the Soviet Union (1949), the United Kingdom (1952), France (1960) and China (1964). However, in the nearly 50 years since China developed nuclear weapons, only four additional countries have entered (and remained in) the nuclear club: Israel (allegedly in 1967), India ("peaceful" nuclear test in 1974, acquisition in late-1980s, test in 1998), Pakistan (acquisition in late-1990s, test in 1998) and North Korea (test in 2006).²³ This significant slowdown in the pace of proliferation occurred despite the widespread dissemination of nuclear know-how and the fact that the number of states with the technical and industrial capability to pursue nuclear weapons programs has significantly increased over time.²⁴ Moreover, in the past 20 years, several states have either given up their nuclear weapons (South Africa and the Soviet successor states Belarus, Kazakhstan and Ukraine) or ended their highly developed nuclear weapons programs (e.g., Argentina, Brazil and Libya).²⁵ Indeed, by one estimate, 37 countries have pursued nuclear programs with

possible weapons-related dimensions since 1945, yet the overwhelming number chose to abandon these activities before they produced a bomb. Over time, **the number of nuclear**

reversals has grown while the number of states initiating programs with possible military dimensions **has** markedly

declined.²⁶ Furthermore – especially since the Nuclear Non-Proliferation Treaty (NPT) went into force in 1970 – reactive proliferation has been exceedingly rare. The NPT has near-universal membership

among the community of nations; only India, Israel, Pakistan and North Korea currently stand outside the treaty. Yet the actual and suspected acquisition of nuclear weapons by these outliers has not triggered widespread reactive proliferation in their respective neighborhoods. Pakistan followed India into the nuclear club, and the two have engaged in a vigorous arms race, but Pakistani nuclearization did not spark additional South Asian states to acquire nuclear weapons. Similarly, the North Korean bomb did not lead South Korea, Japan or other regional states to follow suit.²⁷ In the Middle East, no country has successfully built a nuclear weapon in the four decades since Israel allegedly built its first nuclear weapons. Egypt took initial steps toward nuclearization in the 1950s and then expanded these efforts in the late 1960s and 1970s in response to Israel's presumed capabilities. However, Cairo then ratified the NPT in 1981 and abandoned its program.²⁸ Libya, Iraq and Iran all pursued nuclear weapons capabilities, but only Iran's program persists and none of these states initiated their efforts primarily as a defensive response to Israel's presumed arsenal.²⁹ Sometime in the 2000s, Syria also appears to have initiated nuclear activities with possible military dimensions, including construction of a covert nuclear reactor near al-Kibar, likely enabled by North Korean assistance.³⁰ (An Israeli airstrike destroyed the facility in 2007.)³¹ The motivations for Syria's activities remain murky, but the nearly 40-year lag between Israel's alleged development of the bomb and Syria's actions suggests that reactive proliferation was not the most likely cause. Finally, even countries that start on the nuclear path have found it very difficult, and exceedingly time consuming, to reach the end. Of the 10 countries that launched nuclear weapons projects after 1970, only three (Pakistan, North Korea and South Africa) succeeded; one (Iran) remains in progress, and the rest failed or were reversed.³² The successful projects have also generally needed much more time than expected to finish. According to Jacques

Hymans, **the average time required to complete a nuclear weapons program has increased from seven** years prior to

1970 **to about 17 years** after 1970, **even as the hardware, knowledge and industrial base required for**

proliferation has expanded to more and more countries.³³ Yet throughout the nuclear age, many states with potential security incentives to develop nuclear weapons have nevertheless abstained from doing so.³⁴ Moreover, contrary to common expectations, recent statistical research shows that states with an enduring rival that possesses or is pursuing nuclear weapons are not more likely than other states to launch nuclear weapons programs or go all the way to acquiring the bomb, although they do seem more likely to explore nuclear weapons options.³⁵ This suggests that a rival's acquisition of nuclear weapons does not inevitably drive proliferation decisions. One reason that reactive proliferation is not an automatic response to a rival's acquisition of nuclear arms is the fact that security calculations can cut in both

directions. Nuclear weapons might deter outside threats, but **leaders have to weigh** these **potential gains against the possibility that**

seeking nuclear weapons would make the country or regime less secure by **triggering a regional arms race or** a preventive

attack by outside powers. Countries also have to consider the possibility that **pursuing nuclear weapons will** produce **strain** in

strategic **relationships with** key **allies** and security patrons. If a state's leaders conclude that their overall security would decrease by building a bomb, they are not likely to do so.³⁶ Moreover, although security considerations are often central, they are rarely sufficient to motivate states to develop nuclear weapons. Scholars have noted the importance of other factors, most notably the perceived effects of nuclear weapons on a country's relative status and influence.³⁷ Empirically, the most highly motivated states seem to be those with leaders that simultaneously believe a nuclear deterrent is essential to counter an existential threat and view nuclear weapons as crucial for maintaining or enhancing their international status and influence. Leaders that see their country as naturally at odds with, and naturally equal or superior to, a threatening external foe appear to be especially prone to pursuing nuclear weapons.³⁸ Thus, as Jacques Hymans argues, extreme levels of fear and pride often "combine to produce a very strong tendency to reach for the bomb."³⁹ Yet here too, leaders contemplating acquiring nuclear weapons have to balance the possible increase to their prestige and influence against the normative and reputational costs associated with violating the Nuclear Non-Proliferation Treaty (NPT). If a country's leaders fully embrace the principles and norms embodied in the NPT, highly value positive diplomatic relations with Western countries and see membership

in the "community of nations" as central to their national interests and identity, they are likely to worry that developing nuclear weapons would damage (rather than bolster) their reputation and influence, and thus they will be less likely to go for the bomb.⁴⁰ In contrast, countries with regimes or ruling coalitions that embrace an ideology that rejects the Western dominated international order and prioritizes national self-reliance and autonomy from outside interference seem more inclined toward proliferation regardless of whether they are signatories to the NPT.⁴¹ Most countries appear to fall in the former category, whereas only a small number of "rogue" states fit the latter. According to one count, before the NPT went into effect, more than 40 percent of states with the economic resources to pursue nuclear programs with potential military applications did so, and very few renounced those programs. Since the inception of the nonproliferation norm in 1970, however, only 15 percent of economically capable states have started such programs, and nearly 70 percent of all states that had engaged in such activities gave them up.⁴² The prospect of being targeted with economic sanctions by powerful states is also likely to factor into the decisions of would-be proliferators. Although sanctions alone proved insufficient to dissuade Iraq, North Korea and (thus far) Iran from violating their nonproliferation obligations under the NPT, this does not necessarily indicate that sanctions are irrelevant. A potential proliferator's vulnerability to sanctions must be considered. All else being equal, the more vulnerable a state's economy is to external pressure, the less likely it is to pursue nuclear weapons. A comparison of states in East Asia and the Middle East that have pursued nuclear weapons with those that have not done so suggests that countries with economies that are highly integrated into the international economic system – especially those dominated by ruling coalitions that seek further integration – have historically been less inclined to pursue nuclear weapons than those with inward-oriented economies and ruling coalitions.⁴³ A state's vulnerability to sanctions matters, but so too does the leadership's assessment regarding the probability that outside powers would actually be willing to impose sanctions. Some would-be proliferators can be easily sanctioned because their exclusion from international economic transactions creates few downsides for sanctioning states. In other instances, however, a state may be so vital to outside powers – economically or geopolitically – that it is unlikely to be sanctioned regardless of NPT violations. Technical and Bureaucratic Constraints In addition to motivation to pursue the bomb, a state must have the technical and bureaucratic wherewithal to do so. This capability is partly a function of wealth. Richer and more industrialized states can develop nuclear weapons more easily than poorer and less industrial ones can; although as Pakistan and North Korea demonstrate, cash-strapped states can sometimes succeed in developing nuclear weapons if they are willing to make enormous sacrifices.⁴⁴ A country's technical know-how and the sophistication of its civilian nuclear program also help determine the ease and speed with which it can potentially pursue the bomb. The existence of uranium deposits and related mining activity, civilian nuclear power plants, nuclear research reactors and laboratories and a large cadre of scientists and engineers trained in relevant areas of chemistry and nuclear physics may give a country some "latent" capability to eventually produce nuclear weapons. Mastery of the fuel-cycle – the ability to enrich uranium or produce, separate and reprocess plutonium – is particularly important because this is the essential pathway whereby states can indigenously produce the fissile material required to make a nuclear explosive device.⁴⁵ States must also possess the bureaucratic capacity and managerial culture to successfully

complete a nuclear weapons program. Hymans convincingly argues that many recent would-be proliferators have weak state institutions that permit, or even encourage, **rulers to take a**

coercive, authoritarian **management approach to their nuclear programs. This** approach, in turn, politicizes and ultimately **undermines nuclear projects by gutting the autonomy** and professionalism **of the very scientists, experts and organizations needed to** successfully **build the bomb.**⁴⁶ Alternative Sources of Nuclear Deterrence Historically, the availability of credible security

guarantees by outside nuclear powers has provided a potential alternative means for acquiring a nuclear deterrent without many of the risks and costs associated with developing an indigenous nuclear weapons capability. As Bruno Tertrais argues, nearly all the states that developed nuclear weapons since 1949 either lacked a strong guarantee from a superpower (India, Pakistan and South Africa) or did not consider the superpower's protection to be credible (China, France, Israel and North Korea). Many other countries known to have pursued nuclear weapons programs also lacked security guarantees (e.g., Argentina, Brazil,

Egypt, Indonesia, Iraq, Libya, Switzerland and Yugoslavia) or thought they were unreliable at the time they embarked on their programs (e.g., Taiwan). In contrast, several **potential proliferation**

candidates appear to **have abstained from developing the bomb** at least **partly because of** formal or informal

extended deterrence guarantees from the United States (e.g., Australia, Germany, Japan, Norway, South Korea and Sweden).⁴⁷ All told, a recent

quantitative assessment by Bleek finds that **security assurances have empirically** significantly **reduced proliferation** proclivity among recipient countries.⁴⁸ Therefore, if a country perceives that a security guarantee by the United States or another nuclear power is both available and credible, it is less likely to pursue nuclear weapons in reaction to a rival developing them. This option is likely to be particularly attractive to states that lack the indigenous capability to develop nuclear weapons, as well as states that are primarily motivated to acquire a nuclear deterrent by security factors (as opposed to status-related motivations) but are wary of the negative consequences of proliferation.

Ext. Alt Causes to HR Cred

Lack of CIA torture accountability

Hudson, 14- B.A. in International Relations and a minor in Middle Eastern Languages, Literatures and Cultures, focusing on the Arabic language. Studied international humanitarian law and public policy at the University of Oxford (Adam, "UN Human Rights Committee Finds US in Violation on 25 Counts", Truth Out, 4/4/14, <http://www.truth-out.org/news/item/22887-un-human-rights-committee-finds-us-in-serious-violation>)/KTC

Accountability for Bush-Era Crimes; Torture The UN committee expressed concerned with "the limited number of investigations, prosecutions and convictions of members of the Armed Forces and other agents of the US government, including private contractors" for "unlawful killings in its international operations" and "torture" in CIA black sites during the Bush years. It welcomed the closing of the CIA black sites, but criticized the "meagre number of criminal charges brought against low-level operatives" for abuses carried out under the CIA's rendition, interrogation and detention program. The committee also found fault with the fact that many details of the CIA's torture program "remain secret, thereby creating barriers to accountability and redress for victims." In response to the 9/11 terrorist attacks, the Bush administration jettisoned the Constitution and international law and openly embraced the use of torture against suspected terrorists captured overseas. The CIA tortured people in secret prisons around the world known as "black sites." Torture was sanctioned from the top down. Then-President George W. Bush, Vice President Dick Cheney, Defense Secretary Donald Rumsfeld, National Security Advisor Condoleezza Rice, lawyers and many others in the executive branch played roles in crafting nifty ways to justify, approve and implement the use of torture. Rather than be held accountable, the top-level government officials responsible for authorizing torture and other crimes have been given comfort in the public sphere. Condoleezza Rice returned to Stanford University as a political science professor. John Yoo, who authored the torture memos, is a law professor at UC Berkeley. Jose Rodriguez, a former CIA officer in the Bush administration, vigorously defends torture in his autobiography and interviews. George W. Bush, Dick Cheney and Donald Rumsfeld are able to rest comfortably in retirement and continue to defend their records. Of the report's 25 issues, four looked at racial

disparities within the United States' criminal justice system and law enforcement practices. In the Guantanamo military commissions, evidence of torture is concealed. A "protective order" restricts what defense lawyers and the accused can say about how the defendants were treated in CIA black sites, including details of torture, because that information is classified. Defense lawyers have been fighting for declassification of those details, as they are mitigating evidence. The potential release of portions of the Senate Intelligence Committee's report on the CIA torture program could tip the scale the defense attorneys' favor. "There is every reason to believe the SSCI [Senate Select Committee on Intelligence] Report contains information about the CIA's torture of Mr. al Baluchi," said defense attorney James Connell, who represents Ammar al-Baluchi, one of the five 9/11 defendants, in a press statement. "The SSCI knows the truth of what happened, and the military commission considering whether to execute Mr. al Baluchi should know too."

US racial profiling is criticized internationally

Hudson, 14- B.A. in International Relations and a minor in Middle Eastern Languages, Literatures and Cultures, focusing on the Arabic language. Studied international humanitarian law and public policy at the University of Oxford (Adam, "UN Human Rights Committee Finds US in Violation on 25 Counts", Truth Out, 4/4/14, <http://www.truth-out.org/news/item/22887-un-human-rights-committee-finds-us-in-serious-violation>)/KTC

Racism in the Prison System; Racial Profiling; Police Brutality Of the report's 25 issues, four looked at racial disparities within the United States' criminal justice system and law enforcement practices. It denounced the "racial disparities at different stages in the criminal justice system, sentencing disparities and the overrepresentation of individuals belonging to racial and ethnic minorities in prisons and jails." The committee condemned racial profiling by police and FBI/NYPD surveillance of Muslims - but it did welcome plans to reform New York City's "stop and frisk" program. It also denounced the continuing use of the death penalty and "racial disparities in its imposition that affects disproportionately African Americans." Finally, it expressed concern at "the still high number of fatal shootings by certain police forces" and "reports of excessive use of force by certain law enforcement officers including the deadly use of tasers, which have a disparate impact on African Americans, and the use of lethal force by Customs and Border Protection (CBP) officers at the US-Mexico border." The United States contains the largest prison population in the world, holding over 2.4 million people in domestic jails and prisons, immigration detention centers, military prisons, civil commitment centers and juvenile correctional facilities. Its prison population is even larger than those of authoritarian governments like China and Russia, which, respectively, hold 1,640,000 and 681,600 prisoners, according to the International Centre for Prison Studies. More than 60 percent of the US prison population are people of color. African Americans, while 13 percent of the national population, constitute nearly 40 percent of the prison population. Moreover, one in every three black males can expect to go to prison in their lifetime, compared to one in every six Latino males, and one in every 17 white males. Thus, black men are six times more likely to be incarcerated than white men. Even though whites and blacks use drugs at roughly the same rates, African Americans are more likely to be imprisoned for drug-related offenses than whites. Every 28 hours, a black person is killed by a police officer, security guard, or self-appointed vigilante, according to a report by the Malcolm X Grassroots Movement. Recently in New York City, NYPD brutalized two teenage African-American girls at a Chinese restaurant in Brooklyn. A 16-year-old girl's face was slammed against the floor, while police threw the 15-year-old through the restaurant's window, shattering it as a result. The incident started when police ordered everyone to leave the restaurant, but one of the girls refused. While police violence against people of color has long existed, the militarization of American police exacerbates this trend. This trend began when Richard Nixon inaugurated the War on Drugs in the 1970s. Then in 1981, President Ronald Reagan signed the Military Cooperation with Civilian Law Enforcement Agencies Act, which provided civilian police agencies with military equipment, training, advice and access to military research and facilities. When 9/11 hit, police militarization kicked into overdrive with the creation of the Department of Homeland Security, which has given police still greater access military equipment like armored personnel carriers and high-powered weapons for anti-terrorism purposes. Now police look, act and think like the military, with dangerous consequences for the communities they serve. Among the report's suggestions to curb excessive police violence were better reporting of incidents, accountability for perpetrators, and "ensuring compliance with the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers". The Basic Principles include a number of provisions, including "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms" and "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law."

Guantanamo Bay and indefinite detention violates international law

Hudson, 14- B.A. in International Relations and a minor in Middle Eastern Languages, Literatures and Cultures, focusing on the Arabic language. Studied international humanitarian law and public policy at the University of Oxford (Adam, "UN Human Rights Committee Finds US in Violation on 25 Counts", Truth Out, 4/4/14, [//KTC](http://www.truth-out.org/news/item/22887-un-human-rights-committee-finds-us-in-serious-violation)

Guantanamo, Indefinite Detention President Obama recommitted himself to closing the prison in Guantanamo last year, but has made little progress, which the UN report noted. The committee said it "regrets that no timeline for closure of the facility has been provided." It also expressed concern that "detainees held in Guantanamo Bay and in military facilities in Afghanistan are not dealt with within the ordinary criminal justice system after a protracted period of over a decade in some cases." The report called on the United States to expedite the transfer of prisoners out of Guantanamo, close the prison, "end the system of administrative detention without charge or trial" and "ensure that any criminal cases against detainees held in Guantanamo and military facilities in Afghanistan are dealt with within the criminal justice system rather than military commissions and that those detainees are afforded fair trial guarantees." Indefinite detention violates international human rights law, but has been embraced by Obama ever since he stepped into the White House. Currently, 154 men remain held in the prison at Guantanamo Bay. Of those, 76 are cleared for release; around four dozen will remain in indefinite detention; 20 can be "realistically prosecuted," according to chief prosecutor Brig. Gen. Mark Martins' estimate; six are being tried in military commissions and two are serving sentences after being convicted in the commissions. President Obama promised to close Guantanamo right when he stepped into office. However, he has yet to fulfill that promise. Congressional obstructionism, especially from the Republican Party, has stalled his plans. For a long time, Congress blocked funding for transferring Guantanamo prisoners. Recently, though, Congress eased those restrictions, making it easier to transfer prisoners to other countries, but not to the United States. While the Obama administration is working to close the prison at Guantanamo, it maintains the policy of indefinite detention without trial, designating nearly four dozen Guantanamo prisoners for forever imprisonment. Obama's original plan to close Guantanamo was to open a prison in Illinois to hold Guantanamo detainees, many indefinitely. While soon killed, this plan would have effectively moved the system of indefinite detention from Guantanamo to US soil. Now the Obama administration is considering opening a prison in Yemen to hold the remaining Guantanamo prisoners, many of whom are Yemeni. Indefinite detention violates international human rights law, but has been embraced by Obama ever since he stepped into the White House. The 2012 National Defense Authorization Act (NDAA) that Obama signed into law contains sections that allow for the indefinite detention of US citizens on American soil.

Ext. Inevitable Bad Image

Lack of transparency and assessment of all drone strikes make backlash inevitable

Lewis, 14- Principal Research Scientist in CNA Corporation's Operations and Tactics Analysis division. Former research analyst and field representative for CNA Corporation's Operations Evaluation Group. Primary author for many of DOD's Joint Lessons Learned studies on Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). He led three studies performed in support of GEN Petraeus, addressing High Value Targeting and ISR, urban operations in Iraq, and the Coalition strategy against Al Qaeda in Iraq. He serves as the U.S. National Leader for the multinational (Australia-Canada-United Kingdom-United States) analysis group TTCP Focus Area 7 (Fratricide Mitigation). Lewis received CNA Corporation's Phil E. DePoy Award for Analytical Excellence in 2003, held a NASA Summer Faculty Fellowship in 1997, was the 1994 winner of the American Physical Society/HARC Super Prize, and has held a Robert E. Welch pre-doctoral fellowship. Lewis earned a B.S. in Chemistry from the College of William and Mary and a Ph.D. in Chemistry from Rice University. (Lawrence, "Drone Strikes in Pakistan Reasons to Assess Civilian Casualties", CNA Analysis & Solutions, 4/10/14, [//KTC](https://www.cna.org/research/2014/drone-strikes-pakistan)

Civilian casualties are one consideration in the debate concerning which department or agency of the U.S. government would be best suited for continuing the drone campaign. We observe that drone strikes in Pakistan were more likely to cause civilian casualties on average than drone strikes by military forces in Afghanistan. Although there are key differences in the two campaigns, this observation warrants further examination (also reserved for a subsequent paper). Overall, it is both possible and worthwhile for the U.S. to conduct an independent assessment of civilian casualties resulting from drone strikes in Pakistan and elsewhere. This assessment could be provided to the legislative and executive branches to improve transparency and permit proper oversight of these operations. This would also help ensure that official U.S. statements reflect operational realities, helping to guard the credibility and reputation of the U.S. In addition, a process could be put into place to respond to drone-strike civilian casualties with consequence management actions—including amends—when they occur from such strikes. This practice could adapt successful U.S. measures taken in Afghanistan, and would be consistent with recent legislation governing military operations. Collectively, an assessment process for civilian harm, coupled with measures to address such harm when it is caused, would demonstrate the U.S. concern for civilians while also reducing grievances that can exacerbate threats to the U.S. in the longer term. These initiatives would help the U.S. demonstrate its stated commitment to the responsible use of force and to do all it can to minimize civilian harm in its operations.

Lack of recognition of civilian casualties tanks US perception

New York Times, 11- Cites studies done by the Bureau of Investigative Journalism (“The C.I.A. and Drone Strikes: To build credibility, the agency needs to acknowledge civilian casualties”, The New York Times, 8/14/11, Lexis Nexis)//KTC

Perfection is rare in life; in war, rarer still. Yet the Central Intelligence Agency says it has a yearlong perfect record of no civilian deaths from its campaign of drone strikes in Pakistan. We find that hard to believe. So do many Pakistanis, journalists and independent experts, including those who support the drone program. Lacking proof, the claim fuels skepticism about American intentions and harms United States-Pakistani relations. The Obama administration has vastly expanded the shadow war against terrorists, using the military and the C.I.A. to track down and kill them in a dozen countries. Pakistan -- home base to Taliban and Al Qaeda militants -- is the leading edge of robotic warfare. According to The Times's Scott Shane, the C.I.A. says that since May 2010 drones have killed more than 600 militants in Pakistan and not a single noncombatant. Since 2001, the totals are almost as striking: 2,000 militants, and 50 noncombatants. A new report by the Bureau of Investigative Journalism at City University in London tells a different story. It says that most of the 1,842 people killed in more than 230 strikes ordered by President Obama in Pakistan since 2008 were militants, but at least 218 may have been civilians. And while "civilian casualties do seem to have declined in the past year," the bureau still found "credible evidence" of at least 45 noncombatants killed. It is almost as if there were parallel realities. The C.I.A. contends that a May 6 strike on a pickup truck along the Afghan border wiped out only the intended targets: nine militants and their bomb-making materials. But British and Pakistani journalists say the missiles hit a religious school, an adjoining restaurant and a house -- killing 12 militants and six civilians. There is no question that the drone program has been successful, enabling the United States to disrupt Al Qaeda and its allies in Pakistan's lawless border region. It is true that the precision technology and American efforts have kept noncombatant deaths to a minimum. And in the remote region of North Waziristan, where most strikes occur, it is hard to find the truth. But no civilian casualties? The strikes have long been controversial in Pakistan, fueling anti-American sentiments. Washington's refusal to be more transparent about the program is counterproductive. It should provide as much public detail as possible, including civilian casualties. Pakistan's government needs to end its duplicity: privately allowing the strikes, yet publicly condemning them. Drones are becoming central to modern warfare. The United States needs to be honest about what it can do and about its failings as well. It will have little ground on which to fault other countries for strikes that cause civilian casualties if it does not own up to its own errors, compensate victims' families and keep working hard to make fewer errors in the future.

Fund HUMINT CP

1nc

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Text: The USFG should substantially boost the HUMINT budget.

Solves the Aff – their only internal link to HUMINT is a resource tradeoff. We resolve that.

Koch'1

et al; Andrew R. Koch is the Senior Vice President for Defense and Homeland Security issues at Scribe. An expert on communications and the media, as well as market assessments for domestic and international defense clients, he leads Scribe's practice in providing such services as development and implementation of strategic communications planning, media outreach support, as well as evaluation of defense companies and related government programs. Scribe is a Strategic Advising firm. Article Title: "Chronic HUMINT under funding blamed for security failures" - Jane's Defence Weekly - vol. 36, no. 12, 37153, p. 4

In the aftermath of the carnage in New York and Washington DC (September 11, 2001) hundreds of questions will be asked as to how such an audacious and co-ordinated attack could have happened. This latest act of terrorism, although the most horrific to date, is not the first time that the US Government has been caught unaware. Indeed the subject of 'asymmetric warfare' - the use of terrorist methods to strike at weaknesses in the societies of western countries - has been a worry of strategic planners in the US for most of the 1990's. One possible contributing factor to this failure of the intelligence and security system could be the lack of resources the US has devoted to human intelligence (HUMINT) capabilities throughout the past decade. While national technical means continued to receive high levels of funding for surveillance satellites, signals intelligence flights and other eavesdropping technologies, human-based intelligence capabilities have withered. Areas such as analysis, linguistic skills, cultivation of agent networks, and 'tradecraft' were all of paramount importance during the Cold War, particularly before the advent of space-based intelligence assets, but have suffered a lack of resources of late. This shortfall has been exacerbated by the growing demand that increased technical intelligence has placed on people who must process the vast amounts of resulting data and prioritise it. The US intelligence community must work to close the gap between the amount of raw intelligence it can gather and the quantity it can process, analyse, and disseminate.

2nc

2nc- solvency

HUMINT requires better integration with tech and more funding – only the cp solves
Sano, 14 – Association of Former Intelligence Officer, Former Deputy Director National Clandestine Service Central Intelligence Agency. Bachelor's Degree in Political Science and a Master's in Asian Studies from St. John's University and a Master's of International Affairs from Columbia University. (John, "Guide to the Study of Intelligence The Changing Shape of HUMINT Draft", Association of Former Intelligence Officers, 11/24/14)//KTC

The Intelligence Community will continue to undergo change. Influenced as much by domestic politics as developments beyond our borders. Despite technological advances, HUMINT will continue to occupy a critical role in providing intelligence to U.S. policymakers. Discerning plans and intentions can only come from the recruitment of human sources. Even information stored digitally often requires human access; and even with data that is extracted electronically, there is still the requirement to interpret those documents and how they fit into the larger context. Human beings are essential to all processes and

operations – whether they are public or privately based. As such they are the first and last line of security. They are also the first and last entry points into the intelligence arena. As we continue to advance technologically, in essence making our world smaller, the potential threats posed by these advancements will make both protecting and exploiting real secrets exponentially more difficult. In addition, as these challenges continue to grow, those tasked with addressing them will need to adjust at a much more rapid rate. This applies both to field operatives as well as to their managers. As described above, the differences in experience and cultural expectations will continue to exacerbate the relationship, but only temporarily as the “old guard,” or “digital immigrants” gradually gives way to the “new guard,” or “digital natives.” Traditional approaches to espionage – while forming the bedrock for HUMINT, will have to be further augmented. The next generation of operatives and their managers will need to be more familiar with, if not adept at, technological augmentation. Augmentation, not replacement. While the tendency to rely increasingly on technology to make HUMINT collection more efficient is commendable, adherence to the core principals will ensure that human operations remain as secure as possible. Constrained budgets, while often cyclical in nature, will likely remain flat, if not decreased, over the next several years or longer. The Intelligence Community, for many years immune to the exigencies of financial debate within Congress – particularly during times of crises – is no longer exempt. While the old adage, “there will always be money for good operations” will remain fairly constant, what constitutes “good operations” may likely shift – dependent upon the prevailing political wind and the prioritization of competing requirements (both operational and structural/administrative). In addition, hiring and promotions within the IC are contingent to a significant degree on the availability of funds. While both will continue – hiring dependent on attrition rates and promotions on performance metrics – the availability of both will be diminished. The impact on the future generation of officers cannot be underestimated. With a workforce that can be expected to remain, on average 7 years, any limitations on advancement could have a deleterious effect on morale as well as retention. Today’s IC officers are however, exceptionally adaptive, and resilient. Though they may stay for a shorter period of time than their predecessors, their accomplishments

Terror DA Turns

Info Overload

2NC – Data Matters

The haystack matters – specific link to metadata – also turns case

Porter, 15

(R.C. Porter, Retired Intelligence Official with more than 33 years of experience in both the military and civilian affairs, M.S. Middle Eastern Studies/National Security Policy Studies, Elliott School of International Affairs, George Washington University. One year study program, National Defense University/Industrial College of the Armed Forces — National Security Resource Management, 1994. B.A., Criminal Justice, Louisiana State University, Baton Rouge Louisiana, May, 1979, “**THE DUMBING DOWN OF U.S. INTELLIGENCE; AND, WHY METADATA, AND THE ‘HAYSTACK’ MATTER — IN COMBATING TERRORISM AND PROTECTING THE U.S. HOMELAND – ‘YOU NEED A HAYSTACK...TO FIND A NEEDLE’**”, <http://fortunascorner.com/2015/05/11/the-dumbing-down-of-u-s-intelligence-and-why-metadata-and-the-haystack-matter-in-combating-terrorism-and-protecting-the-u-s-homeland-you-need-a-haystack-to-find-a-needle/>, May 11, 2015, ak.)

The above is the title of an Op-Ed by Gordon Crovitz in the May 11, 2015 edition of The Wall Street Journal. Mr. Crovitz begins by noting that “FBI Director James Comey warned last week that the American Islamists who tried to assassinate free-speech advocates at a cartoon exhibition near Dallas, Texas.....are not alone. There are “hundreds, maybe thousands” of potential terrorists in the U.S. being inspired by overseas groups.” “The haystack is the entire country.” he said. “We are looking for needles; but, increasingly the needles are unavailable to us.” “The needles will be even harder to find, if Congress weakens the Patriot Act, by reducing the intelligence available to national security,” and law enforcement agencies. “With the rise of the Islamic State and its global recruiting tools, intelligence agencies should be allowed to join the “big data” revolution.” Mr. Crovitz wrote. “Edward Snowden’s data theft raised privacy alarms; but, by now — it’s clear that no one working for the National Security Agency (NSA), leaked confidential data — other than Snowden himself,” Mr. Crovitz correctly observes. “He evaded the 300 lawyers and compliance officers who monitor how NSA staff use data.” “POTUS Obama, last year, recalled how the 9/11 hijackers escaped detection — because laws prohibited NSA from gathering and connecting the dots. He explained that the Patriot Act was passed, to “address a gap identified after 911,” by having intelligence agencies collect anonymous metadata — date, time, and duration of phone calls. But, POTUS Obama reversed himself and now wants to gut the program,” Mr. Crovitz warns. “Instead of the NSA gathering call information, phone companies would hold the data. With multiple, unconnected databases, the NSA would no longer be able to access data to mine. There wouldn’t be dots to connect to threats. As for privacy, the phone companies’ databases would be less secure than the NSA’S.” “Lawmakers will decide this month whether to extend the Patriot Act or, to water it down. Instead, they should update it to maximize both privacy, and intelligence,” Mr. Crovitz argues. “Technology now has the answer, if only politicians would get out of the way.” “Recent innovations in big data allow staggering amounts of information to be collected and mined. These data deliver correlations based on an individually anonymous basis. This work was originally done to support the chief revenue engine of the Internet — advertising. The technology generates increasingly targeted marketing messages based on an individuals’ online activities.” “The techniques have other applications. Google used them to become better than the Centers for Disease Control and Prevention, at predicting flu outbreaks by monitoring search terms like “flu medicine,” by location. Canadian researchers studied thousands of premature babies, and identified symptoms that precede fevers. Cities apply predictive policing by mining online data to assign cops where they’re needed.” “The fast shift to self-driving cars is possible, because of data transmitted among vehicles. Small drones share data that keep them from crashing into one another. A Brown University researcher discovered how banks could use metadata about people’s cell phone usage to determine their creditworthiness.” “The Patriot Act was written in 2001, before any of these advances. It lets the NSA keep anonymous data about who is calling whom for

five years; but, it isn't able to apply algorithms to find suspicious patterns. Analysts may examine call logs for suspicious links, only if there is a pre-existing "reasonable, articulable suspicion" of terrorism, or another threat to national security. There were 170 such searches last year, [2014]. "Before the Snowden leaks two years ago, Intelligence agencies had planned to ask Congress to broaden their access to anonymous data — so they could use modern tools of big data. Technology has moved far ahead, leaving intelligence -gathering stupider." Mr. Crovitz wrote. "A measure of how far behind the technology curve the intelligence agencies have become is that one of the would-be cartoon killers posted a message on Twitter beforehand, with the hashtag #TexasAttack. Law enforcement [authorities] didn't spot it until after the attack. In contrast, algorithms for delivering advertising parse signals such as hashtags to deliver relevant ads in real time... before the online page loads." "In their 2013 book, "Big Data: A Revolution That Will Transform How We Live, Work, And Think," Viktor Mayer-Schonberger and Kenneth Cukier describe the history of information: "As centuries passed, we opted for more information flows rather than less, and to guard against its excesses — not primarily through censorship; but, through rules that limited the misuse of information." In conclusion, Mr. Crovitz writes, "Congress should insist that the NSA ensure its data are used properly — no more Snowdens — but, also give the agency authority to catch up to how the private sector uses data. Politicians should update the Patriot Act by permitting the intelligence use of data to prevent terrorism." Mapping Terror Networks: Why Metadata And The 'Haystack' Matters Philip Mudd, former Deputy Director of the CIA's Counter-Terrorism Center, and Senior Intelligence Adviser to the FBI, [at the time his article was published], wrote an Op-Ed in the Dec. 30, 2014 Wall Street Journal noting that the CIA, FBI, and the entire U.S. Intelligence Community and national security establishment had devoted countless hours as to "how best can [we] clarify [and posture ourselves regarding] the blurring picture of an emerging terror conspiracy [aimed at the United States] originating overseas, or inside the United States. "How can we identify the key players (network/link analysis) and the broader network of their fundraisers [enablers], radicalizers, travel facilitators and others... quickly enough so that they can't succeed?," as well as protect civil liberties. "And," Mr. Mudd adds, "how do we ensure that we've 'mapped' the network enough to dismantle it?; or at a minimum, disrupt it?" Mr. Mudd observes, "in essence, **you need a haystack — in order to find a needle**." Last year, Federal Appeals Court Judge William H. Pauley ruled NSA metadata collection lawful; and added, "the government needs a wide net that can isolate gossamer contacts among suspected terrorists in an ocean of seemingly disconnected data; HUMINT is the more desirable method of collecting this kind of information — but, gathering critical HUMINT is often difficult and time consuming," not to mention that the Obama administration has been great at droning terrorists; but, hasn't added a single individual to Guantanamo Bay Prison. Dead men tell no tales. **You can't get critical HUMINT — if you stick your head in the sand and refuse to establish an interrogation facility** for this very purpose. Treating terrorists as criminals to be tried in a 'normal' court of law is absurd, counterproductive, and dangerous. As Mr. Mudd wrote at the time, "mapping a network of people is simple in concept; but, complex in practice: find the key operators, and then find the support group. Map a network poorly, and you may miss peripheral players who will recreate a conspiracy after the core of conspirators are arrested. The goal," Mr. Mudd said, "is to eliminate the entire spider-web of conspiracy; cutting off a piece like an arm of a starfish, is a poor second choice — the starfish's arm — regenerates." "Investigators also need an historical pool of data," Mr. Mudd argued at the time, "that they can access only when they have information that starts with a known, or suspected conspirator — in the middle of a spider-web they don't fully understand," and is missing a few corners. Who is watchers is a legitimate concern; and, a healthy skepticism about government claims for access to even more personal data... is desirable, warranted, and needed. But, the further and further we move away — in time — from the September 11, 2001 terrorist attack here on the U.S. homeland — the more we seem to lose the raison d' tere for why we passed the Patriot Act in the first place. As the Intelligence Community and Law Enforcement authorities with respect to the mass collection of phone data are allowed to atrophy and erode — our ability to ferret out and discover potential terrorist attacks against the U.S. homeland also decay. I am not sure I know the right answer as to where the balance lied — between the protection of civil liberties, versus the requirement to collect 'enough' data — that enables our intelligence and law enforcement professionals to — connect the dots. But, I think I know one thing for sure. If we do suffer a large-scale terrorist event here at home — on the scale of 9/11 or worse — and, it is determined that we likely would have been able to discover this event before hand — if we had allowed a more reasonable big data mining strata — there will be hell to pay — and, perhaps a Patriot Act on steroids. It is easy to criticize law enforcement and intelligence agencies desires for greater authority and flexibility in regards to the collection of data; but, how you see it — depends on where you sit. If you are charged with protecting the American homeland, it is a very difficult balancing act — with few clear answers.

Data mining matters and empirically works

Schmitt et al, 13

(Eric Schmit, 2 Pulitzer Prizes, Harvard University's Executive Program on National and International Security in 1991. Mr. Schmitt completed a Knight Journalism Fellowship at Stanford University, David E. Sanger, Charlie Savage, received a Pulitzer Prize for National Reporting in 2007 for his coverage of presidential signing statements for the Globe. Other awards he earned while at the Globe include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency, "Administration Says **Mining of Data is Crucial to Fight Terror**", <http://www.nytimes.com/2013/06/08/us/mining-of-data-is-called-crucial-to-fight-terror.html>, June 8, 2013, ak.)

WASHINGTON — In early September 2009, an e-mail passed through an Internet address in Peshawar, Pakistan, that was being monitored by the vast computers controlled by American intelligence analysts. It set off alarms. The address, linked to senior Qaeda operatives, had been dormant for months. Investigators worked their way backward and traced the e-mail to an address in Aurora, Colo., outside Denver. It took them to Najibullah Zazi, a 24-year-old former coffee cart operator, who was asking a Qaeda facilitator about how to mix ingredients for a flour-based explosive, according to law enforcement officials. A later e-mail read: "The marriage is ready" — code that a major attack was planned. What followed in the next few days was a cross-country pursuit in which the police stopped Mr. Zazi on the George Washington Bridge, let him go, and after several false starts, arrested him in New York. He eventually pleaded guilty to plotting to carry out backpack bombings in the city's subway system. It is that kind of success that President Obama seemed to be referring to on Friday in California when he defended the National Security Agency's stockpiling of telephone call logs of Americans and gaining access to foreigners' e-mail and other data from Microsoft, Google, Yahoo and other companies. He argued that "modest encroachments on privacy" — including keeping records of phone numbers called and the length of calls that can be used to track terrorists, though not listening in to calls — were "worth us doing" to protect the country. The programs, he said, were authorized by Congress and regularly reviewed by federal courts. But privacy advocates questioned the portrayal of the program's intrusion on Americans' communications as modest. When Americans communicate with a targeted person overseas, the program can vacuum up and store for later searching — without a warrant — their calls and e-mails, too. Mr. Obama acknowledged that he had hesitations when he inherited the program from George W. Bush, but told reporters that he soon became convinced of its necessity. "You can't have 100 percent security and also then have 100 percent privacy and zero inconvenience," he said. "We're going to have to make some choices as a society." To defenders of the N.S.A., the Zazi case underscores how the agency's Internet surveillance system, called Prism, which was set up over the past decade to collect data from online providers of e-mail and chat services, has yielded concrete results. "We were able to glean critical information," said a senior intelligence official, who spoke on the condition of anonymity. "It was through an e-mail correspondence that we had access to only through Prism." John Miller, a former senior intelligence official who now works for CBS News, said on "CBS This Morning," "That's how a program like this is supposed to work." Veterans of the Obama intelligence agencies say the large collections of digital data are vital in the search for terrorists. "If you're looking for a needle in the haystack, you need a haystack," Jeremy Bash, chief of staff to Leon E. Panetta, the former C.I.A. director and defense secretary, said on MSNBC on Friday.

2) Hindsight and foresight – ensures terrorists don't slip through the cracks

Hines, 13

(Pierre Hines is a defense council member of the Truman National Security Project, "Here's how metadata on billions of phone calls predicts terrorist attacks", <http://qz.com/95719/heres-how-metadata-on-billions-of-phone-calls-predicts-terrorist-attacks/>, June 19, 2013, ak.)

Yesterday, when NSA Director General Keith Alexander testified before the House Committee on Intelligence, he declared that the NSA's surveillance programs have provided "critical leads to help prevent over 50

potential terrorist events.” FBI Deputy Director Sean Boyce elaborated by describing four instances when the NSA’s surveillance programs have had an impact: (1) when an intercepted email from a terrorist in Pakistan led to foiling a plan to bomb of the New York subway system; (2) when NSA’s programs helped prevent a plot to bomb the New York Stock Exchange; (3) when intelligence led to the arrest of a U.S. citizen who planned to bomb the Danish Newspaper office that published cartoon depictions of the Prophet Muhammad; and (4) when the NSA’s programs triggered reopening the 9/11 investigation. So what are the practical applications of internet and phone records gathered from two NSA programs? And how can “metadata” actually prevent terrorist attacks? Metadata does not give the NSA and intelligence community access to the content of internet and phone communications. Instead, metadata is more like the transactional information cell phone customers would normally see on their billing statements— metadata can indicate when a call, email, or online chat began and how long the communication lasted. Section 215 of the Patriot Act provides the legal authority to obtain “business records” from phone companies. Meanwhile, the NSA uses Section 702 of the Foreign Intelligence Surveillance Act to authorize its PRISM program. According the figures provided by Gen. Alexander, intelligence gathered based on Section 702 authority contributed in over 90% of the 50 cases. One of major benefits of metadata is that it provides hindsight—it gives intelligence analysts a retrospective view of a sequence of events. As Deputy Director Boyce discussed, the ability to analyze previous communications allowed the FBI to reopen the 9/11 investigation and determine who was linked to that attack. It is important to recognize that terrorist attacks are not orchestrated overnight; they take months or years to plan. Therefore, if the intelligence community only catches wind of an attack halfway into the terrorists’ planning cycle, or even after a terrorist attack has taken place, metadata might be the only source of information that captures the sequence of events leading up to an attack. Once a terrorist suspect has been identified or once an attack has taken place, intelligence analysts can use powerful software to sift through metadata to determine which numbers, IP addresses, or individuals are associated with the suspect. Moreover, phone numbers and IP addresses sometimes serve as a proxy for the general location of where the planning has taken place. This ability to narrow down the location of terrorists can help determine whether the intelligence community is dealing with a domestic or international threat. Even more useful than hindsight is a crystal ball that gives the intelligence community a look into the future. Simply knowing how many individuals are in a chat room, how many individuals have contacted a particular phone user, or how many individuals are on an email chain could serve as an indicator of how many terrorists are involved in a plot. Furthermore, knowing when a suspect communicates can help identify his patterns of behavior. For instance, metadata can help establish whether a suspect communicates sporadically or on a set pattern (e.g., making a call every Saturday at 2 p.m.). Any deviation from that pattern could indicate that the plan changed at a certain point; any phone number or email address used consistently and then not at all could indicate that a suspect has stopped communicating with an associate. Additionally, a rapid increase in communication could indicate that an attack is about to happen. Metadata can provide all of this information without ever exposing the content of a phone call or email. If the metadata reveals the suspect is engaged in terrorist activities, then obtaining a warrant would allow intelligence officials to actually monitor the content of the suspect’s communication. In Gen. Alexander’s words, “These programs have protected our country and allies . . . [t]hese programs have been approved by the administration, Congress, and the courts.”

3) Aggregated data – historical records key to efficiency and precision

Watkins et al, 3

(R. C. Watkins, K. M. Reynolds, R. F. DeMara, M. Georgiopoulos, A. J. Gonzalez, and R. Eaglin, “TRACKING DIRTY PROCEEDS: EXPLORING DATA MINING TECHNOLOGIES AS TOOLS TO INVESTIGATE MONEY LAUNDERING”, Police Practice and Research, An International Journal, <http://www.eecs.ucf.edu/georgiopoulos/sites/default/files/196.pdf>, June 1, 2003, ak.)

The most basic approach to data mining, a linear regression model, is designed by defining a dependent variable (output) and a number of independent variables (inputs). The result of a linear regression model is an equation of a line that best fits the data set, which can be used for prediction purposes. This is useful for discovering, validating, and quantifying trends from previously solved money laundering cases for use on current cases. Linear regression techniques center around the ability to predict useful quantitative probabilities. For instance, data from previously observed behaviors can be used to focus new investigative activities on the most promising locations at the most probabilistically promising day and time. Logistic regression is a very popular means of data mining because it can solve problems involving categorical variables (e.g., variables that can be described by a yes/no answer or male/female answer). This technique can be applied to rapidly evaluate all financial transaction records belonging to classes of interest to the investigator. The results can be displayed in a number of graphical formats so that commonalities among the subset of the variables selected become evident. Using logistic regression, graphic views of only the trends in the data, rather than the data itself, are displayed in multi-dimensional format using distinguishing shapes and colors without the need for the investigator to sort through the underlying data. Consequently, investigators will be presented with improved ways of viewing large masses of data in a manageable format. This makes pattern and trend identification more apparent and timely. This approach will also serve to expedite the investigation process by reducing the amount of time spent manually searching for case leads or patterns of illicit activity.

4) Statistics prove

Mayer, 13

(Jane, The New Yorker, Susan Landau is an American mathematician and engineer, and Professor of Social Science and Policy Studies at Worcester Polytechnic Institute, “What’s the Matter with Metadata?”, <http://www.newyorker.com/news/news-desk/whats-the-matter-with-metadata>, June 6, 2013, ak.)

For the law-enforcement community, particularly the parts focussed on locating terrorists, metadata has led to breakthroughs. Khalid Sheikh Mohammed, the master planner of the September 11, 2001, attacks on New York and Washington, “got picked up by his cell phone,” Landau said. Many other criminal suspects have given themselves away through their metadata trails. In fact, Landau told me, metadata and other new surveillance tools have helped cut the average amount of time it takes the U.S. Marshals to capture a fugitive from forty-two days to two.

5) RTRG proves that even the mundane can be essential

Gorman et al, 13

(SIOBHAN GORMAN, ADAM ENTOUS and ANDREW DOWELL, The Wall Street Journal, “Technology Emboldened the NSA”, <http://www.wsj.com/articles/SB10001424127887323495604578535290627442964>, June 9, 2013, ak.)

NSA stumbled in a number of its data-collection and management efforts, particularly a program called Trailblazer, but it began to gain traction with another program, which became known as Real Time Regional Gateway, or RTRG, former officials said. Initially deployed in Iraq, the program's focus moved to Afghanistan in 2010, where it assembled and analyzed all the data over a 30-day period on transactions that intelligence officials could get their hands on: phone conversations, military events, road-traffic patterns, public opinion—even the price of potatoes, former officials said. Changes in prices of commodities at markets proved to be an

indicator of potential for conflict, they said. The in-country intelligence was paired with larger computer networks capable melding cellphone data with information collected from sensors on drones and other sources, said former officials and defense contractors. Some of these drones use high-power cameras to scan large tracts of earth to look for changes that could indicate the locations of improvised explosive devices. Analysts discovered that the system's analysis improved when more information was added, so they moved to merge 90-day batches of data. The result, said a former U.S. official, was an ability to predict attacks 60% to 70% of the time. "It's the ultimate correlation tool," a former U.S. counterterrorism official said. "It is literally being able to predict the future."

Data mining more effective than individual collection – efficiency

Watkins et al, 3

(R. C. Watkins, K. M. Reynolds, R. F. DeMara, M. Georgiopoulos, A. J. Gonzalez, and R. Eaglin, University of Central Florida, "Tracking Dirty Proceeds: Exploring Data Mining Technologies As Tools To Investigate Money Laundering", http://www.cal.ucf.edu/journal/j_watkins_reynolds_jppr_03.pdf, January, 2003, ak.)

Second, it is feasible to suggest that data mining technologies could reduce problems in financial investigations that result from manpower shortages. Closely tied to the problems associated with time demands in money laundering investigations, manpower is always a major obstacle to successful lead and pattern identification. The use of data mining technologies could lessen the burden on already strained manpower resources. Because these methods have the ability to rapidly explore large financial data sets and identify case leads and money laundering patterns, it is conceivable that the inefficiencies in the current investigative processes could be reduced. Use of these technologies to rapidly and accurately identify leads and suspicious activity patterns could permit small well-trained units of domain experts to rigorously focus on analyzing outputs and leading investigations. This would be in stark contrast to the current use of under-trained and inexperienced investigators sifting through voluminous financial record sets attempting to isolate money laundering leads, patterns, and trends. A third potential benefit of using data mining technology in money laundering investigations is the identification of more case leads, potentially more accurate case leads, and certainly more timely case leads. The use of a cluster analysis technique or a neural network technique offers the ability to identify previously undiscovered case leads. Domain experts have considerable experience working with financial data. They identify patterns and case leads to focus money laundering investigations. However, due to the sheer volume of financial transactions, it is humanly impossible to identify all leads and activity patterns given the stringent time constraints under which money laundering investigations proceed. The aforementioned methodologies can rapidly process data and expeditiously generate outputs for review by financial investigators. The use of linear regression could provide financial investigators with more accurate and timely leads. This methodology is used to predict useful quantitative probabilities and delineate between strong and weak leads. For example, data from previously observed behaviors can be used to focus new investigative activities on the most promising locations at the most probabilistically promising day and time. This could remedy some of the problems in financial investigations that are associated with time and manpower shortages. In other words, if financial investigators can secure more accurate leads in a more timely fashion, they could more efficiently and effectively allocate resources.

2NC- No Overload

Computer algorithms and cross referencing prevent data overload given to analysts

Bobbitt, 13- Bobbitt is leading constitutional theorist and a Fellow of the American Academy of Arts and Sciences. He is a Life Member of the American Law Institute, and a member of the Council on Foreign Relations, the Pacific Council on International Policy, and the International Institute for Strategic Studies (London). He is a member of the Commission on the Continuity of Government. He has served as Law Clerk to the Hon. Henry J. Friendly (2 Cir.), Associate Counsel to the President, the Counselor on International Law at the State Department, Legal Counsel to the Senate Iran-Contra Committee, and Director for Intelligence, Senior Director for Critical Infrastructure and Senior Director for Strategic Planning at the National Security Council. Before coming to Columbia he was A.W. Walker Centennial Chair in Law at the University of Texas Law School. He is a former trustee of Princeton University; and a former member of the Oxford University Modern History Faculty and the War Studies Department of Kings College, London. He serves on the Editorial Board of Biosecurity and Bioterrorism. He has published eight books: *Tragic Choices* (with Calabresi) (Norton, 1978), *Constitutional Fate* (Oxford, 1982), *Democracy and Deterrence* (Macmillans, 1987), *U.S. Nuclear Strategy* (with Freedman and Treverton) (St. Martin's, 1989), *Constitutional Interpretation* (Blackwell, 1991), *The Shield of Achilles: War, Peace and the Course of History* (Knopf, 2002), *Terror and Consent* (Knopf, 2008), and most recently *The Garments of Court and Palace: Machiavelli and the World That He Made* (Atlantic, 2013) His latest essay is "The Age of Consent,," (American legal history since Grant Gilmore's 1974 Storrs Lectures, *The Ages of American Law*). 123 Yale L. J. 2334 (2014). (Philip, "NSA is upholding, not subverting, the law", *Financial Times*, 6/10/13, [//KTC](http://www.ft.com/cms/s/0/2da229bc-d1bc-11e2-9336-00144feab7de.html#axzz3eU8L1CIM)

Last week two revelations about US intelligence collection exploded in the press: a court order directing Verizon to turn over call logs from its telephone network was revealed along with details of the Prism program that gives the US intelligence community access to servers through which foreign communications are routed. How would these collection capabilities actually help prevent attacks? Would they not simply swamp analysts? First, a law enforcement agency must have some hard knowledge – a name, a photograph, a location. Computers can then use these data to draw links among all the various lines out from the initial factual starting point: what numbers were called, at what location and of what duration. Once networks emerge, computers can analyse them to determine which nodes are central to them (Mohamed Atta, the 9/11 leader, clearly emerges from such an exercise). Rather than overloading agents doing actual surveillance, this cross-hatching is done by a computer that eventually turns up the most promising leads. After the 9/11 atrocity, it was revealed that two of the terrorists were known to the FBI. Had their names been cross-referenced only with credit card accounts, frequent-flyer numbers and mobile phone numbers, US agencies might have picked up on the 17 other men linked to them flying on the same day at the same time

Handmaids DDI

Framework

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails.

Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state,¹¹ modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives,"¹² thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism;¹⁴ but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats.¹⁵

While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies,¹⁷ abstruse philosophical concepts,¹⁸ or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships. ²¹ Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."²² Surveillance can target a modern society's numerous communications networks,²⁸ which exist to send and receive information. ²⁴ The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority. ²⁵

But surveillance is not strictly the province of the federal government. ²⁶ Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector. ²⁹

The focus here, however, is on federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through the question of “how does this function in a competitive venue of debate

where there must be a win or a loss assigned to each team. All their evidence will assume non-competitive academic environment rather than one where a forced choice will inevitably take place with every ballot.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments, shift focus to different proscriptional claims of the 1AC while using traditional competition standards like perms to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links and have generic positions that can apply to everything. This is bad for education -- forcing us to the academic margins, makes us less effective scholars and less literate in current events. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs at every tournament making any real attempt at engagement irrelevant and decreasing the quality of all debates. They don't spur engagement and exploration cause there are so many teams reading so many Affs, the only way to respond it with generics. The Aff is conversely incentivized to pick a body of literature with very little negative literature and a prolif of aff advocacies based on single articles or created phrases. There is no incentive to produce detailed strategies because academic disagreements in the literature are minute and easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13 (professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political "debates" seldom deserve the name. For the most part representatives of the rival parties exchange one-liners: "The rich can afford to pay more" is met by "Tax increases kill jobs." Slightly more sophisticated discussions may cite historical precedents: "There were higher tax rates during the post-war boom" versus "Reagan's tax cuts increased revenues."

Such volleys still don't even amount to arguments: they don't put forward generally accepted premises that support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes. Despite the name, candidates' pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with "zingers" (the historic paradigm: "There you go again.").

There is a high level of political discussion in the editorials and op-eds of national newspapers and magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique.

Such exchanges occur frequently in our law courts (for example, oral arguments before the

Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — with no need to think through the strengths of their rivals’ positions or the weaknesses of their own. Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?

A first condition is that the debates be focused on specific points of major disagreement. Not, “How can we improve our economy?” but “Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?” This will prevent vague statements of principle that don’t address the real issues at stake.

Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

**This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in Surveillance Studies is more likely to build from a solid foundation in contemporary social theory. Even so, such work often reflects both an insufficient grasp of the complexity of the legal system in action and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don’t mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn’t: legal processes are social processes, too, and in overlooking these processes, Surveillance Studies scholars also engage in a form of black-boxing that treats law as monolithic and surveillance and government as interchangeable. Legal actors engage in a variety of discursive and normative strategies by which institutions and resources are mobilized around surveillance, and understanding those strategies is essential to the development of an archaeology of surveillance practices. Work in Surveillance Studies also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I’ve written elsewhere (Cohen 2012a: 29), “[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers little more than a prescription for despair.”

Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail.

To put the point a different way, the networked democratic society and the totalitarian state may be points on a continuum rather than binary opposites, but the fact that the continuum exists is still worth something. If so, one needs tools for assessment and differentiation that Surveillance Studies does not seem to provide.

As an example of this sort of approach within legal scholarship, consider a recent article by legal scholars Danielle Citron and David Gries (2013), which proposes that courts and legislators undertake what they term a technology-centered approach to regulating surveillance. They would have courts and legislators ask whether

particular technologies facilitate total surveillance and, if so, set to put in place comprehensive procedures for approving and overseeing their use. From a Surveillance Studies perspective, this approach lacks theoretical parity because its technology-specific focus appears to ignore the fact that total surveillance also can emerge via the fusion of data streams originating from various sources. But the proposal is pragmatic; it does not so much ignore that risk as bracket it while pursuing the narrower goal of gaining a regulatory foothold within the data streams. And because it focuses on the data streams themselves, it is administrable in a way that schemes based on loose imitations and artificial distinctions between different types of surveillance are not. One can envision both courts and legislators implementing the Canon and Grey proposal in a way that enables far better oversight of what law enforcement is doing.

Tantamount to the linked practice of commercial profiling and social media surveillance, we have already seen that work in Surveillance Studies again steps in where legal scholarship badly needs supplementation: on the question of how pervasive surveillance by private market actors shapes the production of culture and the patterns of emergent subjectivity. Such work typically does not, however, consider or explore the ways that the legal context of consent mobilizes legal and policy discourses to sanction ongoing expansions of private-sector surveillance and insulate them from regulatory oversight. Work in Surveillance Studies also has not seemed to pay particularly careful attention to the roles that rhetoric of innovation and competition play in regulatory debates about information privacy. For a discipline that seeks to develop comprehensive and rigorous accounts of surveillance as social ordering and as cultural practice, these are large omissions. As we have seen, the sense-and-choice paradigm has deep roots within liberal theory, and legal and policy discourses about notice and choice reflect legal culture in action. By the same token, understanding surveillance simply as a means to effective administration, or as a means for pursuing and performing security, misses the extent to which a narrative about the inevitable nature of innovation and knowledge production positions surveillance as a modality of technical and social progress (Cohen 2015). The "surveillance-industrial complex" does not simply parallel the military-industrial complex; it is also deeply rooted in Silicon Valley's technoculture and (often paradoxically) in the hopes of romantic individualism with which its participants self-identify. These themes have been especially salient for privacy regulation.

Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering

and as culture in a number of complementary ways. First and most basically, many legal writings on information privacy are important sources that reveal the sense-and-choice paradigm and the narrative of inevitable innovation at work. But there is also a rich vein of legal scholarship interrogating the assumptions and the politics that underlie privacy and data protection regulation (e.g., Cohen 2012a, 2012c, 2013, 2015; Kent 2013; Olin 2010; Solove 2013). In addition, legal scholars have produced richly detailed and revealing investigations of regulatory and compliance cultures, for example, scholars concerned with the operation of "surveillance assemblages" and "digital enclosures" ought to read and consider the important work by Kenneth Bamberger and Deirdre Mulligan on corporate privacy compliance cultures (2011a, 2011b).

If Surveillance Studies is to inform the content of laws and the nature of regulatory practice in the domain of commercial profiling and social media, however, surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.

Here I want to identify three important sets of questions on which Surveillance Studies scholars who want their work to make a difference might take their cues from legal scholarship.

An initial set of questions concerns how to reframe privacy and data protection in functional terms that do not presuppose the stable, liberal self, and that instead offer real benefit to the situated subjects who might claim their protection. David Lyon (2001) has argued that the organizing concepts of "privacy" and "data protection" are inadequate to comprehend surveillance as a mode of social ordering. From a sociological perspective that is unambiguously right, but privacy and data protection still might be made effective as legal constructs if articulated differently, in ways that correspond more closely to the ways that surveillance shapes experience. That project calls for the sort of theoretical canalization that makes Ph.D. committees in Real Disciplines nervous, but at which legal scholars excel. With some trepidation, I offer my own work on privacy as boundary management for the postliberal self (Cohen 2012a, 2013), as well as Valerie Steeves' (2009) work on relational subjectivity, as examples of the sort of exercise that is necessary to reframe the effects of surveillance as social ordering in ways to which legal systems can respond. For law to develop a sustainable and effective approach to regulating data protection and protecting privacy, the ways of theorizing about the subject represented by these projects must become second nature, not only for scholars but also and more importantly for legislators, regulators, and courts. That in turn requires second process of translation, from the language of academia into a vocabulary that can supply inputs into policy processes.

A second set of questions concerns how to understand what constitutes privacy harm in an era in which some surveillance is a constant. To the Surveillance Studies reader this may seem to be a variation on the first question, but it is different: in law, harm is what makes violation of an interest actionable, and the potential for harm is what creates the predicate for comprehensive regulation of particular domains of activity. Harm need not be individualized or monetizable; environmental regulation and financial market regulation address systemic and often nonmonetizable risk. But it must be reasonably definite, talk of power, power every where is plainly insufficient and it should come as no surprise that policymakers find it usable. Work on this problem is still preliminary, but here legal scholarship has a leg up because it deals in practicalities. Surveillance Studies scholars might profitably read works by Daniel C. Cronin (2007) and Paul Olin (2010) that identify and name the systemic risks associated with leaky and largely unregulated data reservoirs, and that draw on resources ranging from the history of privacy to computational processes to craft recommendations for more effective regulatory strategies.

A final set of questions concerns the design of governance mechanisms. As we have already seen, the flow of surveillance within social media create novel institutional design challenges. In the domain of commercial profiling, many activities on the business-facing side of personal information markets, emerging from consumer-facing processes that purport to create notice and choice, have eluded regulatory scrutiny entirely. Some of the classic work on privacy governance originates within the Surveillance Studies tradition; these include Priscilla Regan's (1995) study of the way privacy legislation emerges within the U.S. political system and Colin Bennett and Charles Raab's (2006) work on privacy governance and the emergence of data protection as a regulatory paradigm. But the question of governance badly needs to be revisited; in particular, Surveillance Studies scholars have not yet engaged with the "new privacy governance" now emerging as official policy in the U.S. (and as de facto policy in the European Union) as a sustained and meaningful work. Works by legal scholars on the political, epistemological, and normative dimensions of the new governance (e.g., Bamberger 2010; Cohen 2012b, 2013; Freeman 2008; Lubet 2004) offer starting points for an inquiry that moves beyond "doing Surveillance Studies" to consider the more pressing challenge of doing surveillance regulation wisely and effectively.

Conclusion: Doing Law and Surveillance Studies Differently

The prospects for fruitful interexchange and collaboration between legal scholars and Surveillance Studies scholars are likely to remain complicated by pronounced differences in underlying theoretical orientation. But since Surveillance Studies is itself an interdisciplinary (Garber 2001), and since legal scholarship has thrived

on interdisciplinary exploration, the prospects for effective communication also seem reasonably good. Bridging the gaps requires, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward methodological hybridization. Within one's own academic community, it can become too easy to mistake consensus on methodological conventions for epistemological rigor, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.

From the standpoint of theory, a more sustained dialogue between law and Surveillance Studies would count as a success if it produced a mode of inquiry about surveillance that melded the theoretical sophistication of Surveillance Studies with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities. To do Surveillance Studies better, legal scholars need to challenge their own preference for putting problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems; legal scholars can help by demystifying legal and regulatory processes.

From a legal scholar's perspective, however, theory achieves its highest value when it becomes a tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice. Here the goal would be a hybridization between law's ingrained pragmatism and Surveillance Studies' attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, legal scholars and Surveillance Studies scholars might advance the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different policy levers that could be brought to bear on systems of surveillance.

Next is Mechanism Education

The Aff's failure to identify an agent and mechanism makes cost-benefits analysis impossible, meaning debates take place in an academic vacuum where tradeoffs are irrelevant. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.

Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of such mass activism if we focus simply on the local dimensions of our work.

The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship.

Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally. American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [F189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450 C. 'Activism': Towards a Broader, Deeper, Systematic Framework

In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on its own terms, the history of community organizing and social movements in the United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)--which, given human creativity and progress, in any event may be impossible to do--but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups--for example "the poor" or the "subordinated"--are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation.

1. Grassroots Activism

There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to "unpack" the term "organizing." n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between "mobilization as short-term community action and organizing as an effort to build long-term institutional power." n454 In the same breath, however, they define organizing "as shorthand for a range of community-based practices," n455 even though at least some activism, for example union organizing or, say, [F190] fasting, might not be best characterized as "community-based."

What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to "map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration." n456 This map would be inadequate--and therefore inaccurate--if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building.

2. Agents of Social Change: Identity, Class and Political Ideology As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation. Have we defined, with theoretical precision, the social-change agents to whom we are orienting--e.g., the "people," the "poor," the "subordinated," "low-income communities" or "communities of color"? And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism--organizing on the bases of geography and identity, class and the workplace, and political ideology--modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is "community"? In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers' centers: "the tension between the local and particularistic focus of community unionism and the global scope of trendsetting corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as 'the' next paradigm of worker organization." n458 On the other hand, members of cross-class, identity-based "communities" may not necessarily share the same interests. In the "Asian American community," Ancheta explains: using the word "community" in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [F191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n459 Angela Harris echoes this observation by pointing out how some feminist legal theory assumes "a unitary, 'essential' women's experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." n460 The same might be said of the "people," which, like the "working class," may be too broad. Other categorizations--such as "low-income workers," "immigrants," and the "poor", for example--may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various "communities." In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain "subordinated" communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves "middle [F192] class" are in fact workers. Nor is class defined by

categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking, those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461 The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and alternative political-party building, as part of our work.

3. From Movementism to Political Organization

Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership. Such leadership, in turn, requires work not often associated with "activism," such as, for example, theoretical study. n462 "Movementism," n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political education, we have an enormous amount to learn from our predecessors. In the final analysis, fundamental social transformation will only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to respond to the twists and turns endemic in any struggle for power. "The problem," as Bellow astutely observed, "is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject." n464 Such opportunities typically occur when there is a confluence of three factors: a social crisis; a socio-economic elite that finds itself divided over how

to overcome it; and a powerful mass movement from below. As I understand the nature of social change, successful social transformations occur when there is a fourth element: political organization.

Conclusion

Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [*193] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any? What demands are they articulating, and how are they articulating them?

This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective. My aim

in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory. Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action--to defining the lawyer's role in fostering activism--if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices.

Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers' use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical "breaks" to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice.

The argument is turned on its head: we often assume or tend to [*194] assume agreement over the meanings and underlying conceptual frameworks relating to "fundamental social change," current political analysis, and "community organizing," and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se, I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to "rebellious" and not traditional "public interest" lawyering, for example, or "collaborative" over "critical" lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have different political goals, are based on different political analyses, and employ different political activist strategies.

Activist lawyers already engage in these analyses--necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don't think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn't time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative--and when we feel strongly enough about certain political issues--we engage on issues and argue them out. In either event, we undertake an unsystematic engagement of these fundamental issues at our peril.

If we adhere to the belief that only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change, then, as progressive lawyers, we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment. Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail to live up to its potential.

Now the State debate

We do not need to win that the state is good, rather just that the value of the state is something that should be debated about. This is the screen you should adopt for the Aff's ev – it can't just say that the state is bad or ineffective, their ev has to say that the state should not even be discussed. General indictments of the state can be done on the neg, while still preserving limited and effective debate and research.

First, engaging with the law is inevitable and can be effective

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Nevertheless, in contrast to what Steve Bachmann has called the [*116] "a-legal" or "crude Marxist" approach, n19 progressive activists recognize that the legal arena remains a forum for social struggle. n20 This is so for three reasons: First, activists often do not have a choice but to work within the legal system, as when they are arrested or otherwise prevented from engaging in activism by state authorities. Second, because law is relatively autonomous from economic and political interests, n21 campaigns for legal reform can win substantial gains and are frequently the only vehicles through which more far-reaching change takes shape; struggles for reform, in other words, beget more radical possibilities and aspirations. n22 And third, law is constitutive of the social order. Law--or, more accurately, the concept of it--is not (again as some crude analysts would argue) simply a tool of one ruling class or other, but rather an essential component of a just society. n23

Commentators observe that lawyers who base their practice on these three premises are "hungry for theory," n24 for theory checks the "occupational hazards [of] reformism or cynicism." n25 The theoretical project is thus a dialectic: while law reform alone cannot "disturb the basic political and economic organization of modern American society," n26 [*117] law and lawyering are "a complex, contradictory, and open-textured setting that provides opportunities to challenge the status quo."

Second, debate about arcane legal details are crucial to the short-term survival of oppressed populations. Outside of the law being good or bad, legal education is crucial to empower even the most revolutionary of movements.

Arkles et al 10

(Gabriel Arkles, Pooja Gehi and Elana Redfield, The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change, Seattle Journal for Social Justice, 8 Seattle J. Soc. Just. 579, Spring / Summer, 2010, LN)

While agenda-setting by lawyers can lead to the replication of patterns of elitism and the reinforcement of systems of oppression, we do believe that legal work is a necessary and critical way to support movements for social justice. We must recognize the limitations of the legal system and learn to use that to the advantage of the oppressed. If lawyers are going to support work that dismantles oppressive structures, we must radically rethink the roles we can play in building and supporting these movements and acknowledge that our own individual interests or even livelihood may conflict with doing radical and transformative work. n162

A. Community Organizing for Social Justice When we use the term community organizing or organizing, we refer to the activities of organizations engaging in base-building and leadership development of communities directly impacted by one or more social [*612] problems and conducting direct action issue campaigns intended to make positive change related to the problem(s). In this article, we discuss community organizing in the context of progressive social change, but community-organizing strategies can also be used for conservative ends. Community organizing is a powerful means to make social change. A basic premise of organizing is that inappropriate imbalances of power in society are a central component of social injustice. In order to have social justice, power relationships must shift. In *Organizing for Social Change: Midwest Academy Manual for Activists* (hereinafter, "the Manual"), n163 the authors list three principles of community organizing: n164 (1) winning real, immediate, concrete improvements in people's lives; (2) giving people a sense of their own power; and (3) altering the relations of power. n165 Before any of these principles can be achieved it is necessary to have leadership by the people impacted by social problems. n166 As Rinku Sen points out: [E]ven allies working in solidarity with affected groups cannot rival the clarity and power of the people who have the most to gain and the least to lose . . . organizations composed of people whose lives will change when a new policy is instituted tend to set goals that are harder to reach, to compromise less, and to stick out a fight longer. n167 She also notes that, "[I]f we are to make policy proposals that are grounded in reality and would make a difference either in peoples' lives or in the debate, then we have to be in touch with the people who are at the center of such policies. n168 We believe community organizing has the potential to make fundamental social change that law reform strategies or "movements" led by lawyers cannot achieve on their own. However, community organizing is not always just and effective. Community-organizing groups are not immune to any number of problems that can impact other organizations, including internal oppressive dynamics. In fact, some strains of white, male-dominated [*613] community organizing have been widely criticized as perpetuating racism and sexism. n169 Nonetheless, models of community organizing, particularly as revised by women of color and other leaders from marginalized groups, have much greater potential to address fundamental imbalances of power than law reform strategies. They also have a remarkable record of successes. Tools from community organizers can help show where other strategies can fit into a framework for social change. The authors of the Manual, for example, describe various strategies for addressing social issues and illustrate how each of them may, at least to some extent, be effective. n170 They then plot out various forms of making social change on a continuum in terms of their positioning with regard to existing social power relationships. n171 They place direct services at the end of the spectrum that is most accepting of existing power relationships and community organizing at the end of the spectrum that most challenges existing power relationships. n172

Advocacy organizations are listed in the middle, closer to community organizing than direct services. n173 The Four Pillars of Social Justice Infrastructure model, a tool of the Miami Workers Center, is somewhat more nuanced than the Manual. n174 According to this model, four "pillars" are the key to transformative social justice. n175 They are (1) the pillar of service, which addresses community needs and stabilizes community members' lives; (2) the pillar of policy, which changes policies and institutions and achieves concrete gains with benchmarks for progress; (3) the pillar of consciousness, which alters public opinion and shifts political parameters through media advocacy and popular education; and (4) the pillar of power, which achieves autonomous community power through base-building and leadership development. n176 According to the Miami Workers Center, all of these pillars are essential in making social change, but the pillar of power is most crucial in the struggle to win true liberation for all oppressed communities. n177 [*614] In their estimation, our movements suffer when the pillar of power is forgotten and/or not supported by the other pillars, or when the pillars are seen as separate and independent, rather than as interconnected, indispensable aspects of the whole infrastructure that is necessary to build a just society. n178 Organizations with whom we work are generally dedicated solely to providing services, changing policies, or providing public education. Unfortunately, each of these endeavors exists separate from one another and perhaps most notably, separate from community organizing. In SRLP's vision of change, this separation is part of maintaining structural capitalism that seeks to maintain imbalances of power in our

society. Without incorporating the pillar of power, service provision, policy change, and public education can never move towards real social justice. n179 B. Lawyering for Empowerment In the past few decades, a number of alternative theories have emerged that help lawyers find a place in social movements that do not replicate oppression. n180 Some of the most well-known iterations of this theme are "empowerment lawyering," "rebellious lawyering," and "community lawyering." n181 These perspectives share skepticism of the efficacy of impact litigation and traditional direct services for improving the conditions faced by poor clients and communities of color, because they do not and cannot effectively address the roots of these forms of oppression. n182 Rather, these alternative visions of lawyering center on the empowerment of community members and organizations, the elimination of the potential for dependency on lawyers and the legal system, and the collaboration between lawyers and directly impacted communities in priority setting. n183 Of the many models of alternative lawyering with the goal of social justice, we will focus on the idea of "lawyering for empowerment," generally. The goal of empowerment lawyering is to enable a group of people to

gain control of the forces that affect their lives. n184 Therefore, the goal of empowerment lawyering for low-income transgender people of [*615] color is to support these communities in confronting the economic and social policies that limit their life chances.

Rather than merely representing poor people in court and increasing access to services, the role of the community or empowerment lawyer involves:

organizing, community education, media outreach, petition drives, public demonstrations, lobbying, and shaming campaigns . . . [I]ndividuals and members of community-based organizations actively work alongside organizers and lawyers in the day-to-day strategic planning of their case or campaign. Proposed solutions--litigation or non-litigation based--are informed by the clients' knowledge and experience of the issue. n185

A classic example of the complex role of empowerment within the legal agenda setting is the question of whether to take cases that have low chances of success. The traditional approach would suggest not taking the case, or settling for limited outcomes that may not meet the client's expectations. However, when our goals shift to empowerment, our strategies change as well. If we understand that the legal system is incapable of providing a truly favorable outcome for low-income transgender clients and transgender clients of color, then winning and losing cases takes on different meanings.

For example, a transgender client may choose to bring a lawsuit against prison staff who sexually assaulted her, despite limited chance of success because of the "blue wall of silence," her perceived limited credibility as a prisoner, barriers to recovery from the Prison Litigation Reform Act, and restrictions on supervisory liability in § 1983 cases. Even realizing the litigation outcome will probably be unfavorable to her, she may still develop leadership skills by rallying a broader community of people impacted by similar issues. Additionally, she may use the knowledge and energy gained through the lawsuit to change policy. If our goal is to familiarize our client with the law, to provide an opportunity for the client [*616] and/or community organizers to educate the public about the issues, to help our client assess the limitations of the legal system on their own, or to play a role in a larger organizing strategy, then taking cases with little chance of achieving a legal remedy can be a useful strategy.

Lawyering for empowerment means not relying solely on legal expertise for decisionmaking. It means recognizing the limitations of the legal system, and using our knowledge and expertise to help disenfranchised communities take leadership. If community organizing is the path to social justice and "organizing is about people taking a role in determining their own future and improving the quality of life not only for themselves but for everyone," then "the primary goal [of empowerment lawyering] is building up the community." n186

C. Sharing Information and Building Leadership

A key to meaningful participation in social justice movements is access to information. Lawyers are in an especially good position to help transfer knowledge, skills, and information to disenfranchised communities--the legal system is maintained by and predicated on arcane knowledge that lacks relevance in most contexts but takes on supreme significance in courts, politics, and regulatory agencies. It is a system intentionally obscure to the uninitiated; therefore the lawyer has the opportunity to expose the workings of the system to those who seek to destroy it, dismantle it, reconfigure it, and re-envision it.

As Quigley points out, the ignorance of the client enriches the lawyer's power position, and thus the transfer of the power from the lawyer to the client necessitates a sharing of information. n187 Rather than simply performing the tasks that laws require, a lawyer has the option to teach and to collaborate with clients so that they can bring power and voice back to their communities and perhaps fight against the system, become politicized, and take leadership. "This demands that the lawyer undo the secret wrappings of the legal system and share the essence of legal advocacy--doing so lessens the mystical power of the lawyer, and, in practice, enriches the advocate in the sharing and developing of rightful power." n188

Lawyers have many opportunities to share knowledge and skills as a form of leadership development. This sharing can be accomplished, for example, through highly collaborative legal representation, through community clinics, through skill-shares, or through policy or campaign meetings where the lawyer explains what they know about the existing structures and fills in gaps and questions raised by activists about the workings of legal systems.

D. Helping to Meet Survival Needs

SRLP sees our work as building legal services and policy change that directly supports the pillar of power. n189 Maintaining an awareness of the limitations and

pitfalls of traditional legal services, we strive to provide services in a larger context and with an approach that can help support liberatory work. n190 For this reason we provide direct legal services but also work toward leadership development in our communities and a deep level of support for our community-organizing allies. Our approach in this regard is to make sure our community members access and obtain all of the benefits to which they are entitled under the law, and to protect our community members as much as possible from the criminalization, discrimination, and harassment they face when attempting to live their lives. While we do not believe that the root causes keeping our clients in poverty and poor health can be addressed in this way, we also believe that our clients experience the most

severe impact from state policies and practices and need and that they deserve support to survive them. n191 Until our communities are truly empowered and our systems are fundamentally changed to increase life chances and health for transgender people who are low-income and people of color, our communities are going to continue to have to navigate government agencies and organizations to survive.

Monolithic rejections of the law are wrong – cooption is more likely in non-state activism and fails to compare to alternative mechanisms for change. Concrete mechanisms for success should be your metric for evaluation.

Lobel 7 (Assistant Professor of Law, University of San Diego)

(Orly, THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS, 120 Harv. L. Rev. 937, February, 2007, LN)

In the following sections, I argue that the extralegal model has suffered from the same drawbacks associated with legal cooptation. I show that as an effort to avoid the risk of legal cooptation, the current wave of suggested alternatives has effects that ironically mirror those of cooptation itself. Three central types of difficulties exist with contemporary extralegal scholarship. First, in the contexts of the labor and civil rights movements, arguments about legal cooptation often developed in response to a perceived gap between the conceptual ideal toward which a social reform group struggled and its actual accomplishments. But, ironically, the contemporary message of opting out of traditional legal reform avenues may only accentuate this problem. As the rise of informalization (moving to nonlegal strategies), civil society (moving to extralegal spheres), and pluralism (the proliferation of norm-generating actors) has been effected and appropriated by supporters from a wide range of political commitments, these concepts have had unintended implications that conflict with the very social reform ideals from which they stem. Second, the idea of opting out of the legal arena becomes self-defeating as it discounts the ongoing importance of law and the possibilities of legal reform in seemingly unregulated spheres. A model encompassing exit and rigid sphere distinctions further fails to recognize a reality of increasing interpenetration and the blurring of boundaries between private and public spheres, profit and nonprofit sectors, and formal and informal institutions. It therefore loses the critical insight that law operates in the background of seemingly unregulated relationships. Again paradoxically, the extralegal view of decentralized activism and the division of society into different spheres in fact have worked to subvert rather than support the progressive agenda. Finally, since extralegal actors view their actions with romantic idealism, they fail to develop tools for evaluating their success. If the critique of legal cooptation has involved the argument that legal reform, even when viewed as a victory, is never radically transformative, we must ask: what are the criteria for assessing the achievements of the suggested alternatives? As I illustrate in the following sections, much of the current scholarship obscures the lines between the descriptive and the prescriptive in its formulation of social activism. If current suggestions present themselves as alternatives to formal legal struggles, we must question whether the new extralegal politics that are proposed and celebrated are capable of producing a constructive theory and meaningful channels for reform, rather than passive status quo politics.

A. Practical Failures: When Extralegal Alternatives Are Vehicles for Conservative Agendas

We don't want the 1950s back. What we want is to edit them. We want to keep the safe streets, the friendly grocers, and the milk and cookies, while blotting out the political bosses, the tyrannical headmasters, the inflexible rules, and the lectures on 100 percent Americanism and the sinfulness of dissent. n163

A basic structure of cooptation arguments as developed in relation to the labor and civil rights movements has been to show how, in the move from theory to practice, the ideal that was promoted by a social group takes on unintended content, and the group thus fails to realize the original vision. This risk is particularly high when ideals are framed in broad terms that are open to multiple interpretations. Moreover, the pitfalls of the potential risks presented under the umbrella of cooptation are in fact accentuated in current proposals. Paradoxically, as the extralegal movement is framed by way of opposition to formal legal reform paths, without sufficiently defining its goals, it runs the very risks it sought to avoid by working outside the legal system.

Extralegal paths are depicted mostly in negative terms and as resorting to new alternative forms of action rather than established models. Accordingly, because the ideas of social organizing, civil society, and legal pluralism are framed in open-ended contrarian terms, they do not translate into specific visions of social justice reform. The idea of civil society, which has been embraced by people from a broad array of often conflicting ideological commitments, is particularly demonstrative. Critics argue that "some ideas fail because they never make the light of day. The idea of civil society ... failed because it [*972] became too popular." n164 Such a broadly conceived ideal as civil society sows the seeds of its own destruction.

In former eras, the claims about the legal cooptation of the transformative visions of workplace justice and racial equality suggested that through legal strategies the visions became stripped of their initial depth and fragmented and framed in ways that were narrow and often merely symbolic. This observation seems accurate in the contemporary political arena; the idea of civil society revivalism evoked by progressive activists has been reduced to symbolic acts with very little substance. On the left, progressive advocates envision decentralized activism in a third, nongovernmental sphere as a way of reviving democratic participation and rebuilding the state from the bottom up. By contrast, the idea of civil society has been embraced by conservative politicians as a means for replacing government-funded programs and steering away from state intervention. As a result, recent political uses of civil society have subverted the ideals of progressive social reform and replaced them with conservative agendas that reject egalitarian views of social provision.

In particular, recent calls to strengthen civil society have been advanced by politicians interested in dismantling the modern welfare system. Conservative civil society revivalism often equates the idea of self-help through extralegal means with traditional family structures, and blames the breakdown of those structures (for example, the rise of the single parent family) for the increase in reliance and dependency on government aid. n165 This recent depiction of the third sphere of civic life works against legal reform precisely because state intervention may support newer, nontraditional social structures. For conservative thinkers, legal reform also risks increasing dependency on social services by groups who have traditionally been marginalized, including disproportionate reliance on public funds by people of color and single mothers. Indeed, the end of welfare as we knew it, n166 as well as the [*973] transformation of work as we knew it, n167 is closely related to the quest of thinkers from all sides of the political spectrum for a third space that could replace the traditional functions of work and welfare. Strikingly, a range of liberal and conservative visions have thus converged into the same agenda, such as the recent welfare-to-work reforms, which rely on myriad non-governmental institutions and activities to support them. n168

When analyzed from the perspective of the unbundled cooptation critique, it becomes evident that there are multiple limits to the contemporary extralegal current. First, there have been significant problems with resources and zero-sum energies in the recent campaigns promoting community development and welfare. For example, the initial vision of welfare-to-work supported by liberal reformers was a multifaceted, dynamic system that would reshape the roles and responsibilities of the welfare bureaucracy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 n169 (PRWORA), supported by President Clinton, was designed to convert various welfare programs, including Aid to Families with Dependent Children, into a single block grant program. The aim was to transform passive cash assistance into a more active welfare system, in which individuals would be better assisted, by both the government and the community, to return to the labor force and find opportunities to support themselves. Yet from the broad vision to actual implementation, the program quickly became limited in focus and in resources. Indeed, PRWORA placed new limits on welfare provision by eliminating eligibility categories and by placing rigid time limits on the provision of benefits. n170

Moreover, the need to frame questions relating to work, welfare, and poverty in institutional arrangements and professional jargon and to comply with various funding block grants has made some issues, such as the statistical reduction of welfare recipients, more salient, whereas other issues, such as the quality of jobs offered, have been largely eliminated from policymakers' consideration. Despite aspects of the reform that were hailed as empowering for those groups they were designed to help, such as individual private training vouchers, serious questions have been raised about the adequacy of the particular [*974] policy design because resources and institutional support have been found lacking. n171 The reforms require individual choices and rely on the ability of private recipients to mine through a vast range of information. As in the areas of child care, health care, and educational vouchers, critics worry that the most disadvantaged workers in the new market will not be able to take advantage of the reforms. n172 Under such conditions, the goal of eliminating poverty may be eroded and replaced by other goals, such as reducing public expenses. Thus, recalling the earlier cooptation critique, once reforms are envisioned, even when they need not be framed in legalistic terms, they in some ways become reduced to a handful of issues, while fragmenting, neglecting, and ultimately neutralizing other possibilities.

At this point, the paradox of extralegal activism unfolds. While public interest thinkers increasingly embrace an axiomatic rejection of law as the primary form of progress, their preferred form of activism presents the very risks they seek to avoid. The rejected "myth of the law" is replaced by a "myth of activism" or a "myth of exit," romanticizing a distinct sphere that can better solve social conflict. Yet these myths, like other myths, come complete with their own perpetual perils. The myth of exit exemplifies the myriad concerns of cooptation. For feminist agendas, for example, the separation of the world into distinct spheres of action has been a continuous impediment to meaningful reform. Efforts to create better possibilities for women to balance work and family responsibilities, including relaxing home work rules and supporting stay-at-home parents through federal child care legislation, have been couched in terms of support for individual choice and private decisionmaking. n173 Indeed, recent initiatives in federal child care legislation to support stay-at-home parents have been clouded by preconceptions of the separation of spheres and the need to make one-or-the-other life choices. Most importantly, the emergence of a sphere-oriented discourse abandons a critical perspective that distinguishes between valuing traditional gender-based characteristics and celebrating feminine difference in a universalist and essentialist manner. n174 [*975] Not surprisingly then, some feminist writers have responded to civil society revivalism with great skepticism, arguing that efforts to align feminine values and agendas with classic republican theory of civil society activism should be understood, at least in part, as a way of legitimizing historical social structures that subordinated women.

The feminist lesson on the law/exit pendulum reveals a broader pattern. In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with conservative privatization agendas. Indeed, in significant social policy contexts, legal scholarship oriented toward the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship accepts these developments as natural and inevitable. Similar to the arguments developed in relation to the labor movement - in which focusing on a limited right to collective bargaining demobilized workers and stripped them of their voice, participation, and decisionmaking power - contemporary extralegal agendas are limited to very narrow and patterned sets of reforms.

A striking example has been the focus on welfare reform as the single frontier of economic redistribution without a connection being made between these reforms and social services in which the middle class has a strong interest, such as Social Security and Medicare. Similarly, on the legal pluralism frontier, when activists call for more corporate social responsibility, the initial expressions are those of broad demands for sustainable development and overall industry obligations for the social and environmental consequences of their activities. n176 The discourse, however, quickly becomes coopted by a shift to a narrow focus on charitable donations and corporate philanthropy or [*976] private reporting absent an institutionalized compliance structure. n177 Moreover, because of institutional limitations and crowding out effects possible in any type of reform agenda, the focus shifts to the benefits of corporate social responsibility to businesses, as marketing, recruit-ment, public relations, and "greenwashing" strategies. n178 Critics therefore become deeply cynical about the industry's real commitments to ethical conduct.

A similar process can be described with regard to the literature on globalization. Globalization scholarship often attempts to produce a unifying narrative and an image of unitary struggle when in fact such unity does not exist. Embodied in the aforementioned irony of a "global anti-globalization" movement, social reform activism that resides under the umbrella of global movements is greatly diverse, some of it highly conservative. An "anti-globalization" movement can be a defensive nationalist movement infused with xenophobia and protective ideologies. n179 In fact, during central instances of collective action, such as those in Seattle, Quebec, Puerto Alegre, and Genoa, competing and conflicting claims were frequently encompassed in the same protest. n180 Nevertheless, there is a tendency to celebrate and idealize these protests as united and world-altering.

Similarly, at the local level, grassroots politics often lack a clear agenda and are particularly ripe for cooptation resulting in far lesser achievements than what may have been expected by the groups involved. In a critical introduction to the law and organizing model, Professor Scott Cummings and Ingrid Eagly describe the ways in which new community-based approaches to progressive lawyering privilege grassroots activism over legal reform efforts and the facilitation of community mobilization over conventional lawyering. n181 After carefully unpacking the ways in which community lawyers embrace [*977] law and organizing, Professor Cummings and Eagly rightfully warn against "exaggerating the ineffectiveness of traditional legal interventions" and "closing off potential avenues for redress."

n182 Significantly, the strategies embraced by new public interest lawyers have not been shown to produce effective change in communities, and certainly there has been no assurance that these strategies fare comparatively better than legal reform. Moreover, what are meant to be progressive projects of community action and community economic development frequently can have a hidden effect of excluding worse-off groups, such as migrant workers, because of the geographical scope and zoning restrictions of the project. n183 In the same way that the labor and corporate social responsibility movements have failed because of their embrace of a legal framework, the community economic development movement - so diverse in its ideological appeal yet so prominent since the early 1990s as a major approach to poverty relief - may bring about its own destruction by fracture and diffusion. n184

In all of these cases, it is the act of engagement, not law, that holds the risks of cooptation and the politics of compromise. It is not the particularities of lawyers as a professional group that create dependency. Rather, it is the dynamics between skilled, networked, and resourced components and those who need them that may submerge goals and create reliance. It is not the particularities of the structural limitations of the judiciary that threaten to limit the progressive vision of social movements. Rather, it is the essential difficulties of implementing theory into practice. Life is simply messier than abstract ideals. Cooptation analysis exposes the broad, general risk of assuming ownership over a rhetorical and conceptual framework of a movement for change. Subsequently, when, in practice, other factions in the political debate embrace the language and frame their projects in similar terms, groups experience a sense of loss of control or possession of "their" vision. In sum, in the contemporary context, in the absence of a more programmatic and concrete vision of what alternative models of social reform activism need to achieve, the conclusions and rhetoric of the contemporary critical legal consciousness are appropriated by advocates representing a wide range of political commitments. Understood [*978] from this perspective, cooptation is not the result of the turn to a particular reform strategy. Rather, cooptation occurs when imagined ideals are left unchecked and seemingly progressive rhetoric is reproduced by a conservative agenda. Dominant interpretations such as privatization and market competitiveness come out ahead, whereas other values, such as group empowerment and redistributive justice, receive only symbolic recognition, and in turn serve to facilitate and stabilize the process. n185

T: Its

Interpretation – Its means possession

Encarta, 9 (Encarta World English Dictionary,
<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861622735>)

its [its]

adjective Definition: indicating possession: used to indicate that something belongs or relates to something

- The park changed its policy.

And, Government surveillance involves direct government action

Richards 8 Neil M. Richards, Professor of Law, Washington University in St. Louis.
December, 2008 Texas Law Review 87 Tex. L. Rev. 387 Article: Intellectual Privacy
lexis

What, then, should the solution to this problem be? The theory of intellectual privacy I have articulated here suggests that the interest in confidential communications also needs to be considered, and that this interest is a First Amendment one. Government surveillance - even the mere possibility of interested watching by the state - chills and warps the exercise of this interest. This effect was understood by the drafters of the Fourth Amendment, who grasped the relationship between preventing government searches of papers and protecting religious and political dissent. n271 Because government surveillance involves direct state action, it is also a rare case where constitutional doctrine could do useful work on its own. Because we are some distance removed from the freedom of thought, the confidentiality of communications need not be protected absolutely, particularly given the legitimate government interest in the prevention of international terrorism. But by the same token, this interest is not always sufficient to override the First Amendment interests in intellectual privacy. Constitutional doctrine - either First Amendment law or Fourth Amendment law taking expressive interests into account - could therefore mandate warrants for all surveillance of intellectual activity. This standard should at least be the level of the current Fourth Amendment warrant requirement, and could possibly be higher, given the particular expressive interests that could elevate scrutiny of intellectual activity beyond a search for contraband or other kinds of incriminating evidence.

Violation – their advocacy does not curtail any direct state action, and if it does, it's extra topical because it solves through curtailing an entire society's view of women.

Reasons to prefer –

Prefer our definition which reasonably defines limit for the plan – and it still allows many good affs.

Allowing their aff means any fictional story that has something to do with a group watching some other group would be topical.

Their claiming that the story is symbolic of the USFG destroys limits.

There could be millions of affs on different novels that neg could never prepare for.

Reasonable limits make debate worthwhile by promoting in depth preparation and education on the resolution

Vote neg for good discussion and education in debate

*** (Don't read) Study shows depth is more beneficial to students than breadth

Mark S. **Schwartz**, 10-10-2008, "Depth Versus Breadth: How Content Coverage in High School Science Courses Relates to Later Success in College Science Coursework" No Publication, https://www.cfa.harvard.edu/smg/ficss/research/articles/SE_Depth_versus.pdf

CONCLUSION The baseline model reveals a direct and compelling outcome: teaching for depth is associated with improvements in later performance. Of course, there is much to consider in evaluating the implications of such an analysis. There are a number of questions about this simple conclusion that naturally emerge. For example, how much depth works best? What is the optimal manner to operationalize the impact of depth-based learning? Do specific contexts (such as type of student, teacher, or school) moderate the impact of depth? The answers to these questions certainly suggest that a more nuanced view should be sought. Nonetheless, this analysis appears to indicate that a robust positive association exists between high school science teaching that provides depth in at least one topic and better performances in introductory postsecondary science courses. Our results also clearly suggest that breadth-based learning, as commonly applied in high school classrooms, does not appear to offer students any advantage when they enroll in introductory college science courses, although it may contribute to higher scores on standardized tests. However, the intuitive appeal of broadly surveying a discipline in an introductory high school course cannot be overlooked. There might be benefits to such a pedagogy that become apparent when using measures that we did not explore. The results regarding breadth were less compelling because in only one of the three disciplines were the results significant in our full model. On the other hand, we observed no positive effects at all. As it stands, our findings at least suggest that aiming for breadth in content coverage should be avoided, as we found no evidence to support such an approach.

*****K: Queer Pessimism**

The 1AC attempts to define women as having vaginas – this reinscribes gender binaries and static notions of sexuality, and ignores those who have unique reproductive organs but who don't identify as women.

Seawell 14

(Sophia Seawell, Blue Stockings Magazine, "Not Buying Into It: On Language, Capitalism and Menstruation," http://bluestockingsmag.com/2014/02/05/edit___title-menstruation/, 2/5/2014)

On July 27, 2011, I added a new post on my feminist coming-of-age blog (now inactive) This Girl on Girls, titled 'Why is Menstruation Taboo?' In it, I discussed the sexist stigmas attached to menstruation, including but not limited to the prescribed silence and shame around the process. It was certainly a well-intentioned piece, and I still believe that society (or more specifically, sexism) uses menstruation as a marker of the dirtiness or impurity of the female body and female sexuality. But what I can now recognize that I didn't at the time is the way in which **discourses about menstruation, whether they are medical or academic or everyday and whether they are sexist or feminist, are prone to falling into a ciscentric trap of framing menstruation as inherently a 'female' experience.** In my post, I wrote **things like "menstruation is completely normal and natural," and that when a woman menstruates, "her body is doing exactly what it's supposed to be doing. We should all embrace that."** I can see what I was trying to do: destigmatize menstruation and work towards accepting and potentially celebrating it. I think this is a worthwhile project but that it needs to be executed with care and intentionality and not, for starters, by emphasizing the heightened stigma in "other cultures," as I did at the time. **Talking about menstruation as if it is something only women-identified people experience erases the experience of people who may not identify as women but still have uteri, as well as of those who do identify as women but do not have uteri, like trans women. And are they not women? There are also cisgender women who, often for health-related reasons, do not menstruate. Are they not women? While on a conscious level most of us who talk about women and menstruation are not intentionally trying to exclude the experiences of trans, genderqueer or gender non-conforming people, our language can and does have that effect. This kind of essentializing language reflects our binarist conceptualization of gender, sex and the body as neatly corresponding to either male or female—that, I would argue, is the larger problem. In summary: not all women menstruate, and not all people who menstruate are women.** Another layer I'd like to add to my initial discussion of menstruation is how it relates to industry and the environment. The tropes used to convince people who menstruate to buy a particular product often involve presenting menstruation as a problem to be fixed or avoided, and this product is often a bleached tampon that puts users at risk for Toxic Shock Syndrome. It's not healthy and it's not environmentally friendly—a person who menstruates and uses tampons/pads will produce 62,415 pounds of garbage over their lifetime—but hey, you should buy it! As the video above mentions, there are other options: there are menstrual cups like the Keeper, made from latex, and the Divacup, made from silicone. Because they are non-absorbent, they don't harbor bacteria like tampons, and there's also no risk of TSS. For people who menstruate who don't want to or can't use internal products, GladRags are the reusable counterpart to more commercially available pads. Of course it's crucial to recognize that these choices still involve purchasing a product and that, though they save money and waste in the long run, these particular products are more expensive than the non-reusable options on the market. The arguments I've put forth, particularly in relation to cissexist language, are also applicable to other 'women's issues' such as reproductive justice. **And while many argue that changing the language would muddle the message, I'm not interested in a political movement that privileges progress for cisgender women at the expense of trans women or other gender-oppressed people. The project of resistance to sexism necessarily entails resistance to cissexism, and to pretend otherwise means getting nowhere, fast.**

Violence against queerness results in the annihilation of identity—this is a form of soul murder
Yep, Lovaas, and Elia 03 Professors, San Francisco University (Gust, Karen, and John, Journal of Homosexual Studies, Vol. 45, No. 2/3/4, pp. 18.)

These are the internal injuries that individuals inflict upon themselves. Very early in life children learn from interpersonal contacts and mediated messages that deviations from the heteronormative standard, such as homosexuality, are anxiety-ridden, guilt-producing, fear-inducing, shame-invoking, hate-deserving, psychologically blemishing, and physically threatening. Internalized homophobia, in the form of self-hatred and self-destructive thoughts and behavioral patterns, becomes firmly implanted in the lives and psyches of individuals in heteronormative society. Exemplifying the feelings and experiences of many people who do not fit in the heteronormative mandate, Kevin Jennings (1994) tells us his personal story: I was born in 1963. . . . [I] realized in grade school that I was gay. I felt absolutely alone. I had no one to talk to, didn't know any openly gay people, and saw few representations of gays in the media of the 1970s. I imagined gay people were a tiny, tiny minority, who had been and would always be despised for their "perversion." Not once in high school did I ever learn a single thing about homosexuality or gay people. I couldn't imagine a happy life as a gay man. So I withdrew from my peers and used alcohol and drugs to try to dull the pain of my isolation. Eventually, at age seventeen I tried to kill myself, like one out of every three gay teens. I saw nothing in my past, my present, or (it seemed) my future suggesting that things would ever get any better. (pp. 13-14) Heteronormativity is so powerful that its regulation and enforcement are carried out by the individuals themselves through socially endorsed and culturally accepted forms of soul murder. Soul murder is a term that I borrow from the child abuse and neglect literature to highlight the torment of heteronormativity (Yep, 2002). Shengold (1999) defines soul murder as the "apparently willful abuse and neglect of children by adults that are of sufficient intensity and frequency to be traumatic . . . [so that] the children's subsequent emotional development has been profoundly and predominantly negatively affected" (p. 1). Further explaining this concept, Shengold (1989) writes, "soul murder is neither a diagnosis nor a condition. It is a dramatic term for circumstances that eventuate in crime—the deliberate attempt to eradicate or compromise the separate identity of another person" (p. 2, my emphasis). Isn't the incessant policing and enforcement, either deliberately or unconsciously, by self and others, of the heteronormative mandate a widespread form of soul murder?

The alternative is to engage in queering language—queer slangs offer an opportunity to resist systems of power while still engaging within a safe space

Tzini 14 (Tzini, Anna [Anna Tzini, also known as Anna T. studied Photography, Video and New Technologies in Athens and obtained her MA in Queer Studies in Arts & culture from Birmingham City University in 2010. PhD in practice. Her work mainly deals with the relation between private / public, identities and the ways the interactions between time and space form them.]. 12/2014 "The Opacity of Queer Languages," E-flux Journal #60, accessed: 7/15/2015. <http://www.e-flux.com/journal/the-opacity-of-queer-language-2/>)/ALepow

These communication codes allowed for an easier exchange of information that to some extent shielded group members from potential aggressors: at the same time, these languages did not render group members completely invisible. It is exactly this position between visibility and invisibility—which can perhaps be described as opaqueness—that interests me in relation to the particular political stance of passivity. David Van Leer, an American scholar who researched queer cultures in the US from the 1920s to the 2000s, says that "often minorities speak most volubly between the lines, ironically reshaping dialogues the oppressor thinks he controls or even finding new topics and modes of speaking to which the oppressor himself lacks access."⁵ Language—being regulated by the state, taught in educational institutions, and used to discipline, inform, educate, or structurally violate, among other uses—is frequently subverted by minorities in an attempt to bypass authority. In this case in particular the "new topics" and "modes" Van Leer refers to are

perhaps illegal pleasures, embodied performances, irony, and disguised (or not-so-well-disguised) social critique. While trying to stay safe and communicate, individual subjects start forming a community based on a common culture. In her essay “Qwir-English Code-Mixing in Germany: Constructing a Rainbow of Identities,” Heidi Minning argues that “the resulting sociopsychological function is one of constructing group membership and a sense of the self as a participant in larger gay and lesbian local and transnational cultures.”⁶ **Lexicon** These slangs with vocabularies ranging from six hundred words (as is the case of Polari) to more than six thousand documented words (as in Kaliarda) and different lifespans (four hundred years and counting in the case of Lubunca, or thirty years in the case of IsiNgqumo), constitute mini-universes where their users freely circulate and through which they are able to connect. They do not only include terms to describe the particular practices/interests of the groups which might be dangerous to publicly describe in a noncoded way. They also include words or phrases to describe everyday household objects, professions, toponyms, and activities. They are patchworks of several other languages, including etymologically untraceable neologisms.⁷ For instance, Polari consists of English, Italian, Yiddish, and Mediterranean Lingua Franca (a composite itself),⁸ while Kaliarda is made up of Greek, English, Italian, French, Turkish, and Romani.⁹ Bajubá or Pajubá seems to have its roots in Africa and is based on several Bantu and Yoruba African languages outfitted with Portuguese syntax.¹⁰ SwardSpeak is a mixture of Tagalog, English, Spanish, and Japanese.¹¹ Lubunca consists of Turkish, Romani, French, Greek, English, Armenian, Arabic, Italian, Bulgarian, Kurmanji, Russian, and Spanish.¹² The multicultural linguistic loans seem to indicate a certain degree of mobility on the part of the speakers, who seem to have come in contact with foreigners beyond their immediate border neighbors, perhaps through working the seas, or through unsuccessful attempts to find better employment options abroad, but also due to dealing with sailors and seamen as sex-workers themselves. And as Paul Baker says, we shouldn’t throw out the possibility of the use of foreign languages as a way of coming across as more sophisticated and well-traveled.¹³ Much like the several spatiotemporal paradoxes that surround the closet, the languages that could be its product seem to predate it in certain cases. Furthermore, who speaks or spoke these languages long before the emergence of any contemporary understanding of homosexuality, the homosexual, and notions such as trans* or queer becomes an even more sensitive topic in light of queer modes of communication. **Social Queetique** As I can only fully access Kaliarda and to a certain extent Polari, one of the things I have noticed is their lack of political correctness (or any sense of self-censorship for that matter), and the pejorative terms used for both those who are socially looked down on by society (including the speakers themselves) and their oppressors alike.¹⁴ This seems to indicate a certain adoption of the mores of the general population in addition to their own, no matter how contradictory the two may be.¹⁵ For instance, the words for an effeminate homosexual or the receptive partner in penetrative sex are always pejorative, and the same cannot be said of the terms for the insertive partner. The word “Kaliarda” (καλιαρντά) itself has only negative meanings: “mean, ugly, weird,” with the verb “kaliardevó” (καλιαρντεύω) meaning to speak ill of someone.¹⁶ In addition, there are pejorative terms for other groups that seem to already be looked down on by Greek society, and for whom there already exist several offensive terms, like for the out-of-towners, the obese, the old, and the non-able-bodied. At the same time, there are

plenty of derogatory terms for legal, religious, and political authorities. This points to the counter-cultural elements of the subculture that to some extent could be the result of the constant friction with said authorities. It seems that at least by allowing for a mocking of those seen as oppressors, or by placing themselves somewhere other than the lowest position in the social hierarchy, queers can afford a moment of pleasure that derives from their deviance itself and their organizing around it. So beyond the importance of a safer space, and the practicalities of communication between precariously living subjects, another element of these languages is the proximity they produce between the speakers, and most importantly the moments of humor and joy they allow for.

For instance, small moments of pleasure among fellow deviant subjects seem to be the case with much of Kaliarda and the way it is used, which sadly remains untranslatable. I can only guess that this might well be the case for some of the other languages as well. As Elizabeth Freeman suggests, we might be able to glimpse in our archives

“historically specific forms of pleasure” that have not been institutionalized, and a deeper look at queer language can definitely provide a confirmation of that.¹⁷ Sara Ahmed states: To be happily queer might mean being happy to be the cause of unhappiness (at least in the sense that one agrees to be the cause of unhappiness, even if one is not made happy by causing unhappiness), as well as to be happy with where we get to if we go beyond the straight lines of happiness scripts.¹⁸

Kaliarda also manages to make a somewhat humorous social critique with terms like “the Vatican” (Βατικανό) to mean a gay men’s brothel; a word referring to London that translates as “faggville”/“sisterville” (αδερφοχώρι); “Moutsemeni” (Μουτσεμένη), a word referring to the Virgin Mary as having been naively tricked; and “smartasses’ gangbang” (φαεινοπαρούζα), referring to a political party; and the Acropolis being referred to as “tourist trap” (τουριστόφακα).¹⁹ Such social critique is not unique to queer slangs though; it is a phenomenon common among subcultural

languages, as the same is true for hobo slang, spiv cant, magkika and so on. Paul Baker writes that in “anti-languages’ the social values of words and phrases tend to be more emphasized than in mainstream languages,” a phenomenon termed “sociolinguistic coding orientation,”²⁰ while Nicholas Kontovas points out that the slang of marginal groups

betrays an alternative sociolinguistic market, in which the value of markers from the majority market is neither intrinsically positive nor negative, but reassessed based on an alternative habitus which is particular to the field in which that group interacts.²¹ Both Baker and Kontovas point to the specificities of the social universes these languages produce, which much like the words themselves are borrowed, reappropriated, and creatively adjusted to reflect the ever-changing needs and positions of the speakers.

The overlapping of marginalized groups that operate with those slangs offers an interesting insight into their intersectionality. Circus performers, sailors, prostitutes, and criminals, for instance, also used Polari. Polari also incorporates elements of Thieves’ Cant from the seventeenth century and Hackney rhyming slang.²² Similarly, Kaliarda—used primarily by (trans*) sex workers and “effeminate homosexuals,” according to researcher Elias Petropoulos—is also spoken by actors. It has borrowed and loaned lemmata from magkika and rebetika, two different slang varieties used by other Greek subcultures.²³ Pajubá, apart from

being used by the LGBTQ and queer community, is used by *Candomblé* practitioners.²⁴ Although all of the above categories are in one way or another marginal, perhaps illegal, with intense minoritarian traits, and although socialization between them could explain this transcultural permeation of terms, it definitely evokes the issue of intersectionality within single subjects as the reason that terms traveled so widely within large communities of “deviants” and “outcasts.” Opacity—Some

Passivity Subjects do not become invisible when talking in these languages; they can actually attract more interest from the public. But at the same time, the content of their discussion remains somewhat sealed and opaque. It is through this practice, which is not vocal (although it is verbal) and which does not actively disrupt the status quo (and yet builds an alternative social space), that passivity is generated as a political action. I am referring to passivity not as a synonym for inactivity, but rather as a variety of tactics that manage to subvert norms in ways that are not initially intended. While such cultural productions (language, music, dance, performativities, etc.) are not created with the intent to take over or substitute normative or mainstream culture, as other “active” modes of questioning would, they are forms of resistance. They refuse to be assimilated and “normalized,” choosing instead to produce an alternative that provides a safer space of expression and which—by the way—also has the potential to mock and subvert the norm. As

Jonathan D. Katz says in reference to John Cage’s silences: “Closeted people seek to ape dominant discursive forms, to participate as seamlessly as possible in hegemonic constructions. They do not, in my experience, draw attention to themselves.”²⁵ Thus, finding opaque ways of resisting seems to be a somewhat efficient option. The mannerisms and vocabulary of these slangs are flexible and made to be customizable so they can better serve the speaker. Creation and use of queer slangs is not a forceful destabilization of the status quo and the official/mainstream languages, but at the same time, using them is a refusal of complete silence. Silence here refers both to not speaking and to not speaking audibly against the regime. Queer slangs remain in a rather liminal space between inactivity and straightforward revolutionary action. It is a form of creative resistance, a way of producing a parallel social space of expression whose existence might in some ways indirectly affect the mainstream as well, without that being the primary concern or objective behind them. These languages, when used in the vicinity of outsiders, are indeed audible but not transparent; they remain opaque, allowing the nonspeakers to identify the speakers as belonging to a certain group, but not being able to pinpoint what group that is. This creates a rift in the homogenous social fabric. Katz addresses a similar paradox when he speaks of the irony in the work

of John Cage, a composer who made the loudness of silence his hallmark: Irony’s distinction between what is said and what is

meant opened up a space of otherness that was not understood as specifically oppositional. As a “readerly” relation, irony is recognized, not written, understood not declared. And irony would prove to be a means through which resistance could figure in a culture of coercion.²⁷ Cage used silence as a means to not be silent/silenced, and in a very similar manner queer subjects opt out of mainstream modes of communication and produce a separate sonic space with with a specific membership. While art is made in order to be public and communicated (at least in most cases)—and Cage’s art was very much so—these languages are supposed to be communicated within certain limits, those of the social space they help to produce. I think the way they operate in producing rifts in wider society is by the casual, perhaps accidental moments they engender. They don’t need to be translated, and one does not need to be fully aware of the speakers’ subjectivities, but the sheer fact that certain nonconforming individuals are speaking an unfamiliar dialect might be all it takes to create the impression that there is a very much present, active, and creative community producing its own subculture, and that might already be enough. These queer languages do not produce new, politically informed revolutionary terminology. But they are very much present, occupying a terrain between explicit action-oriented politics and compliance. They operate under cover of opacity and empower the marginalized, giving them space for existence, expression, and safety. Queer languages are anti-authoritative and as such, according to Katz says, “they reveal the power of the individual to construct meaning unauthorized by dominant culture—and all the while, under its very nose.”²⁸ It’s not by accident that during the Greek military dictatorship of the late 1960s and early ‘70s, popular satirical theater used Kaliaarda as a way to avoid censorship. For “precarious” words, they substituted Kaliaarda words, introducing these words to a general audience and letting this audience figure them out for themselves. In the UK a few years earlier, between 1965 and 1968, a BBC radio show that aired on Sunday afternoons and addressed the “entire family” featured two out-of-work camp actors who used Polari at a time when homosexuality was still illegal in the UK. Kaliaarda is nontransparent not only because of its neologisms and semantically altered Greek words, but also because it is spoken very fast. The words acquire meaning and specificity thanks to the contextualization offered by performative gestures and body language. Kaliaarda is seen as the quintessence of camp performance, which itself is often referred to as a method of resistance that, according to David Halperin, resists the power of the system from within.²⁹ As Nicholas De Villiers writes: In an insistence of “Camp” as a *queer* strategy of political resistance Moe Meyer clarifies his use of the term in the following way: “What ‘queer’ signals is an ontological challenge that displaces bourgeois notions of the Self as unique, abiding, and continuous while substituting instead a concept of the Self as performative, improvisational, discontinuous and processually constituted by repetitive and stylized acts.”³⁰ I think queer languages could be one of the answers to De Villiers’s questions in the preface of his book: “What if we were to look at speech as nonrevelatory, outside the parameters of confession and truth, the humanist desire for reflection, and the ideal of transparency? What if we were to attend to its opacity? What would such an opacity look or sound like, and what would be its function?”³¹

K: Baudrillard

The visibility of the affirmative recreates virulence through the hyper-signification of the 1ac. The medium has become the message. The 1ac's politics of transparency internalizes control through the panopticon, where individuals become transparent to themselves. Reality only exists through hyper-expression and over-representation; the modern "subject" no longer exists, rather an empty screen projecting a fake sociality.

Baudrillard 02 — A dead French dude "The violence of the image", <http://www.egs.edu/faculty/jean-baudrillard/articles/the-violence-of-the-image/>

This is the typical **violence of information**, of media, of images, of the spectacular. **Connected to a total visibility**, a total **elimination of secrecy**. Be it of a psychological or mental, or of a neurological, biological or genetic order - soon we shall discover the gene of revolt, the center of violence in the brain, perhaps even the gene of resistance against genetic manipulation - biological brainwashing, brainstorming, brainlifting, with nothing left but recycled, whitewashed lobotomized people as in Clockwork Orange. At this point we should not speak of violence anymore, but rather of virulence. Inasmuch that it does not work frontally, mechanically, but by contiguity, by contamination, along chain reactions, breaking our secret immunities. And operating not just by a negative effect like the classical violence, but on the contrary by an excess of the positive, just as a cancerous cell proliferates by metastasis, by restless reproduction and an excess of vitality.

That is the point in the controversy about the **violence on the screens** and the **impact of images on people's mind**. The fact is that **the medium itself has a neutralizing power**, counterbalancing the direct effect of the **violence on the imagination**. I would say : the violence of the third type annihilates the violence of the first and second type - but at the price of a more virulent intrusion in the deep cells of our mental world. The same as for anti-biotics : they eradicate the agents of disease by reducing the general level of vitality.

When the medium becomes the message (MACLUHAN), then **violence as a medium becomes its own message**, a messenger of itself. So the violence of the message cannot be compared with the violence of the medium as such, with the **violence emanating from the confusion between medium and message**. It is the same with viruses the virus also is information, but of a very special kind - it is medium, and message, agent and action at the same time. That the very origine of its "virulence", of its uncontrollable proliferation. In fact, in all actual biological, social or mental processes, **virulence has substituted violence**. **The traditional violence of alienation, power and oppression has been superated by** something more violent than violence itself : **the virality**, the virulence. And while it was an historical or individual subject of violence, **there is no subject**, no personal agent of virulence (of contamination, of chain reaction), and then no possibility to confront it efficiently. The classical violence was still haunted by the specter of the Evil, it was still visible. **Virulence only transappears**, it is **of the order of transparency** and its logic is that of the transparency of the Evil.

The image (and more generally the sphere of information) **is violent** because what happens there is the murder of the Real, the vanishing point of Reality. **Everything must be seen, must be visible**, and the **image is the site par excellence of this visibility**. But at the same time it is the site of its disappearance. And that something in it has disappeared, has returned to nowhere, makes the very fascination of the image.

Particularly in the case of all professional of **press-images which testify of the real events**. **In making reality**, even the most violent, **emerge to the visible, it makes the real substance disappear**. It is like the Myth of Eurydice : when Orpheus turns around to look at her, she vanishes and returns to hell. That is why, **the more exponential the marketing of images is growing the more fantastically grows the indifference towards the real world**. Finally, **the real world becomes a useless function, a collection of phantom shapes and ghost events**. We are not far from the silhouettes on the walls of the cave of Plato.

A wonderful model of this **forced visibility** is Big Brother and all similar programs, reality shows, docusoaps etc. **Just there; where everything is given to be seen there is nothing left to be seen**. It is **the mirror of platitude**, of banality, of the zero degree of everyday life. There is the place of **a fake sociality**, a virtual sociality where the Other is desperately out of reach - this very fact illuminating perhaps the fundamental truth that **the human being is not a social being**. Move over in all these scenarii the televisual public is mobilized as spectator and judged as become itself Big Brother. **The power of control and transvisuality has shifted to the silent majorities themselves**.

We are far beyond the panoptikon, where **there was still a source of power and visibility** it was so to say a panoptikon - **things were made visible to an external eye**, whereas **here they are made transparent to themselves - a panendoptikon** - thus erasing the **traces of control and making the operator himself transparent**. **The power of control is internalized**, and **people** are no more Lt victims of the image : **they transform themselves into images - they only exist as screens**, ;or in a superficial dimension.

All that is **visualized there**, in the operation Big Brother, is **pure virtual reality**, a synthetic image of the banality, produced : as in a computer. **The equivalent of a ready-made - a given transcripion of everyday life - which is itself already recycled by all current patterns**.

Is there any sexual voyeurism ? Not at all. Almost no sexual scenery. But **people dont want that**, what they secretly want to see is the **spectacle of the banality**, which is from now our real pornography, own true obscenity - **that of the nullity, of insignificance and platitude** (i.e. the extreme reverse of the "There of the Cruelty"). But maybe in that scene lies a certain form of cruelty, at least of a virtual one. At the time when media and television are more and more unable to give an image of the events of the world, then they discover the everyday life, the existential banality as the most criminal event, as the most violent (in)actua-lity, as the very place of the Perfect Crime. And that it is, really. And **people are fascinated, terrified and fascinated by this indifference of the Nothing-to-see, of the Nothing-to-say, by the indifference of their own life, as of the zero degree of living**. The banality and the consumption of banality have now become an olympic discipline of our time - the last form of the experiences of the limits.

In fact, this deals with the naive impulsion to be nothing, and to comfort oneself in this nothingness - sanctioned by the right to be nothing and to be considered and respected as such. Something like a struggle for Nothing and for Virtual death - the perfect opposite to the basic anthropological postulat of the struggle for life. At least it seems that we are all about to change our basic humanistic goals.

There are two ways of disappearing, of being nothing, (in the Integral Reality, everything must logically want to disappear - automatic abreaction to the overdose of reality). **Either to be hidden**, and to insist on the right not-to-be-seen (the actual defense of private life). Or one shifts to a delirious exhibitionism of his own platitude and insignificance - ultimate protection against the

servitude of being, and of being himself. Hence the **absolute obligation to be seen**, to make oneself visible at any price. Everyone deals on both levels at the same time. Then **we are in the double bind - not to be seen, and to be continuously visible**. No ethics, no legislation can solve this dilemma, and the whole current polemic about the right to information, all this polemic is useless. **Maximal information, maximal visibility** are now part of the human rights (and of human duties all the same) and **the destiny of the image is trapped between the unconditional right to see and that, unconditional as well, not to be seen**.

This means that **people are decipherable at every moment**. **Overexposed to the light of information**, and addicted to their own image. Driven to express themselves at any time - self-expression as the ultimate form of confession, as Faucauld said. To become an image, one has to give a visual object of his whole everyday life, of his possibilities, of his feelings and desires. He has to keep no secrets and to interact permanently. Just here is the deepest violence, a violence done to the deepest core, to the hard core of the individual. And at the same-time to the language, because it also loses its symbolic originality - being nothing more than the operator of visibility. It loses its ironic dimension, its conceptual distance, its autonomous dimension - where language is more important than what it signifies. **The image too is more important than what it sneaks of**. That we forget usually, again and again and that is a source of the violence done to the image.

Today everything takes the look of the image - then all pretend that the real has disappeared under the pressure and the profusion of images.. What is totally neglected is that **the image also disappears under the blow and the impact of reality**. The image is usually spoiled of its own existence as image, devoted to a shameful complicity with the real. The violence exercised by the image is largely balanced by the violence done to the image - its exploitation as a pure vector of documentation, of testimony, of message (including the message of misery and violence), its allegiance to morale, **to pedagogy, to politics, to publicity**. Then the magic of the image, both as fatal and as vital illusion, is fading away. The Byzantine Iconoclasts wanted to destroy images in order to abolish meaning and the representation of God. Today we are still iconoclasts, but in an opposite way : **we kill the images by an overdose of meaning**.

Borgès' fable on " The People of the Mirror " : he gives the hypothesis that **behind each figure of resemblance and representation there is a vanquished enemy**, a defeated singularity, a dead object. And the Iconoclasts clearly understood how icons were the best way of letting God disappear. (but perhaps God himself had chosen to disappear behind the images ? Nobody knows). Anyway, today is no more the matter of God : **We disappear behind our images**. No chance anymore that our images are stolen from us, that we must give up our secrets - because we no longer have any. That is at the same time the sign of our ultimate morality and of our total obscenity.

There is a deep misunderstanding of the process of meaning. Most **images** and photographs today **reflect the misery and the violence of human condition**. But all **this affects us less and less, just because it is over signified**. In order for the meaning, for the message to affect us, the image has to exist on its own, to impose its original language. In order for the real to be transferred to our imagination, or our imagination transferred to the real, it must be a counter-transference upon the image, and this countertransference has to be resolved, worked through (in terms of psychoanalysis). Today we see misery and violence becoming a leitmotiv of publicity just by the way of images. Toscani for example is reintegrating sex and Aids, war and death into fashion. And why not ? Jubilating ad-images are no less obscene than the pessimistic ones) But at one

condition to show the violence of publicity itself, the violence of fashion, the violence of the medium. What actually publishers are not able even to try to do. However, fashion and high society are themselves a kind of spectacle of death. The world's misery is quite so visible, quite so transparent in the line and the face of any top-model as on the skeletal body of an african boy. The same cruelty is to be perceived everywhere, if one only knows how to look at it.

The 1AC is nothing more than the production and assimilation of otherness. This creates a violent form of identification whereby the other becomes an object of manipulation, another commodity in the economy of symbolic exchange.

Baudrillard 02 – Still French, and still very dead /Jean, Screened Out, 51 – 56/

With modernity, we enter the age of the production of the Other. The aim is no longer to kill the Other, devour it, seduce it, vie with it, love it or hate it, but, in the first instance, to produce it. The Other is no longer an object of passion, but an object of production. Perhaps, in its radical otherness or its irreducible singularity, the Other has become dangerous or unbearable, and its seductive power has to be exorcized? Or perhaps, quite simply, otherness and the dual relation progressively disappear with the rise of individual values and the destruction of symbolic ones?

The fact remains that otherness does come to be in short supply and, if we are not to live otherness as destiny, the other has to be produced imperatively as difference. This goes for the world as much as for the body, sex and social relations. It is to escape the world as destiny, the body as destiny, sex (and the opposite sex) as destiny, that the production of the other as difference will be invented. For example, sexual difference: each sex with its anatomical and psychological characteristics, with its own desire and all the irresolvable consequences that ensue, including the ideology of sex and the Utopia of a difference based both in right and in nature. None of this has any meaning in seduction, where it is a question not of desire but of a game with desire, and where it is a question not of the equality of the sexes or the alienation of the one by the other, since game-playing involves a perfect reciprocity of partners (not difference and alienation, but otherness and complicity). Seduction is as far from hysteria as can be. Neither of the sexes projects its sexuality on to the other; the distances are given; otherness is intact - it is the very condition of that higher illusion that is play with desire.

However, with the coming of the nineteenth century and Romanticism, a masculine hysteria comes into play and with it a change in the sexual paradigm, which we must once again situate within the more general, universal framework of the change in the paradigm of otherness.

In this hysterical phase, it was, so to speak, the femininity of man which projected itself on to woman and shaped her as an ideal figure in his image. In Romantic love, the aim was not now to conquer the woman, to seduce her, but to create her from the inside, to invent her, in some cases as achieved Utopian vision, as idealized woman, in others as *jemme fatale*, as star - another hysterical, supernatural metaphor. The Romantic Eros can be credited with having invented this ideal of harmony, of loving fusion, this ideal of an almost incestuous form of twin beings — the woman as projective resurrection of the same, who assumes her supernatural form only as ideal of the same, an artefact doomed henceforth to *Vamour ox*, in other words, to a pathos of the ideal resemblance of beings and sexes - a pathetic confusion which substitutes for the dual otherness of seduction. The whole mechanics of the erotic changes meaning, for the erotic attraction which previously arose out of otherness, out of the strangeness of the Other, now finds its stimulus in sameness - in similarity and resemblance. Auto-eroticism, incest? No. Rather a hypostasis of the

Same. Of the same eyeing up the other, investing itself in the other, alienating itself in the other - but the other is only ever the ephemeral form of a difference which brings me closer to me. This indeed is why, with Romantic love and all its current spin-offs, sexuality becomes connected with death: it is because it becomes connected with incest and its destiny - even in banalized form (for we are no longer speaking of mythic, tragic incest here; with modern eroticism we are dealing with a secondary incestuous form - of the protection of the same in the image of the other - which amounts to a confusion and corruption of all images).

We have here then, in the end, the invention of a femininity which renders woman superfluous. The invention of a difference which is merely a roundabout copulation with its double. And which, at bottom, renders any encounter with otherness impossible (it would be interesting to know whether there was not any hysterical quid pro quo from the feminine in the construction of a virile, phallic mythology; feminism being one such example of the hystericization of the masculine in woman, of the hysterical projection of her masculinity in the exact image of the hysterical projection by man of his femininity into a mythical image of woman).

However, there still remains a dissymmetry in this enforced assignment to difference.

This is why I have contended, paradoxically, that man is more different from woman than woman is from man. I mean that, within the framework of sexual difference, man is merely different, whereas in woman there remains something of the radical otherness which precedes the debased status of difference.

In short, in this process of extrapolation of the Same into the production of the Other, of hysterical invention of the sexual other as twin sister or brother (if the twin theme is so prominent today, that is because it reflects this mode of libidinal cloning), the sexes become progressively assimilated to each other. This develops from difference to lesser difference through to the point of role-reversal and the virtual non-differentiation of the sexes. And it ends up making sexuality a useless function. In cloning, for example, pointlessly sexed beings are going to be reproduced, since sexuality is no longer needed for their reproduction.

If the real woman seems to disappear in this hysterical invention of the feminine (though she has other means of resisting this), in this invention of sexual difference, in which the masculine occupies the privileged pole from the outset, and in which all the feminist struggles will merely reassert that insoluble privilege or difference, we must recognize too that masculine desire also becomes entirely problematical since it is able only to project itself into another in its image and, in this way, render itself purely speculative. So all the nonsense about the phallus and male sexual privilege, etc. needs revising. There is a kind of transcendent justice which means that, in this process of sexual differentiation which culminates inexorably in non-differentiation, the two sexes each lose as much of their singularity and their otherness. This is the era of the Transsexual, in which all the conflicts connected with this sexual difference carry on long after any real sexuality, any real alterity of the sexes, has disappeared.

Each individual repeats on his or her own body this (successful?) takeover of the feminine by masculine projection hysteria. The body is identified and appropriated as a self-projection, and no longer as otherness and destiny. In the facial features, in sex, in sickness and death, identity is constantly being altered. You can do nothing about that. It is destiny. But this is precisely what has to be warded off at all costs in the identification of the body, the individual appropriation of the body, of your desire, your appearance, your image: plastic surgery on all fronts. For if the body is no longer a site of otherness, of a dual relation, if it is a site of identification, then

you have urgently to reconcile yourself with it, to repair it, perfect it, turn it into an ideal object. Everyone treats his/her body as man treats woman in the projective identification we have described: he invests it as a fetish in **a desperate attempt at self-identification. The body becomes an object of autistic worship, of an almost incestuous manipulation.** And it is the body's resemblance to its model which becomes a source of eroticism and unconsummated self-seduction, insofar as it virtually excludes the Other and is the best means of excluding any seduction from elsewhere.

Many other things relate also to this production of the Other - a hysterical, speculative production. Racism is one example, in its development throughout the modern era and its current recrudescence. Logically, it ought to have declined with progress and the spread of Enlightenment. **But the more we learn how unfounded the genetic theory of race is, the more racism intensifies.** This is because we are dealing with an artificial construction of the Other, on the basis of an erosion of the singularity of cultures (of their otherness one to another) and entry into the fetishistic system of difference. So long as there is otherness, alienness and a (possibly violent) dual relation, there is no racism properly so called. That is to say, roughly, up to the eighteenth century, as anthropological accounts attest. **Once this 'natural' relation is lost, we enter upon an exponential relation with an artificial Other. And there is nothing in our culture with which we can stamp out racism, since the entire movement of that culture is towards a fanatical differential construction of the Other,** and a perpetual extrapolation of the Same through the Other. Autistic culture posing as altruism.

We talk of alienation. But **the worst alienation is** not being dispossessed by the other, but being dispossessed of the other: **it is having to produce the other in the absence of the other, and so continually to be thrown back on oneself and one's own image.** If, today, we are condemned to our image (to cultivate our bodies, our 'looks', our identities, our desires), this is not because of alienation, but because of the end of alienation and the virtual disappearance of the other, which is a much worse fate. In fact, the definition of alienation is to take oneself as one's focus, as one's object of care, desire, suffering and communication. **This definitive short-circuiting of the other ushers in the era of transparency. Plastic surgery becomes universal. And the surgery performed on the face and the body is merely the symptom of a more radical surgery: that performed on otherness and destiny.**

What is the solution? There is no solution to this erotic trend within an entire culture; to this fascination, this whirl of denial of otherness, of all that is alien and negative; to this foreclosing of evil and this reconciliation around the Same and its multiple figures: incest, autism, twinship, cloning. **All we can do is remind ourselves that seduction lies in non-reconciliation with the other, in preserving the alien status of the Other. One must not be reconciled with oneself or with one's body. One must not be reconciled with the other, one must not be reconciled with nature, one must not be reconciled with the feminine** (that goes for women)

We present no alternative. The system demands that we maximize production of meaning – in response, we refuse communication, we refuse signification, and we refuse meaning.

Baudrillard 2K ~<http://www.egs.edu/faculty/jean-baudrillard/articles/simulacra-and-simulations-viii-the-implosion-of-meaning-in-the-media/>

What is essential today is to evaluate this double challenge – the challenge of the masses to meaning and their silence (which is not at all a passive resistance) - the challenge to meaning that comes from the media and its fascination. All the marginal, alternative efforts to revive meaning are secondary in relation to that challenge.

Evidently, there is a paradox in this inextricable conjunction of the masses and the media: do the media neutralize meaning and produce unformed [informe] or informed [informée] masses, or is it the masses who victoriously resist the media by directing or absorbing all the messages that the media produce without responding to them? Sometime ago, in "Requiem for the Media," I analyzed and condemned the media as the institution of an irreversible model of communication without a response. But today? This absence of a response can no longer be understood at all as a strategy of power, but as a counterstrategy of the masses themselves when they encounter power. What then? Are the mass media on the side of power in the manipulation of the masses, or are they on the side of the masses in the liquidation of meaning, in the violence perpetrated on meaning, and in fascination? Is it the media that induce fascination in the masses, or is it the masses who direct the media into the spectacle? Mogadishu-Stammheim: the media make themselves into the vehicle of the moral condemnation of terrorism and of the exploitation of fear for political ends, but simultaneously, in the most complete ambiguity, they propagate the brutal charm of the terrorist act, they are themselves terrorists, insofar as they themselves march to the tune of seduction (cf. Umberto Eco on this eternal moral dilemma: how can one not speak of terrorism, how can one find a good use of the media - there is none). The media carry meaning and countermeaning, they manipulate in all directions at once, nothing can control this process, they are the vehicle for the simulation internal to the system and the simulation that destroys the system, according to an absolutely Mobian and circular logic - and it is exactly like this. There is no alternative to this, no logical resolution. Only a logical exacerbation and a catastrophic resolution.

With one caution. We are face to face with this system in a double situation and insoluble double bind - exactly like children faced with the demands of the adult world. Children are simultaneously required to constitute themselves as autonomous subjects, responsible, free and conscious, and to constitute themselves as submissive, inert, obedient, conforming objects. The child resists on all levels, and to a contradictory demand he responds with a double strategy. To the demand of being an object, he opposes all the practices of disobedience, of revolt, of emancipation; in short, a total claim to subjecthood. To the demand of being a subject he opposes, just as obstinately and efficaciously, an object's resistance, that is to say, exactly the opposite: childishness, hyperconformism, total dependence, passivity, idiocy. Neither strategy has more objective value than the other. The subject-resistance is today unilaterally valorized and viewed as positive - just as in the political sphere only the practices of freedom, emancipation, expression, and the constitution of a political subject are seen as valuable and subversive. But this is to ignore the equal, and without a doubt superior, impact of all the object practices, of the renunciation of the subject position and of meaning - precisely the practices of the masses - that we bury under the derisory terms of alienation and passivity. The liberating practices respond to one of the aspects of the system, to the constant ultimatum we are given to constitute ourselves as pure objects, but they do not respond at all to the other demand, that of constituting ourselves as subjects, of liberating ourselves, expressing ourselves at whatever cost, of voting, producing, deciding, speaking, participating, playing the game - a form of blackmail and ultimatum just as serious as the other, even more serious today. To a system whose argument is oppression and repression, the strategic resistance is the liberating claim of subjecthood. But this

strategy is more reflective of the earlier phase of the system, and even if we are still confronted with it, it is no longer the strategic terrain: **the current argument of the system is to maximize speech, the maximum production of meaning.** Thus the strategic resistance is that of the **refusal of meaning** and of the spoken word - or of the hyperconformist simulation of the very mechanisms of the system, which is a form of refusal and of non-reception. It is the strategy of the masses: it is equivalent to **returning to the system its own logic by doubling it,** to **reflecting meaning**, like a mirror, **without absorbing it.** This strategy (if one can still speak of strategy) prevails today, because it was ushered in by that phase of the system which prevails.

To choose the wrong strategy is a serious matter. All the movements that only play on **liberation, emancipation, on the resurrection of a subject** of history, of the group, of the word based on "**consciousness raising,**" indeed a "**raising of the unconscious**" of subjects and of the masses, do not see that **they are going in the direction of the system,** **whose imperative today is precisely the overproduction and regeneration of meaning and of speech.**

Case

First person narratives bad – kills reality of the person itself

Beth Hill, 9-20-2012, "What's Wrong With a First-person Narrator," The Editor's Blog, <http://theeditorsblog.net/2012/09/20/the-curse-of-first-person-narration/>

Did you know that stories with first-person narration face a curse? It's not that every story told in the first person falls under the curse, but a great many manuscripts, especially those of first-time novelists, flirt with it. What kind of curse, you may be asking. Many of the first-person manuscripts I see start off as tales and remain as tales rather than turn into novels. Once upon a time, I was a . . . fill in the blank. I was an explorer setting off to pursue my dream. I was a boy without a dream. I was a man in search of questions. I lived in a small village. A teeming city. At the dawn of a new century. And these kinds of things happened to me . . . I wanted to do great exploits, but my family, my village, my circumstances held me back. My mentor always told me to seek the grail, seek redemption, seek my roots. Someone else told me to find myself. Such stories go on for paragraphs, maybe for pages, maybe for chapters, simply telling us about the lead character's life. We don't see that life unfold in action. We don't hear dialogue voiced—it's always something such as The wise woman warned me again and again not to step outside the village at night and never when the moon was full or My dad told me I'd never make it as history teacher. Our narrator speaks, or rather thinks, but just as a disembodied voice. We often have no idea where he is when he's relating these stories of his past. We have no setting, no sense of time or place. We have no picture of the narrator doing anything that he describes in his tales. Nor do we have a picture of where he is as he tells them. We don't see the wise woman at a specific moment in time. We can't hear her voice, how it crackles or how she mangles her words or how her speech sounds like warm honey. We don't see the dad coming home from his second job—tired and discouraged and out of sorts—explaining why his son's plans won't work. And what of the narrator? Not only does he not tell us where he is as he's spinning his tale, he doesn't tell us what he's doing. What's going on with him as he regales us with his summers at the lake with his psychotic cousins? Is he sitting back in a rocking chair at a grand old age, sipping a glass of tea? A glass of merlot? A bourbon? Is he talking of a past 60 years earlier or one 20 years earlier or one merely 6 months earlier? We don't know because he simply begins to report Once upon a time, I . . . He might not actually say once upon a time. But that is what he means. He's simply updated the traditional wording. When I was a kid . . . My mother always told me . . . We always spent summers at the lake . . . These are the kinds of openings of stories under the curse. Rather than putting characters and readers in an identifiable place and time—a specific setting—the writer introduces readers to the general moments from a character's life. Rather than scene, we get exposition. Exposition is necessary in long fiction, so I'm not telling you to not use it (and I'm not saying you couldn't open an engrossing novel using lines similar to what I've pointed out here). But exposition shouldn't take over the story and it especially shouldn't run on for three or four chapters before the first event or first dialogue shows up. And exposition should not be the primary mode of storytelling in a novel. A comparison? Consider the differences between a movie review and the movie itself. A story that's told via exposition is merely a review. A review is flat words on the page. A movie is event and dialogue and emotion and setting. So exposition sits flat on a page while scenes are event and dialogue and emotion and an active setting. Let's return to our narrator . . .

Telling stories about an individual's suffering obscures their identity and makes it impossible for them to make change

Abbas 2010 [Asma, Professor and Division Head in Social Studies, Political Science, Philosophy at the Liebowitz Center for International Studies at Bard College at Simon's Rock, Liberalism and Human Suffering: Materialist Reflections on Politics, Ethics, and Aesthetics, London: Palgrave Macmillan, pg. Pg. 133- 136]

There is a fundamental reciprocity between how sufferers represent themselves, or are represented, and the way in which their subjectivities and those of the injurers are theorized in various political programs. Together, they determine the form of agency that is granted to the victim within any paradigm. In many theoretical attempts at redeeming victims, the work of the wounded remains attached to an imputed aspiration for agency modeled on the "health" of the agent qua perpetrator, bystander, and rescuer. Seeing the wounded as agency-impaired affirms the definition of victim as inadequate subject. There can be no justice done to the experience of suffering in its particularity if the only choice is to define it in relation to—even when only as the antithesis of—normalized healthy sovereign

action. Critiques of liberalism that build on responses to orientalism and other colonial discourses are suspicious of the mechanics of the identification of victims. For them, the victim status precludes any status beyond that of the object of an action, necessitates powerlessness, and imposes slave morality.²⁰ An inevitable result is the object's own resignation to its "assigned" lack of subjectivity.²¹ In these criticisms, the question of naming becomes inextricable from representation. It follows that the need and validity of representing the victims, the oppressed, the third world, is doubted and, finally, rejected. However, these challenges still remain attached to a relation to health as agency and to agency as health. An example is the call that victims and agents are not mutually exclusive—something to the effect that victims can be agents, too. Mohanty, for one, tells us of cottage-industry working women in Narsapur who "are not mere victims of the production process, because they resist, challenge, and subvert the process at various junctures."²² What is implicit in the "not mere victim" reaction? It brings to mind Martha Nussbaum's claim that victimization does not preclude "agency."²³ Clearly at work in Mohanty's account is a defensiveness that ends up condoning and affirming the dominant notion of agency it opposes. Occupying very different locations on the philosophical spectrum, Mohanty and Nussbaum seem closer in their gut reaction than their avowals would suggest. **Why is a victim merely a victim? What does it tell us regarding how we understand victimization? These reactions betray an inability to factor in the mode of practice that is suffering,** which may spurn the redemption of the victim on the terms of health and agency, liberal style. These thinkers highlight how voice and representation are so frequently framed in terms of agency, where agency itself becomes linked to representation: the victims or nonagents need representation, and they are redeemed by obviating representation and granting a voice all in one fell swoop. In my view, this link between agency and the authenticity of voice is a dubious one. It is on this suspect convergence that Spivak makes an important intervention. In "Can the Subaltern Speak?" she concludes that the subaltern cannot speak, an answer that, in dismissing Western intellectuals who "make space" for the subaltern to speak, reinstates a project of rethinking representation and the victim's experience. Spivak's analysis is more nuanced than Mohanty's, which rejects the very need and validity of this representation. Spivak takes issue with Foucault's wish to let the subaltern speak "in their own voice," which does not take seriously the notion that they have no voice as yet, and that this speechlessness is what defines the subaltern. She saves the notion of representation by arguing that, in the absence of a language of their own, there is no alternative but to represent the subaltern in a way that is sensitive to their silence.²⁴ As I argued in Chapters 2 and 3, the fetish of voice itself must be subject to a suspicion, since it serves those who thrive on its consolations more than those who are bid speak and must do so in order to write themselves in. This is not to say that the "victim"—its discursive and material reality—does not need redressal in a liberatory politics. Far from that, one can see it as a representation—a Darstellung and a Vorstellung—that has to itself be a subject of any social theoretical endeavor that is materialist in its imperative to make conditions (for the possibility of change) out of necessities. Liberal fictions and power structures need victims; unwittingly or not, they sustain them as they are themselves nourished by the latter's surplus suffering. Interestingly, the same Nietzsche who inspires a suspicion of the agent is also someone who forces a consideration of the material history, weight, and imperatives of agency, and of the terms and labor of its overcoming. It is more than a coincidence that Nietzsche's transition from the slave revolt in the first essay of *On the Genealogy of Morals* to the story of guilt, resentment, and punishment in the second essay, involves the myth of the doer behind the deed.²⁵ This transition is about suffering. Nietzsche's views on subjects and subjection suggest not merely that there is no doer but that the core of human existence is the suffering of that doing—that the subject is, in any case, subject to itself and its deeds. (As far as the fictive nature of the subject is concerned, Nietzsche drives home the very brutally material nature of fictions— are fictions ever merely fictions?) The centrality of the agent in liberalism's focus on suffering is manifest in the necessity of an agent as the cause or remedy of suffering. This raises the question of which fiction is more enduring in the liberal framework: the agent who causes the injury or the victim who is injured with that agency? In both cases, liberalism's attention is clear. In its keenness to see as good for liberal justice only the suffering that can be traced to a sanctioned agent, it makes victims into objects of the action. While neither of these options exhausts the possibilities in reality, they do necessitate each other. **This is why the agent looms so large, even in the imaginations of critics of liberalism, that it holds the promise, in its potential idealist-linguistic overcoming, of the undoing of the stigmatizing victim identity it spawns. However, the sufferer subjected to the fictions of agency and of the production of injury suffers these fictions** through her labors of sustaining and unwriting them.

*****The 1AC's "first-world feminism" fails to include a discussion of <insert specific demographic group(s) here>. A critical interrogation of how the notion of privacy uniquely affects each of these groups is essential in order to produce real social change.**

Miller 1 (Teresa A. Miller, Associate Professor of Law, University at Buffalo School of Law, 1-20-2001, "Keeping The Government's Hands Off Our Bodies: Mapping A Feminist Legal Theory Approach To Privacy In Cross-Gender Prison Searches," *Buffalo Criminal Law Review*,

<http://www.jstor.org/stable/10.1525/nclr.2001.4.2.861?Search=yes&resultItemClick=true&searchText=strip&searchText=searches&searchText=prison&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dstrip%2Bsearches%2Bprison%26amp%3Bacc%3Don%26amp%3Bwc%3Don%26amp%3Bfc%3Doff%26amp%3Bgroup%3Dnone>) AC

Secondly, the feminist critique of privacy has drawn attention to the legitimating function of privacy that perpetuates the status quo by conceptualizing privacy as a negative right of protection against improper state interference, but with no correlative, affirmative governmental obligation to guarantee reproductive freedom.⁴⁵ In this respect, asserts feminist legal scholar Laura Stein, privacy is “decidedly non-transformative.”⁴⁶ Subsequent critiques of privacy doctrine by other feminist legal theorists followed and solidified what has been called the anti-privacy position of feminist legal theory.⁴⁷

More recently, a counter-critique emerged. Conceived by feminists of color, this racial critique of the feminist critique of privacy criticizes the rejection of privacy doctrine by feminist legal theorists for (1) narrowly defining women’s reproductive freedom in terms of abortion rights rather than examining the range of forces limiting the reproductive liberty of poor women of color;⁴⁸ (2) failing to take into account the more complex, racialized significance of the private sphere “as the site of solace and resistance against racial oppression” for women of color;⁴⁹ and (3) **identifying gender as the sole locus of women’s oppression and therefore ignoring racial and economic subordination.** Through counter-critique, these legal scholars seek to reclaim the right of privacy for women of color. ⁵⁰

Whereas MacKinnon’s feminist critique of privacy emphasizes the shortcomings of privacy-based protections of women’s reproductive choices, Roberts’ racial critique of the feminist critique of reproductive privacy advances our understanding of how privacy—properly contextualized—can be reconstructed to make the doctrine more effective. MacKinnon faults the doctrine of procreative privacy for its liberal presumption that individuals act autonomously, freely, and equally in spite of huge disparities in power between men and women. MacKinnon further criticizes the doctrinal formulation of privacy for preserving the status quo by failing to destabilize the power disparities between men and women. **Privacy is formulated as a negative right that entitles women merely to governmental non-intervention.** MacKinnon contends that by failing to require social changes that would eliminate women’s inequality to men, privacy doctrine perpetuates the sexual oppression that requires women to seek abortions in the first place (i.e., male control over sexuality).⁵¹ In contrast, Roberts resurrects the doctrine of privacy condemned by MacKinnon and reclaims it on behalf of women of color. Their historical experiences of being denied rights and being socially devalued as mothers underscore the significance of formulating protection of their procreative choices as a legal right—one that stresses the value of personhood and protects against totalitarian abuse of governmental power.⁵² Roberts criticizes the feminist critique of privacy for neglecting the concerns of poor women of color who simultaneously experience various forms of oppression “as a complex interaction of race, gender and class.”⁵³ She argues for a new jurisprudence of reproductive privacy that, inter alia, shifts the focus from state non-intervention to an affirmative guarantee of personhood. Roberts demonstrates that examining the experiences of women in the context of racial discrimination and economic disadvantage and formulating a privacy right that protects them leads to a doctrine of privacy that advances social justice and more fully protects everyone.⁵⁴ For example, among women claiming procreative privacy, poverty, subordination, and racial oppression influence the nature of the privacy claim. In *Killing the Black Body: Race, Reproduction and the Meaning of Liberty*, Roberts explains that racial oppression and economic disadvantage shape the meaning of black women’s claims to procreative privacy.⁵⁵ She suggests that understanding the context in which their privacy claims arise—in other words by “addressing the particular concerns of Black women”⁵⁶—a fuller vision of reproductive freedom is realized: [Black women’s’] reproductive freedom, for example, is limited not only by the denial of access to safe abortions, but also by the lack of resources necessary for a healthy pregnancy and parenting relationship. Their choices are limited not only by direct government interference in their decisions, but also by government’s failure to facilitate them Addressing the particular concerns of Black women helps to expand our vision of reproductive freedom to include the full scope of what it means to have control over one’s reproductive life.

Brainstorming

<http://www.theguardian.com/books/2014/sep/01/ya-dystopias-children-free-market-hunger-games-the-giver-divergent> this article talks about how dystopian societies frame the left wings and its ideals as dangerous; however, it focuses mainly on modern YA dystopia

K link about not discussing other races/ factors of oppression – write into a K

The Baudrillard K? Have to make sure it doesn't clash w fw. Link in dropbox folder- trying to put meaning into media and turn it into reality = bad

T its – extra T – they claim eye is stares you get when walking down the street – clearly not T, and if they claim its actually just USFG claim solvency bc they themselves stated that it symbolizes the collective gaze of everyone. Issue with this is the case isn't final, they may change the plan text and all

Potentially helpful article: <https://www.nytimes.com/books/00/03/26/specials/mccarthy-atwood.html>

Case

Cultural Appropriation/Not intersectional

Atwood's tale is cultural appropriation; it describes a future for white women, which appropriates the life and the history of women of color. This supposed dystopian future is only a future for white women, it is the present and past for women of color.

Chris **Gavaler** 15, 1-4-2015, English professor at the Washington and Lee university, "The Handmaid's Tale and Bad Slavery Comparisons « The Hooded Utilitarian," No Publication, <http://www.hoodedutilitarian.com/2015/01/the-handmaids-tale-and-bad-slavery-comparisons/> - See more at: <http://www.hoodedutilitarian.com/2015/01/the-handmaids-tale-and-bad-slavery-comparisons/#sthash.0cBpx1Rm.dpuf>, jono yo)

The Handmaid's Tale clearly owes a debt to other totalitarian dystopias, most notably 1984. But it also borrows liberally from the experiences of non-white women. In fact, the novel's horror is basically a nightmare vision in which white, college-educated women like Atwood are forced to undergo the experiences of women of color.¶ This transposition is not especially subtle, nor meant to be. Handmaids wear red, full-body coverings and veils which reference the burqa. In case the parallel isn't sufficiently obvious, Atwood has her narrator directly compare the Handmaids waiting to perform their procreative duties to "paintings of harems, fat women lolling on divans, turbans on their heads, or velvet caps, being fanned with peacock tails, a eunuch in the background standing guard." The narrator has been teleported into an Orientalist fever dream, the irony only emphasized early in the novel by a group of modern, Japanese tourists, who stare at the debased Occidental women just as Westerners stereotypically stare at the debased women of the Orient. The stigma against Islam is leveraged along with, and blurs into, the stigma against prostitutes; the horror here is that middle-class, college-educated white women will be forced into the position of sex workers.¶ Slave experiences are appropriated with similar bluntness. The network that secretly ferrets Handmaid refugees over the border to Canada in the novel is called, with painful obliviousness, the Underground Femaleroad. We learn, in an aside, that the regime hates the song "Amazing Grace" — originally an anti-slavery song. It's reference to "freedom" has been repurposed here to apply to Gilead's gender inequities. The specific oppressions the Handmaids face also seem lifted from slave experience — they have their children taken from them; they are not allowed to read; they need passes to go out; if they violate any of innumerable rules, they are publicly hanged. The tension between white mistresses and black women on slave plantations is even reproduced; the narrator's Commander wants to see her outside of the proscribed procreation ceremony. She of course can't refuse — even when she finds out it provokes the commander's wife to dangerous sexual jealousy. This is a familiar dynamic from any number of slave narratives (12 Years a Slave is a high-profile recent example) with the one difference that here, not just the oppressor, but the oppressed, is white.¶ Atwood is hardly the first science-fiction author to create a white future from elements of past non-white oppression. As I've written before, this kind of reversal is central to the genre; H.G. Wells, explicitly compares the invasion of the Martians in The War of the Worlds to European colonization of Tasmania. Wells explicitly presents this parallel as a moral lesson; he asks Europeans to imagine themselves in the position of the colonized, and to think about how that would feel. You could argue, perhaps, that Atwood is doing something similar — that she's trying to get white people, and particularly white women, to imagine themselves in the position of non-white women, and to be more appreciative of and sympathetic to their struggles. You could see The Handmaid's Tale as analogous to Orange Is The New Black, where a white woman is a convenient point of entry to focus on and think about the lives of non-white women.¶ Orange Is the New Black actually includes Black and Latina women as characters, though. The Handmaid's Tale emphatically does not. The book does say that the Gilead regime is very racist, but the one direct mention of black people in the book is an assertion of their erasure. The narrator sees a news report which declares that "Resettlement of the Children of Ham is continuing on schedule." Here Atwood and Gilead seem almost to be in cahoots, resettling black people somewhere else, so that we can focus, untroubled by competing trauma, on the oppression of white people.¶ Atwood and Gilead are in cahoots in some sense; Atwood created Gilead. You

can hear an echo of the writer's thoughts, perhaps, in Moira, the narrator's radical lesbian friend, who is not shocked by the Gilead takeover. Instead, the narrator says, "In some strange way [Moira] was gleeful, as if this was what she'd been expecting for some time and now she'd been proven right." The Handmaid's Tale presents a world in which white middle-class women are violently oppressed by Christian religious fanatics. As such, it is not just a dystopia, but a kind of utopia, the function of which, as Moira says, is to prove a certain kind of feminist vision right.¶ That vision is one in which women — and effectively white women — contain all oppressions within themselves. The Handmaid's Tale is a dream of vaunting, guiltless suffering. Maybe that's why Stop Patriarchy finds the slavery metaphor so appealing as well. Using slavery as a comparison is not just an intensifier, but a way to erase a complicated, uncomfortable history in which the oppressed can also sometimes be oppressors.¶

Atwood = critique of feminism

(Don't read w/ queer k – Callaway talks about how Atwood criticizes second-wave feminism)

They should have read Atwood better, it's a critique of modern feminism. The Eye was not the meaning of the book, it's analysis on how fem has reproduced systems of control

Allana **Callaway**, may 2008, professor at san jose state university, Women disunited : Margaret Atwood's The Handmaid's Tale as a critique of feminism", san jose state university scholar work, http://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=4501&context=etd_theses, jono yo)

All of these critical foci are important; however, they miss the crucial point that Gilead's power structure is an expression of the disunity of women. While Gilead's caste system represses men and women, it is the women in positions of power, rather than the men, who make this system unpleasant and dangerous for women. This is the focus of my thesis. First, the influence of feminism on The Handmaid's Tale is discussed. In tracing the development of feminism, a sustained discussion of Second-Wave Feminism is offered. Atwood's evolving feminist sympathies are also examined, mainly through published interviews of Atwood conducted between 1972 and 2005. Second, the development of the Utopian tradition is traced through texts such as Mary Shelley's The Last Man and Charlotte Perkins Gilman's Herland. The dystopic tradition is also outlined through the following texts: Yevgeny Zamyatin's We, Aldous Huxley's Brave New World, and George Orwell's 1984. These texts were chosen because they seem to have influenced Atwood's creation of the Republic of Gilead and because they are primarily concerned with sexual power politics. Finally, it is posited that within The Handmaid's Tale the real threat in Gilead comes not from male but from female control. The ultimate result of the micro-stratification in Gilead is the evolution of a new form of misogyny, not as we usually think of it, as men's hatred of women, but as women's hatred of women. Atwood depicts one viable backlash from our current feminist momentum: gynocentric misogyny and "traditional" misogyny combined in one militaristic social and religious order—the Republic of Gilead. In other words, the male-dominated power structure relies on women to regulate one another and enforce social standards. The philosophy informing the social structure is not unique to Gilead: "no empire imposed by force or otherwise has ever been without this feature: control of the indigenous by members of their own group" (The Handmaid's Tale 308). Grounding the social hierarchy in biblical and historical precedents, the matriarchy attempts to disguise the reality of this universally degrading women's culture. For example, the new family structure relies on "the monthly rape 'Ceremony' [which] follows the scriptural 'and she shall bear upon my knees/ and grotesquely requires the presence of Wife, Handmaid, and Commander. It synthesizes the institutionalized humiliation, objectification, and ownership of women in Gilead" (Cavalcanti 166). My interpretation takes this a step further. Because of the nature of household politics, and the uniquely matriarchal content informing them, it is no longer the men, but the women who should be feared. Placing The Handmaid's Tale within the contexts of feminism and dystopian literature enables me to return to the text and reinterpret Atwood's creation of this reactionary society as a critique of Second-Wave Feminism and a prophetic call to action.

The world of Gilead criticizes modern takes on feminism

Allana **Callaway**, may 2008, professor at san jose state university, Women disunited : Margaret Atwood's The Handmaid's Tale as a critique of feminism", san jose state university scholar work, http://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=4501&context=etd_theses, jono yo)

While there is plenty of traditional feminist critique of male power structures in Atwood's works, and particularly in The Handmaid's Tale, this thesis argues that the power structure of Gilead (the biblically-inflected nation Atwood imagines) also critiques the feminine roles that support and enable the repression of other women. Placing the novel in the contexts of Atwood's career, feminism, and dystopian literature, provides a fuller understanding of how the novel functions as an expression of the disunity of women. Thus, this thesis turns the focus of The Handmaid's Tale from the consequences of patriarchal control and "traditional" misogyny, to the matriarchal network, and a new form of misogyny: women's hatred of women. Read thusly, The Handmaid's Tale becomes a prophetic call to action.

Notes

Winning strat against this aff is probably going to be Antiblackness, with maybe some of the pain commodification cards on case. Some of the indicts of the book (like the Berlatsky cards) are pretty great links to Antiblackness.

Strats that CANNOT be read together—

Countergaze+Ocularcentrism, or Countergaze+the Snow 89 card from case, Micropolitics bad+Antiblackness, or Antiblackness+Tuck and Yang, or Dystopias Bad+Antiblackness (arguably)

A lot of the cards from the kritik shells can be read on case, and a lot of the case cards can be read as links to some of the K.

Don't ignore the case cards. They're pretty "hype".

Tuck and Yang

INC

Research is used to commodify pain narratives and damage representations to reproduce oppression with the justification of the academy

Tuck and Yang 14 [Eve, & K.W., 2014, “R-Words: Refusing Research.” In n D. Paris & M. T. Winn (Eds.) Humanizing research: Decolonizing qualitative inquiry with youth and communities https://faculty.newpaltz.edu/evetuck/files/2013/12/Tuck-and-Yang-R-Words_Refusing-Research.pdf]

Urban communities, and other disenfranchised communities, Damage-centered researchers may operate, even benevolently, within a theory of change in which harm must be recorded or proven in order to convince an outside adjudicator that reparations are deserved. These reparations presumably take the form of additional resources, settlements, affirmative actions, and other material, political, and sovereign adjustments. Eve has described this theory of change as both colonial and flawed, because it relies upon Western notions of power as scarce and concentrated, and because it requires disenfranchised communities to position themselves as both singularly defective and powerless to make change (2010). Finally, Eve has observed that “won” reparations rarely become reality, and that in many cases, communities are left with a narrative that tells them that they are broken. Similarly, at the center of the analysis in this chapter is a concern with the fixation social science research has exhibited in eliciting pain stories from communities that are not White, not wealthy, and not straight. Academe’s demon-strated fascination with telling and retelling narratives of pain is troubling, both for its voyeurism and for its consumptive implacability. Imagining “itself to be a voice, and in some disciplinary iterations, the voice of the colonised” (Simpson, 2007, p. 67, emphasis in the original) is not just a rare historical occurrence in anthropology and related fields. We observe that much of the work of the academy is to reproduce stories of oppression in its own voice. At first, this may read as an intolerant condemnation of the academy, one that refuses to forgive past blunders and see how things have changed in recent decades. However, it is our view that while many individual scholars have chosen to pursue other lines of inquiry than the pain narratives typical of their disciplines, novice researchers emerge from doctoral programs eager to launch pain-based inquiry projects because they believe that such approaches embody what it means to do social science. The collection of pain narratives and the theories of change that champion the value of such narratives are so prevalent in the social sciences that one might surmise that they are indeed what the academy is about. In her examination of the symbolic violence of the academy, bell hooks (1990) portrays the core message from the academy to those on the margins as thus: No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you I write myself anew. I am still author, authority. I am still colonizer the speaking subject and you are now at the center of my talk. (p. 343) Hooks’s words resonate with our observation of how much of social science research is concerned with providing recognition to the presumed voiceless, a recognition that is enamored with knowing through pain. Further, this passage describes the ways in which the researcher’s voice is constituted by, legitimated by, animated by the voices on the margins. The researcher-self is made anew by telling back the story of the marginalized/subaltern subject. Hooks works to untangle the almost imperceptible differences between forces that silence and forces that seemingly liberate by inviting those on the margins to speak, to tell their stories. Yet the forces that invite those on the margins to speak also say, “Do not speak in a voice of resistance. Only speak from that space in the margin that is a sign of deprivation, a wound, an unfulfilled longing. Only speak your pain” (hooks, 1990, p. 343).

Focusing on resistance and difference forecloses politics

Dean 05 [Jodi Dean, Prof. Poli Sci @ Hobart & William Smith, 2005, “Communicative Capitalism: Circulation and the Foreclosure of Politics,” *Cultural Politics* Vol 1 Issue 1, p. 53]

The post-political world, then, is marked by emphases on multiple sources of value, on the plurality of beliefs and the importance of tolerating these beliefs through the cultivation of an attunement to the contingencies already pervading one's own values. Divisions between friends and enemies

are replaced by emphases on all of us. Likewise, politics is understood as not confined to specific institutional fields but as a characteristic of all of life. There is an attunement, in other words, to a micropolitics of the everyday. But this very attunement forecloses the conflict and opposition necessary for politics. Finally, Hardt and Negri's description of the current techno-globalcapitalist formation coincides with Agamben's account of communication without communicability and with Žižek's portrayal of a global formation characterized by contingency, multiplicity and singularity. For example, they agree that "communication is the form of capitalist production in which capital has succeeded in submitting society entirely and globally to its regime, suppressing all alternative paths" (Hardt and Negri 2000: 347; cf. Dean 2002b: 272-5). Emphasizing that there is no outside to the new order of empire, Hardt and Negri see the whole of empire as an "open site of conflict" wherein the incommunicability of struggles, rather than a problem, is an asset insofar as it releases opposition from the pressure of organization and prevents co-optation. As I argue elsewhere, this position, while inspiring, not only embraces the elision between the political and the economic but also in so doing cedes primacy to the economic, taking hope from the intensity and immediacy of the crises within empire. The view I advocate is less optimistic insofar as it rejects the notion that anything is immediately political, and instead prioritizes politicization as the difficult challenge of representing specific claims or acts as universal (cf. Laclau 1996: 56-64). Specific or singular acts of resistance, statements of opinion or instances of transgression are not political in and of themselves; rather, they have to be politicized, that is articulated together with other struggles, resistances and ideals in the course or context of opposition to a shared enemy or opponent (cf. Laclau and Mouffe 1986:188). Crucial to this task, then, is understanding how confimunicative capitalism, especially insofar as it relies on networked communications, prevents politicization. To this end, I turn now to the fantasies animating communicative capitalism.

Instead of fetishizing breaking silence we should embrace silence as a means of resisting regulation and depoliticization

Brown 1996 [Wendy Brown, Prof. Political Science, Prof. Rhetoric, Prof. Critical Theory @ UC-Berkeley, 96, "In the 'folds of our own discourse': The Pleasures and Freedoms of Silence," 3 U. Chi. L. Sch. Roundtable, 186]

But if the silences in discourses of domination are a site for insurrectionary noise, if they are the corridors we must fill with explosive counter-tales, it is also possible to make a fetish of breaking silence. Even more than a fetish, it is possible that this ostensible tool of emancipation carries its own techniques of subjugation-that it converges with non-emancipatory tendencies in contemporary culture (for example, the ubiquity of confessional discourse and rampant personalization of political life), that it establishes regulatory norms, coincides with the disciplinary power of confession, in short, feeds the powers we meant to starve. While attempting to avoid a simple reversal of feminist valorizations of breaking silence, it is this dimension of silence and its putative opposite with which this Article is concerned. In the course of this work, I want to make the case for silence not simply as an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure. I also want to suggest a link between, on the one hand, a certain contemporary tendency concerning the lives of public figures-the confession or extraction of every detail of private and personal life (sexual, familial, therapeutic, financial) and, on the other, a certain practice in feminist culture: the compulsive putting into public discourse of heretofore hidden or private experiences-from catalogues of sexual pleasures to litanies of sexual abuses, from chronicles of eating disorders to diaries of homebirths, lesbian mothering, and Gloria Steinam's inner revolution. In linking these two phenomena-the privatization of public life via the mechanism of public exposure of private life on the one hand, and the compulsive/compulsory cataloguing of the details of women's lives on the other-I want to highlight a modality of regulation and depoliticization specific to our age that is not simply confessional but empties private life

into the public domain, and thereby also usurps public space with the relatively trivial, rendering the political personal in a fashion that leaves injurious social, political and economic powers unremarked and untouched. In short, while intended as a practice of freedom (premised on the modernist conceit that the truth shall make us free), these productions of truth not only bear the capacity to chain us to our injurious histories as well as the stations of our small lives but also to instigate the further regulation of those lives, all the while depoliticizing their conditions. My concern with what might be called compulsory feminist discursivity and the presumed evil of silences has yet another source. Notwithstanding American academic feminism's romance with Foucault, there is an oddly non or pre-Foucauldian quality to much feminist concern with censorship and silencing. In these formulations, expression is cast either as that which makes us free, tells our truth, puts our truth into circulation, or as that which oppresses us by putting "their" truth into circulation in the form of pornography, hate speech, harassment or simply the representation of the world from "the male point of view." If one side in the debate argues for more expression on our part—for example, by making our own pornography or telling our own stories—and the other argues for less on "their" part, both sides nonetheless subscribe to an expressive and repressive notion of speech, its capacity to express the truth of an individual's desire or condition, or to repress that truth. Both equate freedom with voice and visibility. Both assume recognition to be unproblematic when we tell our own story, and assume that such recognition is the material of power and pleasure. Neither, in short, confronts the regulatory potential of speaking ourselves. I think the whole contemporary debate over censorship—whether focused on porn or rap music—is necessarily bound to an expressive-repressive model of power and freedom, which may explain why those who feel passionately about both freedom and dignity have trouble finding their way in this debate. If the choice is cast either as the free circulation of music and pictures venerating rape, racism, and misogyny, or state repression of the same, how does one choose? To inaugurate a different kind of analysis of the relationship between silence, speech, and freedom, I want to turn to two passages in Foucault's work, the first from *The History of Sexuality: Discourses are not once and for all subservient to power or raised up against it, any more than silences are . . . Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it. In like manner, silence and secrecy are a shelter for power, anchoring its prohibitions; but they also loosen its hold and provide for relatively obscure areas of tolerance. Foucault here marks the ambiguity of silence in relationship to power, insisting that silence functions not only as a "shelter for power" but also as a shelter from it. (Foucault's example is the putative freedom of homosexual practice in a historical age when there is no discourse for or about it).⁸ This paradoxical capacity of silence to engage opposites with regard to power is rarely associated with Foucault's thinking due to his emphasis on discourse as power. Yet I do not think he is here renegeing on this emphasis nor, in speaking of silence as a shelter from power, suggesting a pre-discursive existence to things. Critical here is the difference between what Foucault calls unitary discourses, which regulate and colonize, and those which do not perform these functions with same social pervasiveness, even as they do not escape the tendency of all discourse to establish norms by which it regulates and excludes. It is through this distinction that one can make sense of Foucault's otherwise inexplicable reference to sex in the eighteenth century as being "driven out of hiding and constrained to lead a discursive existence,"⁹ or his troubling example of the village simpleton whose "inconsequential" habit of molesting young girls in exchange for pennies was suddenly subjected to medical, judicial, and popular scrutiny and condemnation. ° Neither in these cases nor in others where Foucault seems to imply a "freer" because pre-discursive existence to certain practices would he appear to mean that they really occurred "outside" discourse, but rather that they had not yet been brought into the pervasive regulatory discourses of the age—science, psychiatry, medicine, law, pedagogy, and so forth." Silence, as Foucault affirms it, then, is identical neither with secrecy nor with not speaking. Rather, it signifies a relation to regulatory discourses, as well as a possible niche for the practice of freedom within those discourses. If, as Foucault insists, freedom is a practice (as opposed to an achievement, condition, or institution), then the possibility of practicing freedom inside a regulatory discourse occurs in the empty spaces of that discourse as well as in resistance to the discourse. Moreover, silence can function as speech in both ways at once, as in the following autobiographical example offered by Foucault: Maybe another feature of this appreciation of silence is related to the obligation of speaking. I lived as a child in a petit bourgeois, provincial milieu in France and the obligation of speaking, of making conversation with visitors, was for me something both very strange and very boring. I often wondered why people had to speak. 2*

2NC Extensions

[You can read some of the cards from the book indicts in the case section, like the Coleman or Berlatsky cards]

Deliberate Feminist Countergaze

1NC

We advocate a strategy of deliberate feminist countergaze as a method of challenging the Eye.

The strategy of the counter-gaze actively challenges and defies the male gaze

Matthews 91 (Patricia Matthews, "Returning the Gaze: Diverse Representations of the Nude in the Art of Suzanne Valadon", *The Art Bulletin*, Vol. 73 No. 3, September 1991)

In each of these allegorical paintings, most of the subjects are self-possessed, or otherwise occupied within the space of the painting. and there is little acknowledgment of the viewer. The viewer therefore must take up a position of covert surveillance more often than titillating voyeurism. Valadon's compositions of nudes in ...: 1920s and thirties employ similar strategies, although they are generally less dependent on traditional allegories- Redirtug Nude, 1928 (Fig. 8), for example, is also structured through contradictory narratives, but here they derive from only one theme, the male gaze. the woman lies on a divan too short comfortably to contain her large body; her legs are crossed, covering her genitals, one arm crosses her breasts, and her hand grasps a white drapery. The space of the picture is cramped and shallow, so that the figure confronts the viewer, who cannot escape her body. Although Valadon's style is much more realistic, such confrontational presentation is typical of much early twentieth-century avant-garde art. Such as Kirchner's: Girl under a Japanese Umbrella (Fig. 1), who contorts her body merely to reveal it. But unlike such representations by male artists, Valadon's nude closes her body to the viewer. The nude's expression and the tension of her tightly clenched body suggest that she resists our intrusive gaze upon her, or perhaps even disdains it. The dominating power of the male gaze is now read through the self-conscious, anxious, or negative reaction to it from the woman. Her self is very present to us, through her body language and gaze. Hers is a gaze returned, neither seductive nor passive, a gaze all awareness, response, and recoil, through which we are made to feel like self-conscious intruders rather than welcome guests. In this painting, a male gaze is constructed, but defied.

2NC Extensions

The counter-advocacy solves better than the 1AC—merely reading the narrative is defensive and still allows the Eye to choose when it can perform the gaze, while the act of counter-gazing directly challenges and fully stops the male gaze

Looking back solves—allows for a challenge to the gaze

Linstead 95 (Stephen Linstead, "Averting the Gaze: Gender and Power on the Perfumed Ticket Line", October 1995,

http://www.researchgate.net/profile/Stephen_Linstead/publication/229978974_Averting_the_Gaze_Gender_and_Power_on_the_Perfumed_Picket_Line/links/54e5e3f90cf277664ff1b14f.pdf?disableCoverPage=true)

The gendering of the flight attendant's occupation thus implies a model of 'normal' sexuality which needs to be constructed and maintained, both symbolically and practically, in everyday life. The divisionalizing practices which define what is normal or deviant, legitimate or illegitimate in thought or deed are not self-sustaining. As Foucault (1977) insists, they have to be policed. The historical passage from pre-modernism to post-modernism can be understood in terms of a move from direct, physical control (e.g. torture, flogging, corporal punishment) through rules-based, rational-legal control (e.g. industrial bureaucracy) where control is internal, to means of control where individuals, aided by powerful socialization processes, internalize beliefs which generate action that can be seen to be 'in-accordance-with-a-rule'. This occurs without the need of specific orders or instructions, advance specifications or direct supervision. The technology which epitomizes this shift Foucault identifies in the well-known example of Bentham's Panopticon.

The significant element in site disciplinary 'gaze' is that those to discipline believe in the possibility of being watched (not even its actuality). Imagining this ocular intrusion into their world, they behave in response to it. Discipline may not be externally imposed but the source of

discipline is imagined to be ex-ternal However, as de Certeau (1984) notes, the response to the 'gaze' is the 'look', the management of impressions by the dis-ciplined so that they appear to be controlled. Behind the look, myriad resistances, art alternate microphysics of power, come into being and provide the ground for subversion.

The act of looking back challenges the spectator and reclaims subjectivity

Jones 05 (Amelia Jones, "Performing the Body/Performing the Text", accessed using Google Books, August 12th, 2005)

At this juncture, the Girls are experimenting with the first and the most rudimentary layer of nakedness, shameless and without history. The naked bodies placed in performance are the artists, the paintings, and the canvases. As paintings, the artists mock the reductiveness of racial designations with the complexity of their hues. If their flesh and hair of mixed-tints be the truth that claims visual attention, then the prime-color categories of Homo Sapiens must be a myth. As canvases, the artists invite the gazing spectators to fantasize about their bodies - with wonder, with lust, with awe, or with surreptitious conscience. But these canvases are equipped with eyes that don't hesitate: to gaze back at the gazes. These are canvases that hold paintings well-crafted with revenge schemes: 'An eye for an eye,' decrees the Hebrew Bible. Judging from De Lauretis's formulation, I contend that the Naked Girls have managed to present a feminist spectacle of transgression which derides the 'phallic scenario.' They withhold the colonizing force of male spectatorial desire by making the relationships among themselves their foremost performance condition. They both act and interact as eroticized female subjects. They have chosen to utilize their naked flesh as their respective and collaborative art object/substance, basking in its sensorial gratification without the shadow of social taboos. They have turned their theatre into a moving museum, which curates their female bodies as exhibits of corporeal diversity. Since these Naked Girls do not hesitate to view one another as potential companions or sex partners, their performance boldly solicits the interests of female spectators, heterosexual, bisexual, and lesbian alike, who are no longer excluded from the implications of voyeuristic desire. While the performers stare straight into their spectators, they entice, challenge, and interrogate the actions of both men and women who stare at them. Voyeurism is a game tested by such revenge schemes, recalling one of the dangers of visibility identified by Phelan. Linda Williams in *Hard Core* defines voyeurism as 'unauthorized spying, the ability to be everywhere and to see all that is forbidden, hidden?' The Girls, however, not only authorize but expose the spying. They allow no illusionistic screen to stand between the naked spectacles and their implicated watchers. As much as the Naked Girls invite fantasies with unveiled bodies, they also make the fantasizers self-conscious about their own acts of fantasy-genie spying. Between the gazers and the performers being gazed upon and gazing back, there is a double-lane optical highway, rather than the (stereotypical) cul-de-sac which captivates the voyeuristic object. The gazers are made to earn their vicarious pleasure or guilt in their watching by witnessing not only the women's own pleasures, but their erasure of historical traces from their naked - hence untitled - flesh. Moreover, they are obligated to receive the women's counter-gaze. In this state of mutual surveillance, the spectators' voyeuristic license is suspended, if not revoked. In Alice Doesn't, Teresa De Lauretis suggests that concepts such as voyeurism and fetishism 'are directly implicated in a discourse which circumscribes woman in the sexual, binds her (in) sexuality, makes her the absolute representation, the phallic scenario.' Under such a patriarchal lens, 'woman' is perceived by the presumed male-identified spectator as a sign, 'as scene, rather than subject, of sexuality.'" She is a lustworthy object in 'a drama of vision, a memory spectacle, an image of woman as beauty — desired and untouchable, desired as remembered?' According to the above analysis, 'woman' as voyeuristic and fetishistic target is characterized by her lack of subjectivity, lack of self-willed desire, and lack of material presence. A passive receptacle of the proprietary gaze, she is destined to be a sexual and beautiful spectacle, rather than an aggressive spectacle-maker.

2NC v perm

The act of the countergaze requires the subject to combat the male gaze—the 1AC removes that which means we can't perform a countergaze

FW/T/whatever-you-call-its

Notes for T (from Strange)

Focus on “its”, less focus on “resolved”

Violations—not USFG, not “its” surveillance (surveillance means others), put this on one sheet of paper

Specifically bad—fiction is almost completely unpredictable. Steinberg/Freely makes a bit more sense (need point of controversy). Plan should be grounded in reality

INC

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails.

Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state,¹¹ modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives,"¹² thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism;¹⁴ but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats.¹⁵ While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies,¹⁷ abstruse philosophical concepts,¹⁸ or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships. ²¹ Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."²² Surveillance can target a modern society's numerous communications networks,²³ which exist to send and receive information. ²⁴ The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority. ²⁵ But surveillance is not strictly the province of the federal government. ²⁶ Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector. ²⁹ The focus here, however, is on

federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high. Their affirmative prevents arguments about ____.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through the question of “how does this function in a competitive venue of debate where there must be a win or a loss assigned to each team. All their evidence will assume non-competitive academic environment rather than one where a forced choice will inevitably take place with every ballot.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments, shift focus to different proscriptive claims of the 1AC while using traditional competition standards like perms to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links and have generic positions that can apply to everything. This is bad for education -- forcing us to the academic margins, makes us less effective scholars and less literate in current events. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs at every tournament making any real attempt at engagement irrelevant and decreasing the quality of all debates. They don't spur engagement and exploration cause there are so many teams reading so many Affs, the only way to respond it with generics. The Aff is conversely incentivized to pick a body of literature with very little negative literature and a prolif of aff advocacies based on single articles or created phrases. There is no incentive to produce detailed strategies because academic disagreements in the literature are minute and easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13 (professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political “debates” seldom deserve the name. For the most part representatives of the rival parties exchange one-liners: “The rich can afford to pay more” is met by “Tax increases kill jobs.” Slightly more sophisticated discussions may cite historical precedents: “There were higher tax rates during the post-war boom” versus “Reagan's tax cuts increased revenues.”¶ Such volleys still don't even amount to arguments: they don't put forward generally accepted premises that

support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes. Despite the name, candidates' pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with "zingers" (the historic paradigm: "There you go again.")¶ There is a high level of political discussion in the editorials and op-eds of national newspapers and magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique. Such exchanges occur frequently in our law courts (for example, oral arguments before the Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — with no need to think through the strengths of their rivals' positions or the weaknesses of their own.¶ Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?¶ A first condition is that the debates be focused on specific points of major disagreement. Not, "How can we improve our economy?" but "Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?" This will prevent vague statements of principle that don't address the real issues at stake.¶ Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

**This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in Surveillance Studies is more likely to build from a solid foundation in contemporary social theory. Even so, such work often reflects both an insufficient grasp of the complexity of the legal system in action and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don't mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn't: legal processes are social processes, too, and in overlooking these processes, Surveillance Studies scholars also engage in a form of black-boxing that treats law as monolithic and surveillance and government as interchangeable. Legal actors engage in a variety of discursive and normative strategies by which institutions and resources are mobilized around surveillance, and understanding those strategies is essential to the development of an archaeology of surveillance practices. Work in Surveillance Studies also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I've written elsewhere (Cohen 2012a: 29), "[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers little more than a prescription for despair." Returning to the topics already discussed, let us consider some ways in which Surveillance Studies might benefit from dialogue with law.¶ Let us return first to the problem of digitally-enhanced surveillance by law enforcement—the problem of the high-resolution mosaic. As discussed in the section above, works by Surveillance Studies scholars exploring issues of mobility and control offer profound insights into the ways in which continual observation shapes spaces and subjectivities—the precise questions about which, as we have

already seen, judges and legal scholars alike are skeptical. Such works reveal the extent to which pervasive surveillance of public spaces is emerging as a new and powerful mode of ordering the public and social life of civil society. They offer rich food for thought—but not for action. Networked surveillance is increasingly a fact of contemporary public life, and totalizing theories about its power don't take us very far toward gaining regulatory traction on it. That enterprise is, moreover, essential even if it entails an inevitable quantum of self-delusion. **Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail.** To put the point a different way, the networked democratic society and the totalitarian state may be points on a continuum rather than binary opposites, but the fact that the continuum exists is still worth something. If so, one needs tools for assessment and differentiation that Surveillance Studies does not seem to provide.¶ As an example of this sort of approach within legal scholarship, consider a recent article by legal scholars Danielle Citron and David Gray (2013), which proposes that courts and legislators undertake what they term a technology-centered approach to regulating surveillance. They would have courts and legislators ask whether particular technologies facilitate total surveillance and, if so, act to put in place comprehensive procedures for approving and overseeing their use. From a Surveillance Studies perspective, this approach lacks theoretical purity because its technology-specific focus appears to ignore the fact that total surveillance also can emerge via the fusion of data streams originating from various sources. But the proposal is pragmatic; it does not so much ignore that risk as bracket it while pursuing the narrower goal of gaining a regulatory foothold within the data streams. And because it focuses on the data streams themselves, it is administrable in a way that schemes based on linear timelines and artificial distinctions between different types of surveillance are not. One can envision both courts and legislatures implementing the Citron and Gray proposal in a way that enables far better oversight of what law enforcement is doing.¶ Turning next to the linked practices of commercial profiling and social media surveillance, we have already seen that work in Surveillance Studies again steps in where legal scholarship badly needs supplementation: on the question of how pervasive surveillance by private market actors shapes the production of culture and the patterns of emergent subjectivity. Such work typically does not, however, consider or explore the ways that the legal construct of consent mobilizes legal and policy discourses to sanction ongoing expansions of private-sector surveillance and insulate them from regulatory oversight. Work in Surveillance Studies also has not seemed to pay particularly careful attention to the roles that rhetorics of innovation and competition play in regulatory debates about information privacy. For a discipline that seeks to develop comprehensive and rigorous accounts of surveillance as social ordering and as cultural practice, these are large omissions. As we have seen, the notice-and-choice paradigm has deep roots within liberal theory, and legal and policy discourses about notice and choice reflect legal culture in action. By the same token, understanding surveillance simply as a means to effective administration, or as a means for pursuing and performing security, misses the extent to which a narrative about the inevitable nature of innovation and knowledge production positions surveillance as a modality of technical and social progress (Cohen 2015). The “surveillance-industrial complex” does not simply parallel the military-industrial complex; it is also deeply rooted in Silicon Valley’s technoculture and (albeit paradoxically) in the tropes of romantic individualism and cultural iconoclasm with which its participants self-identify. These themes have been especially salient for privacy regulators.¶ **Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering** and as culture in a number of complementary ways. First and most basically, many legal writings on information privacy are important as primary sources that reveal the notice-and-choice paradigm and the narrative of inevitable innovation at work. But there is also a rich vein of legal scholarship interrogating the assumptions and the politics that underlie privacy and data protection regulation (e.g., Cohen 2012a, 2012c, 2013, 2015; Kerr 2013; Ohm 2010; Solove 2013). In addition, legal scholars have produced richly detailed and revealing investigations of regulatory and compliance processes; for example, scholars concerned with the operation of “surveillant assemblages” and “digital enclosures” ought to read and consider the important work by Kenneth Bamberger and Deirdre Mulligan on corporate privacy compliance cultures (2011a, 2011b).¶ If Surveillance Studies is to inform the content of laws and the nature of regulatory practice in the domain of commercial profiling and social media, however, **surveillance theorists will need to do more than simply read legal sources.** Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, **if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.** Here I want to identify three important sets of questions on which Surveillance Studies scholars who want their work to make a difference might take their cues from legal scholarship.¶ An initial set of questions concerns how to redefine privacy and data protection in functional terms that do not presuppose the stable, liberal self, and that instead offer real benefit to the situated subjects who might claim their protection. David Lyon (2001) has argued that the organizing concepts of “privacy” and “data protection” are inadequate to comprehend surveillance as a mode of social ordering. From a sociological perspective that is undoubtedly right, but privacy and data protection still might be made effective as legal constructs if articulated differently, in ways that correspond more closely to the ways that surveillance shapes experience. That project calls for the sort of theoretical cannibalization that makes Ph.D. committees in Real Disciplines nervous, but at which legal scholars excel. With some trepidation, I offer my own work on privacy as boundary management for the postliberal self (Cohen 2012a, 2013), as well as Valerie Steeves’ (2009) work on relational subjectivity, as examples of the sort of exercise that is necessary to reframe the effects of surveillance as social ordering in ways to which legal systems can respond. For law to develop a sustainable and effective approach to regulating data protection and protecting privacy, the ways of theorizing about the subject represented by these projects must become second nature, not only for scholars but also and more importantly for legislatures, regulators, and courts. That in turn requires second process of translation, from the language of academia into a vernacular that can supply inputs into policy processes.¶ A second set of questions concerns how to

understand what constitutes privacy harm in an era in which some surveillance is a constant. To the Surveillance Studies reader this may seem to be a variation on the first question, but it is different: in law, harm is what makes violation of an interest actionable, and the potential for harm is what creates the predicate for comprehensive regulation of particular domains of activity. Harm need not be individualized or monetizable; environmental regulations and financial market regulations address systemic and often nonmonetizable risk. But it must be reasonably definite; talk of power, power everywhere is plainly insufficient and it should come as no surprise that policymakers find it risible. Work on this problem is still preliminary, but here legal scholarship has a leg up because it deals in practicalities. Surveillance Studies scholars might profitably read works by Danielle Citron (2007) and Paul Ohm (2010) that identify and name the systemic risks associated with leaky and largely unregulated data reservoirs, and that draw on resources ranging from the history of tort law to computational science to craft recommendations for more effective regulatory strategies.¶ A final set of questions concerns the design of governance mechanisms. As we have already seen, the flows of surveillance within social media create novel institutional design challenges. In the domain of commercial profiling, many activities on the business-facing side of personal information markets, removed from consumer-facing processes that purport to ensure notice and choice, have eluded regulatory scrutiny entirely. Some of the classic works on privacy governance originate within the Surveillance Studies tradition; these include Priscilla Regan's (1995) study of the way privacy legislation emerges within the U.S. political system and Colin Bennett and Charles Raab's (2006) work on privacy governance and the emergence of data protection as a regulatory paradigm. But the question of governance badly needs to be revisited; in particular, Surveillance Studies scholars have not yet engaged with the "new privacy governance" now emerging as official policy in the U.S. (and as de facto policy in the European Union) in a sustained and meaningful way. Works by legal scholars on the political, epistemological, and normative dimensions of the new governance (e.g., Bamberger 2010; Cohen 2012b, 2013; Freeman 2000; Lobel 2004) offer starting points for an inquiry that moves beyond "doing Surveillance Studies" to consider the more pressing challenge of doing surveillance regulation wisely and effectively.¶ Conclusion: Doing Law-and-Surveillance-Studies Differently¶ The prospects for fruitful interchange and collaboration between legal scholars and Surveillance Studies scholars are likely to remain complicated by pronounced differences in underlying theoretical orientation. But since Surveillance Studies is itself an interdisciplinary (Garber 2001), and since legal scholarship has thrived on interdisciplinary exploration, the prospects for effective communication also seem reasonably good. **Bridging the gaps requires**, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward **methodological hybridization**. **Within one's own academic community, it can become too easy to mistake consensus** on methodological conventions **for epistemological rigor**, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.¶ From the standpoint of theory, a more sustained dialogue between **law and Surveillance Studies would count as a success if it** produced a mode of inquiry about surveillance that **melded** the theoretical sophistication of Surveillance Studies **with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities**. To do Surveillance Studies better, legal scholars need to challenge their own preference for putting problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. **Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems; legal scholars can help by demystifying legal and regulatory processes.**¶ From a legal scholar's perspective, however, theory achieves its highest value when it becomes a tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also **the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice**. Here the goal would be a hybridization between law's ingrained pragmatism and Surveillance Studies' attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, **legal scholars and Surveillance Studies scholars might advance** the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different **policy levers that could be brought to bear on systems of surveillance**.

Next is Mechanism Education

The Aff's failure to identify an agent and mechanism makes cost-benefits analysis impossible, meaning debates take place in an academic vacuum where tradeoffs are irrelevant. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.¶ Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of such mass activism if we focus simply on the local dimensions of our work.¶ The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship.

Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally:¶ American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450¶ C. "Activism": Towards a Broader, Deeper, Systematic Framework¶ In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on its own terms, the history of community organizing and social movements in the United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)--which, given human creativity and progress, in any event may be impossible to do--but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups--for example "the poor" or the "subordinated"--are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation.¶ 1. Grassroots Activism¶ There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to "unpack" the term "organizing." n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between "mobilization as short-term community action and organizing as an effort to build long-term institutional power." n454 In the same breath, however, they define organizing "as shorthand for a range of community-based practices." n455 even though at least some activism, for example union organizing or, say, [190] fasting, might not be best characterized as "community-based."¶ What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to "map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration." n456 This map would be inadequate--and therefore inaccurate--if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building.¶ 2. Agents of Social Change: Identity, Class and Political Ideology As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation. Have we defined, with theoretical precision, the social-change agents to whom we are orienting--e.g., the "people," the "poor," the "subordinated," "low-income communities" or "communities of color?" And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism--organizing on the bases of geography and identity, class and the workplace, and political ideology--modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is "community?" In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers' centers: "the tension between the local and particularistic focus of community unionism and the global scope of trendsetting corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as 'the' next paradigm of worker organization." n458 On the other hand, members of cross-class, identity-based "communities" may not necessarily share the same interests. In the "Asian American community," Anchetta explains: using the word "community" in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n45 Angela Harris echoes this observation by pointing out how some feminist legal theory assumes "a unitary, 'essential' women's experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." n460 The same might be said of the "people," which, like the "working class," may be too broad. Other categorizations--such as "low-income workers," "immigrants", and the "poor", for example--may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various "communities." In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain "subordinated" communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves "middle [192] class" are in fact workers. Nor is class defined by categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking,

those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461 The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and alternative political-party building, as part of our work.¶ 3.

From Movementism to Political Organization¶ Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership. Such leadership, in turn, requires work not often associated with "activism," such as, for example, theoretical study. n462 "Movementism," n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political education, we have an enormous amount to learn from our predecessors.

In the final analysis, fundamental social transformation will only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to respond to the twists and turns endemic in any struggle for power. "The problem," as Bellow astutely observed, "is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject." n464 Such opportunities typically occur when there is a confluence of three factors: a social crisis; a socio-economic elite that finds

itself divided over how to overcome it; and a powerful mass movement from below. As I understand the nature of social change, successful social transformations occur when there is a fourth element: political organization.¶ Conclusion¶ Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [1933] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? Culturally? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any?

What demands are they articulating, and how are they articulating them?¶ This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective. My aim in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory. Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action—to defining the lawyer's role in fostering activism—if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices.¶

Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers' use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical "breaks" to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice.¶ The argument is turned on its head: we often assume or tend to [194] assume agreement over the meanings and underlying conceptual frameworks relating to "fundamental social change," current political analysis, and "community organizing," and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se, I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to "rebellious" and not traditional "public interest" lawyering, for example, or "collaborative" over "critical" lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have different political goals, are based on different political analyses, and employ different political activist strategies.¶ Activist lawyers already engage in these analyses—necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don't think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn't time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative—and when we feel strongly enough about certain political issues—we engage on issues and argue them out. In either event, we undertake an unsystematic engagement of these fundamental issues at our peril.¶

If we adhere to the belief that only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change, then, as progressive lawyers, we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment. Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail to live up to its potential.

Now the State debate

We do not need to win that the state is good, rather just that the value of the state is something that should be debated about. This is the screen you should adopt for the Aff's ev – it can't just say that the state is bad or ineffective, their ev has to say that the state should not even be discussed. General indictments of the state can be done on the neg, while still preserving limited and effective debate and research.

First, engaging with the law is inevitable and can be effective

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Nevertheless, in contrast to what Steve Bachmann has called the [*116] "a-legal" or "crude Marxist" approach, n19 progressive activists recognize that the legal arena remains a forum for social struggle. n20 This is so for three reasons: First, activists often do not have a choice but to work within the legal system, as when they are arrested or otherwise prevented from engaging in activism by state authorities. Second, because law is relatively autonomous from economic and political interests, n21 campaigns for legal reform can win substantial gains and are frequently the only vehicles through which more far-reaching change takes shape; struggles for reform, in other words, beget more radical possibilities and aspirations. n22 And third, law is constitutive of the social order. Law--or, more accurately, the concept of it--is not (again as some crude analysts would argue) simply a tool of one ruling class or other, but rather an essential component of a just society. n23 Commentators observe that lawyers who base their practice on these three premises are "hungry for theory," n24 for theory checks the "occupational hazards [of] reformism or cynicism." n25 The theoretical project is thus a dialectic: while law reform alone cannot "disturb the basic political and economic organization of modern American society," n26 [*117] law and lawyering are "a complex, contradictory, and open-textured setting that provides opportunities to challenge the status quo."

Second, debate about arcane legal details are crucial to the short-term survival of oppressed populations. Outside of the law being good or bad, legal education is crucial to empower even the most revolutionary of movements.

Arkles et al 10

(Gabriel Arkles, Pooja Gehi and Elana Redfield, The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change, Seattle Journal for Social Justice, 8 Seattle J. Soc. Just. 579, Spring / Summer, 2010, LN)

While agenda-setting by lawyers can lead to the replication of patterns of elitism and the reinforcement of systems of oppression, we do believe that legal work is a necessary and critical way to support movements for social justice. We must recognize the limitations of the legal system and learn to use that to the advantage of the oppressed. If lawyers are going to support work that dismantles oppressive structures, we must radically rethink the roles we can play in building and supporting these movements and acknowledge that our own individual interests or even livelihood may conflict with doing radical and transformative work. n162 A. Community Organizing for Social Justice When we use the term community organizing or organizing, we refer to the activities of organizations engaging in base-building and leadership development of communities directly impacted by one or more social [*612] problems and conducting direct action issue campaigns intended to make positive change related to the problem(s). In this article, we discuss community organizing in the context of progressive social change, but community-organizing strategies can also be used for conservative ends. Community organizing is a powerful means to make social change. A basic premise of organizing is that inappropriate imbalances of power in society are a central component of social injustice. In order to have social justice, power relationships must shift. In Organizing for Social Change: Midwest Academy Manual for Activists (hereinafter, "the Manual"), n163 the authors list three principles of community organizing: n164 (1) winning real, immediate, concrete improvements in people's lives; (2) giving people a sense of their own power; and (3) altering the relations of power. n165 Before any of these principles can be achieved it is necessary to have leadership by the people impacted by social problems. n166 As Rinku Sen points out: [E]ven allies working in solidarity with affected groups cannot rival the clarity and power of the people who have the most to gain and the least to lose . . . organizations composed of people whose lives will change when a new policy is instituted tend to set goals that are harder to reach, to compromise less, and to stick out a fight longer. n167 She also notes that, "[I]f we are to make policy proposals that are grounded in reality and would make a difference either in peoples' lives or in the debate, then we have to be in touch with the people who are at the center of such policies. n168 We believe community organizing has the potential to make fundamental social change that law reform strategies or "movements" led by lawyers cannot achieve on their own. However, community organizing is not always just and effective. Community-organizing groups are not immune to any number of problems that can impact other organizations, including internal oppressive dynamics. In fact, some strains of white, male-dominated [*613] community organizing have been widely criticized as perpetuating racism and sexism. n169 Nonetheless, models of community organizing, particularly as revised by women of color and other leaders from marginalized groups, have much greater potential to address fundamental imbalances of power than law reform strategies. They also have a remarkable record of successes. Tools from community organizers can help show where other strategies can fit into a framework for social change. The authors of the Manual, for example, describe various strategies for addressing social issues and illustrate how each of them may, at least to some extent, be effective. n170 They then plot out various forms of making social change on a continuum in terms of their positioning with regard to existing social power relationships. n171 They place direct services at the end of the spectrum that is most accepting of existing power relationships and community organizing at the end of the spectrum that most challenges existing power relationships. n172 Advocacy organizations are listed in the middle, closer to community organizing than direct services. n173 The Four Pillars of Social Justice Infrastructure model, a tool of the Miami Workers Center, is somewhat more nuanced than the Manual. n174 According to this model, four "pillars" are the key to transformative social justice. n175 They are (1) the pillar of service, which addresses community needs and stabilizes community members' lives; (2) the pillar of policy, which changes policies and institutions and achieves concrete gains with benchmarks for progress; (3) the pillar of consciousness, which alters public opinion and shifts political parameters through media advocacy and popular education; and (4) the pillar of power, which achieves autonomous community power through base-building and leadership development. n176 According to the Miami Workers Center, all of these pillars are essential in making social change, but the pillar of power is most crucial in the struggle to win true liberation for all oppressed communities. n177 [*614] In their estimation, our movements suffer when the pillar of power is forgotten and/or not supported by the other pillars, or when the pillars are seen as separate and independent, rather than as interconnected, indispensable aspects of the whole infrastructure that is necessary to build a just society. n178 Organizations with whom we work are generally dedicated solely to providing services, changing policies, or providing public education. Unfortunately, each of these endeavors exists separate from one another and perhaps most notably, separate from community organizing. In SRLP's vision of change, this separation is part of maintaining structural capitalism that seeks to maintain imbalances of power in our

society. Without incorporating the pillar of power, service provision, policy change, and public education can never move towards real social justice. n179 B. Lawyering for Empowerment In the past few decades, a number of alternative theories have emerged that help lawyers find a place in social movements that do not replicate oppression. n180 Some of the most well-known iterations of this theme are "empowerment lawyering," "rebellious lawyering," and "community lawyering." n181 These perspectives share skepticism of the efficacy of impact litigation and traditional direct services for improving the conditions faced by poor clients and communities of color, because they do not and cannot effectively address the roots of these forms of oppression. n182 Rather, these alternative visions of lawyering center on the empowerment of community members and organizations, the elimination of the potential for dependency on lawyers and the legal system, and the collaboration between lawyers and directly impacted communities in priority setting. n183 Of the many models of alternative lawyering with the goal of social justice, we will focus on the idea of "lawyering for empowerment," generally. The goal of empowerment lawyering is to enable a group of people to

gain control of the forces that affect their lives. n184 Therefore, the goal of empowerment lawyering for low-income transgender people of [*615] color is to support these communities in confronting the economic and social policies that limit their life chances.¶ Rather than merely representing poor people in court and increasing access to services, the role of the community or empowerment lawyer involves:¶ organizing, community education, media outreach, petition drives, public demonstrations, lobbying, and shaming campaigns . . . [I]ndividuals and members of community-based organizations actively work alongside organizers and lawyers in the day-to-day strategic planning of their case or campaign. Proposed solutions--litigation or non-litigation based--are informed by the clients' knowledge and experience of the issue. n185¶ A classic example of the complex role of empowerment within the legal agenda setting is the question of whether to take cases that have low chances of success. The traditional approach would suggest not taking the case, or settling for limited outcomes that may not meet the client's expectations. However, when our goals shift to empowerment, our strategies change as well. If we understand that the legal system is incapable of providing a truly favorable outcome for low-income transgender clients and transgender clients of color, then winning and losing cases takes on different meanings.¶ For example, a transgender client may choose to bring a lawsuit against prison staff who sexually assaulted her, despite limited chance of success because of the "blue wall of silence," her perceived limited credibility as a prisoner, barriers to recovery from the Prison Litigation Reform Act, and restrictions on supervisory liability in § 1983 cases. Even realizing the litigation outcome will probably be unfavorable to her, she may still develop leadership skills by rallying a broader community of people impacted by similar issues. Additionally, she may use the knowledge and energy gained through the lawsuit to change policy. If our goal is to familiarize our client with the law, to provide an opportunity for the client [*616] and/or community organizers to educate the public about the issues, to help our client assess the limitations of the legal system on their own, or to play a role in a larger organizing strategy, then taking cases with little chance of achieving a legal remedy can be a useful strategy.¶

Lawyering for empowerment means not relying solely on legal expertise for decisionmaking. It means recognizing the limitations of the legal system, and using our knowledge and expertise to help disenfranchised communities take leadership. If community organizing is the path to social justice and "organizing is about people taking a role in determining their own future and improving the quality of life not only for themselves but for everyone," then "the primary goal [of empowerment lawyering] is building up the community." n186¶ C. Sharing Information and Building Leadership¶ A key to meaningful participation in social justice movements is access to information. Lawyers are in an especially good position to help transfer knowledge, skills, and information to disenfranchised communities--the legal system is maintained by and predicated on arcane knowledge that lacks relevance in most contexts but takes on supreme significance in courts, politics, and regulatory agencies. It is a system intentionally obscure to the uninitiated; therefore the lawyer has the opportunity to expose the workings of the system to those who seek to destroy it, dismantle it, reconfigure it, and re-envision it.¶ As Quigley points out, the ignorance of the client enriches the lawyer's power position, and thus the transfer of the power from the lawyer to the client necessitates a sharing of information. n187 Rather than simply performing the tasks that laws require, a lawyer has the option to teach and to collaborate with clients so that they can bring power and voice back to their communities and perhaps fight against the system, become politicized, and take leadership. "This demands that the lawyer undo the secret wrappings of the legal system and share the essence of legal advocacy--doing so lessens the mystical power of the lawyer, and, in practice, enriches the advocate in the sharing and developing of rightful power." n188¶

Lawyers have many opportunities to share knowledge and skills as a form of leadership development. This sharing can be accomplished, for example, through highly collaborative legal representation, through community clinics, through skill-shares, or through policy or campaign meetings where the lawyer explains what they know about the existing structures and fills in gaps and questions raised by activists about the workings of legal systems.¶ D. Helping to Meet Survival Needs¶ SRLP sees our work as building legal services and policy change that directly supports the pillar of power. n189 Maintaining an awareness of the limitations and pitfalls of traditional legal services, we strive to provide services in a larger context and with an approach that can help support liberatory work. n190 For this reason we provide direct legal services but also work toward leadership development in our communities and a deep level of support for our community-organizing allies.¶ Our approach in this regard is to make sure our community members access and obtain all of the benefits to which they are entitled under the law, and to protect our community members as much as possible from the criminalization, discrimination, and harassment they face when attempting to live their lives. While we do not believe that the root causes keeping our clients in poverty and poor health can be addressed in this way, we also believe that our

clients experience the most severe impact from state policies and practices and need and that they deserve support to survive them. n191 Until our

communities are truly empowered and our systems are fundamentally changed to increase life chances and health for transgender people who are low-income and people of color, our communities are going to continue to have to navigate government agencies and organizations to survive.

Monolithic rejections of the law are wrong – cooption is more likely in non-state activism and fails to compare to alternative mechanisms for change. Concrete mechanisms for success should be your metric for evaluation.

Lobel 7 (Assistant Professor of Law, University of San Diego)

(Orly, THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS, 120 Harv. L. Rev. 937, February, 2007, LN)

In the following sections, I argue that the extralegal model has suffered from the same drawbacks associated with legal cooptation. I show that as an effort to avoid the risk of legal cooptation, the current wave of suggested alternatives has effects that ironically mirror those of cooptation itself. Three central types of difficulties exist with contemporary extralegal scholarship. First, in the contexts of the labor and civil rights movements, arguments about legal cooptation often developed in response to a perceived gap between the conceptual ideal toward which a social reform group struggled and its actual accomplishments. But, ironically, the contemporary message of opting out of traditional legal reform avenues may only accentuate this problem. As the rise of informalization (moving to nonlegal strategies), civil society (moving to extralegal spheres), and pluralism (the proliferation of norm-generating actors) has been effected and appropriated by supporters from a wide range of political commitments, these concepts have had unintended implications that conflict with the very social reform ideals from which they stem. Second, the idea of opting out of the legal arena becomes self-defeating as it discounts the ongoing importance of law and the possibilities of legal reform in seemingly unregulated spheres. A model encompassing exit and rigid sphere distinctions further fails to recognize a reality of increasing interpenetration and the blurring of boundaries between private and public spheres, profit and nonprofit sectors, and formal and informal institutions. It therefore loses the critical insight that law operates in the background of seemingly unregulated relationships. Again paradoxically, the extralegal view of decentralized activism and the division of society into different spheres in fact have worked to subvert rather than support the progressive agenda. Finally, since extralegal actors view their actions with romantic idealism, they fail to develop tools for evaluating their success. If the critique of legal cooptation has involved the argument that legal reform, even when viewed as a victory, is never radically transformative, we must ask: what are the criteria for assessing the achievements of the suggested alternatives? As I illustrate in the following sections, much of the current scholarship obscures the lines between the descriptive and the prescriptive in its formulation of social activism. If current suggestions present themselves as alternatives to formal legal struggles, we must question whether the new extralegal politics that are proposed and celebrated are capable of producing a constructive theory and meaningful channels for reform, rather than passive status quo politics.¶ A. Practical Failures: When Extralegal Alternatives Are Vehicles for Conservative Agendas¶ We don't want the 1950s back. What we want is to edit them. We want to keep the safe streets, the friendly grocers, and the milk and cookies, while blotting out the political bosses, the tyrannical headmasters, the inflexible rules, and the lectures on 100 percent Americanism and the sinfulness of dissent. n163¶ A basic structure of cooptation arguments as developed in relation to the labor and civil rights movements has been to show how, in the move from theory to practice, the ideal that was promoted by a social group takes on unintended content, and the group thus fails to realize the original vision. This risk is particularly high when ideals are framed in broad terms that are open to multiple interpretations. Moreover, the pitfalls of the potential risks presented under the umbrella of cooptation are in fact accentuated in current proposals. Paradoxically, as the extralegal movement is framed by way of opposition to formal legal reform paths, without sufficiently defining its goals, it runs the very risks it sought to avoid by working outside the legal system.¶ Extralegal paths are depicted mostly in negative terms and as resorting to new alternative forms of action rather than established models. Accordingly, because the ideas of social organizing, civil society, and legal pluralism are framed in open-ended contrarian terms, they do not translate into specific visions of social justice reform. The idea of civil society, which has been embraced by people from a broad array of often conflicting ideological commitments, is particularly demonstrative. Critics argue

that "some ideas fail because they never make the light of day. The idea of civil society ... failed because it [*972] became too popular." n164 Such a broadly conceived ideal as civil society sows the seeds of its own destruction.¶ In former eras, the claims about the legal cooptation of the transformative visions of workplace justice and racial equality suggested that through legal strategies the visions became stripped of their initial depth and fragmented and framed in ways that were narrow and often merely symbolic. This observation seems accurate in the contemporary political arena; the idea of civil society revivalism evoked by progressive activists has been reduced to symbolic acts with very little substance. On the left, progressive advocates envision decentralized activism in a third, nongovernmental sphere as a way of reviving democratic participation and rebuilding the state from the bottom up. By contrast, the idea of civil society has been embraced by conservative politicians as a means for replacing government-funded programs and steering away from state intervention. As a result, recent political uses of civil society have subverted the ideals of progressive social reform and replaced them with conservative agendas that reject egalitarian views of social provision.¶ In particular, recent calls to strengthen civil society have been advanced by politicians interested in dismantling the modern welfare system. Conservative civil society revivalism often equates the idea of self-help through extralegal means with traditional family structures, and blames the breakdown of those structures (for example, the rise of the single parent family) for the increase in reliance and dependency on government aid. n165 This recent depiction of the third sphere of civic life works against legal reform precisely because state intervention may support newer, nontraditional social structures. For conservative thinkers, legal reform also risks increasing dependency on social services by groups who have traditionally been marginalized, including disproportionate reliance on public funds by people of color and single mothers. Indeed, the end of welfare as we knew it, n166 as well as the [*973] transformation of work as we knew it, n167 is closely related to the quest of thinkers from all sides of the political spectrum for a third space that could replace the traditional functions of work and welfare. Strikingly, a range of liberal and conservative visions have thus converged into the same agenda, such as the recent welfare-to-work reforms, which rely on myriad non-governmental institutions and activities to support them. n168¶ When analyzed from the perspective of the unbundled cooptation critique, it becomes evident that there are multiple limits to the contemporary extralegal current. First, there have been significant problems with resources and zero-sum energies in the recent campaigns promoting community development and welfare. For example, the initial vision of welfare-to-work supported by liberal reformers was a multifaceted, dynamic system that would reshape the roles and responsibilities of the welfare bureaucracy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 n169 (PRWORA), supported by President Clinton, was designed to convert various welfare programs, including Aid to Families with Dependent Children, into a single block grant program. The aim was to transform passive cash assistance into a more active welfare system, in which individuals would be better assisted, by both the government and the community, to return to the labor force and find opportunities to support themselves. Yet from the broad vision to actual implementation, the program quickly became limited in focus and in resources. Indeed, PRWORA placed new limits on welfare provision by eliminating eligibility categories and by placing rigid time limits on the provision of benefits. n170¶ Moreover, the need to frame questions relating to work, welfare, and poverty in institutional arrangements and professional jargon and to comply with various funding block grants has made some issues, such as the statistical reduction of welfare recipients, more salient, whereas other issues, such as the quality of jobs offered, have been largely eliminated from policymakers' consideration. Despite aspects of the reform that were hailed as empowering for those groups they were designed to help, such as individual private training vouchers, serious questions have been raised about the adequacy of the particular [*974] policy design because resources and institutional support have been found lacking. n171 The reforms require individual choices and rely on the ability of private recipients to mine through a vast range of information. As in the areas of child care, health care, and educational vouchers, critics worry that the most disadvantaged workers in the new market will not be able to take advantage of the reforms. n172 Under such conditions, the goal of eliminating poverty may be eroded and replaced by other goals, such as reducing public expenses. Thus, recalling the earlier cooptation critique, once reforms are envisioned, even when they need not be framed in legalistic terms, they in some ways become reduced to a handful of issues, while fragmenting, neglecting, and ultimately neutralizing other possibilities.¶ At this point, the paradox of extralegal activism unfolds. While public interest thinkers increasingly embrace an axiomatic rejection of law as the primary form of progress, their preferred form of activism presents the very risks they seek to avoid. The rejected "myth of the law" is replaced by a "myth of activism" or a "myth of exit," romanticizing a distinct sphere that can better solve social conflict. Yet these myths, like other myths, come complete with their own perpetual perils. The myth of exit exemplifies the myriad concerns of cooptation. For feminist agendas, for example, the separation of the world into distinct spheres of action has been a continuous impediment to meaningful reform. Efforts to create better possibilities for women to balance work and family responsibilities, including relaxing home work rules and supporting stay-at-home parents through federal child care legislation, have been couched in terms of support for individual choice and private decisionmaking. n173 Indeed, recent initiatives in federal child care legislation to support stay-at-home parents have been clouded by preconceptions of the separation of spheres and the need to make one-or-the-other life choices. Most importantly, the emergence of a sphere-oriented discourse abandons a critical perspective that distinguishes between valuing traditional gender-based characteristics and celebrating feminine difference in a universalist and essentialist manner. n174 [*975] Not surprisingly then, some feminist writers have responded to civil society revivalism with great skepticism, arguing that efforts to align feminine values and agendas with classic republican theory of civil society activism should be understood, at least in part, as a way of legitimizing historical social structures that subordinated women.¶ The feminist lesson on the law/exit pendulum reveals a broader pattern. In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with conservative privatization agendas. Indeed, in significant social policy contexts, legal scholarship oriented toward the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic

realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship accepts these developments as natural and inevitable. Similar to the arguments developed in relation to the labor movement - in which focusing on a limited right to collective bargaining demobilized workers and stripped them of their voice, participation, and decisionmaking power - contemporary extralegal agendas are limited to very narrow and patterned sets of reforms.¶ A striking example has been the focus on welfare reform as the single frontier of economic redistribution without a connection being made between these reforms and social services in which the middle class has a strong interest, such as Social Security and Medicare. Similarly, on the legal pluralism frontier, when activists call for more corporate social responsibility, the initial expressions are those of broad demands for sustainable development and overall industry obligations for the social and environmental consequences of their activities. n176 The discourse, however, quickly becomes coopted by a shift to a narrow focus on charitable donations and corporate philanthropy or [*976] private reporting absent an institutionalized compliance structure. n177 Moreover, because of institutional limitations and crowding out effects possible in any type of reform agenda, the focus shifts to the benefits of corporate social responsibility to businesses, as marketing, recruitment, public relations, and "greenwashing" strategies. n178 Critics therefore become deeply cynical about the industry's real commitments to ethical conduct.¶ A similar process can be described with regard to the literature on globalization. Globalization scholarship often attempts to produce a unifying narrative and an image of unitary struggle when in fact such unity does not exist. Embodied in the aforementioned irony of a "global anti-globalization" movement, social reform activism that resides under the umbrella of global movements is greatly diverse, some of it highly conservative. An "anti-globalization" movement can be a defensive nationalist movement infused with xenophobia and protective ideologies. n179 In fact, during central instances of collective action, such as those in Seattle, Quebec, Puerto Alegre, and Genoa, competing and conflicting claims were frequently encompassed in the same protest. n180 Nevertheless, there is a tendency to celebrate and idealize these protests as united and world-altering.¶ Similarly, at the local level, grassroots politics often lack a clear agenda and are particularly ripe for cooptation resulting in far lesser achievements than what may have been expected by the groups involved. In a critical introduction to the law and organizing model, Professor Scott Cummings and Ingrid Eagly describe the ways in which new community-based approaches to progressive lawyering privilege grassroots activism over legal reform efforts and the facilitation of community mobilization over conventional lawyering. n181 After carefully unpacking the ways in which community lawyers embrace [*977] law and organizing, Professor Cummings and Eagly rightfully warn against "exaggerating the ineffectiveness of traditional legal interventions" and "closing off potential avenues for redress." n182 Significantly, the strategies embraced by new public interest lawyers have not been shown to produce effective change in communities, and certainly there has been no assurance that these strategies fare comparatively better than legal reform. Moreover, what are meant to be progressive projects of community action and community economic development frequently can have a hidden effect of excluding worse-off groups, such as migrant workers, because of the geographical scope and zoning restrictions of the project. n183 In the same way that the labor and corporate social responsibility movements have failed because of their embrace of a legal framework, the community economic development movement - so diverse in its ideological appeal yet so prominent since the early 1990s as a major approach to poverty relief - may bring about its own destruction by fracture and diffusion. n184¶ In all of these cases, it is the act of engagement, not law, that holds the risks of cooptation and the politics of compromise. It is not the particularities of lawyers as a professional group that create dependency. Rather, it is the dynamics between skilled, networked, and resourced components and those who need them that may submerge goals and create reliance. It is not the particularities of the structural limitations of the judiciary that threaten to limit the progressive vision of social movements. Rather, it is the essential difficulties of implementing theory into practice. Life is simply messier than abstract ideals. Cooptation analysis exposes the broad, general risk of assuming ownership over a rhetorical and conceptual framework of a movement for change. Subsequently, when, in practice, other factions in the political debate embrace the language and frame their projects in similar terms, groups experience a sense of loss of control or possession of "their" vision. In sum, in the contemporary context, in the absence of a more programmatic and concrete vision of what alternative models of social reform activism need to achieve, the conclusions and rhetoric of the contemporary critical legal consciousness are appropriated by advocates representing a wide range of political commitments. Understood [*978] from this perspective, cooptation is not the result of the turn to a particular reform strategy. Rather, cooptation occurs when imagined ideals are left unchecked and seemingly progressive rhetoric is reproduced by a conservative agenda. Dominant interpretations such as privatization and market competitiveness come out ahead, whereas other values, such as group empowerment and redistributive justice, receive only symbolic recognition, and in turn serve to facilitate and stabilize the process. n185

Materialist Feminism K

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Focus on micropolitics trades off with large-scale reform—the aff makes materialist feminism impossible which precludes the possibility of change

Ebert 93 (Teresa Ebert, "Ludic Feminism, the Body, Performance, and Labor: Bringing "Materialism" Back into Feminist Cultural Studies", <http://www.jstor.org/stable/1354189>, winter 1992-1993)

Contemporary feminism has, for the most part, retreated from "materialist" politics into a form of "discursive" or what I call "ludic" politics. Broadly, materialist feminism is a political practice aimed at social transformation of dominant institutions that, as a totality, distribute economic resources and cultural power asymmetrically according to gender. But this project has been put in question by postmodern theories that announce the end of transformative politics (indeed, the end of history itself) and substitute a ludic cultural politics in its place. In this essay, I will argue for the possibility of a postmodern feminist cultural studies devoted to materialist politics-transformative social change-and indicate why I find ludic or discursive politics ineffective for feminism. I will thus use a materialist frame to engage both levels of politics: cultural politics (intervening in and changing cultural representations, specifically those concerning gender, sexuality, and race) as well as transformative politics (radical social interventions in the historical economic, political, and labor relations underlying cultural representations). My discussion, however, will focus on a critique of and engagement with cultural politics, first, because cultural politics, in its ludic mode, has become the primary form of dominant feminism and, second, because a materialist critique of cultural representations is an effective inaugural move in opening up a space for transformative politics. Whether postmodernism is seen as what Fredric Jameson calls "the cultural logic of late capitalism" or is associated with the writings of Jean-Francois Lyotard and Jean Baudrillard, with Derridean poststructuralists or Lacanian psychoanalysts, it has intimated the end of transformative politics. In short, the dominant postmodern theories-what I have called "ludic" postmodernism-2-have problematized the notion of politics and rearticulated it as solely a cultural politics: that is, as a language-effect, a mode of rhetoric aimed at changing cultural representations, rather than as a collective practice through which existing social institutions are changed so that (economic) resources and cultural power can be distributed without regard to gender, race, class, sexuality. This prevailing ludic postmodernism has so displaced and discredited politics as emancipation as to make it nearly impossible. After Lyotard, Jacques Derrida, Michel Foucault, and such ludic feminists as Luce Irigaray, Alice Jardine, Susan Suleiman, and Donna Haraway, emancipation-the collective social struggle to end exploitation-becomes simply a metaphysical project: a meta-narrative. The appropriate critical and political stance is thus, in Lyotard's words, an "incredulity toward metanarratives" (The PostmodernConditionxxiv): an incredulity, in short, toward emancipation as the necessary social struggle against "real" systems of exploitation, like patriarchy or capitalism.3 Such social systems (totalities) are, for ludic postmodernists, merely discredited meta-narratives rather than social "realities" to be contested. As a leading ludic social critic, Ernesto Laclau, claims, even "society, as a founding totality . . . is an impossible object" ("Transformations" 40). Moreover, power, as Foucault argues, is now seen as a "multiplicity of force relations" engendering "local and unstable" states of power that are "everywhere" (92-93). Power, then, is diffuse, asystematic, and "aleatory" (that is, marked by chance and arbitrariness) rather than historically determined. It produces its own immanent "plurality of resistances": for as Foucault says, "where there is power, there is resistance" (95), rather like the natural resistance to a physical force. The ludic notion of power, in short, substitutes a logic of contingency for the logic of social necessity. In doing so, it preempts any need for collective, organized social transformation-any need, in other words, for emancipation, and more important, it dispenses with the necessity for organized social and political revolution to overthrow dominant power relations. All we need to do, according to ludic postmodernists, is recognize and validate the multiplicity of local points of resistance power itself already generates. As a result, it is increasingly common to call our

age "postpolitical." The new postmodern culture studies taking hold in the United States, Britain, and a number of Commonwealth countries, notably Canada and Australia, subscribes, in large part, to these ludic assumptions and in the name of the political it becomes, in effect, "postpolitical." Increasingly it substitutes validation for critique and affirmation for opposition. John Fiske, for instance, argues for a "cultural theory that can both account for and validate popular social difference."⁴ In other words, the affirmation of already existing differences (rather than explaining why and how these have become differences) is largely seen as in itself an effective mode of social resistance to the hegemonic. Obviously this position has widespread appeal for many feminist critics—especially for those who regard the affirmation of women's experience, in and of itself, as the political basis for feminism—but we need to ask difficult and by now quite unpopular questions: What is the effect of such validation? Does it affirm "what is" rather than critique how these differences have been produced out of regimes of exploitation—and perhaps support these regimes and even be "necessary" to their continued existence and domination? Can we afford to dispense with critique if we are to transform these regimes and the differences they produce? Is critique necessary to social struggle and to a transformative cultural studies?

Critiquing for critique's sake is useless—the endgoal of all critique is to transform existing institutions

Ebert 93 (Teresa Ebert, "Ludic Feminism, the Body, Performance, and Labor: Bringing "Materialism" Back into Feminist Cultural Studies", <http://www.jstor.org/stable/1354189>, winter 1992-1993)

Perhaps I need to clarify here what I mean by critique. First, I do not regard "critique" as an end in itself. Critique is a practice through which the subject develops historical knowledge of the social totality: she or he acquires, in other words, an understanding of how the existing social institutions ("motherhood," "child care," "love," "paternity," "taxation," "family," etc.) have in fact come about and how they can be changed. Critique, in other words, is that knowledge-practice that historically situates the conditions of possibility of what empirically exists under patriarchal-capitalist labor relations and, more importantly, points to what is suppressed by the empirically existing: what could be (instead of what actually is). Critique indicates, in other words, that what "is" is not necessarily the real/true but rather only the existing actuality which is transformable. The role of critique in resistance postmodern feminism is exactly this: the production of historical knowledges that mark the transformability of existing social arrangements and the possibility of a different social organization—an organization free from exploitation. Quite simply then, critique is a mode of knowing that inquires into what is not said, into the silences and the suppressed or missing, in order to uncover the concealed operations of power and underlying socioeconomic relations connecting the myriad details and seemingly disparate events and representations of our lives. It shows how seemingly disconnected zones of culture are in fact linked through the highly differentiated and dispersed operation of a systematic logic of exploitation informing all practices of society. In sum, critique disrupts that which represents itself as what is, as natural, as inevitable, as the way things are and exposes the way "what is" is historically and socially produced out of social contradictions and how it supports inequality. Critique enables us to explain how gender, race, sexual, and class oppression operate so we can change it. A number of contemporary feminists, from Haraway and Penley to Jane Gallop and Judith Butler, have embraced the ludic mode of postmodern cultural studies and argued for its liberatory potential. But I believe if feminists are to engage in postmodern cultural studies without jeopardizing feminism's political effectiveness, we need to rigorously critique postmodernism's fundamental presuppositions and, above all, to write a materialist politics back into postmodernism. My essay is a contribution to this effort. Thus it insists on a transformative emancipatory politics in postmodernism and on the necessity of critique for an oppositional culture studies. In other words, I contend that the ludic postmodern erasure of the political in the name of discursive difference is only one way of

constructing postmodern difference. In contrast, I want to argue for feminism to radically retheorize post-modern difference itself and to articulate what I call a resistance postmodernism that will be the basis for postmodern materialist feminist culture critique.

Instead, we advocate a demand for material, political change—feminism should aim to transform current systems

Ebert 93 (Teresa Ebert, "Ludic Feminism, the Body, Performance, and Labor: Bringing "Materialism" Back into Feminist Cultural Studies", <http://www.jstor.org/stable/1354189>, winter 1992-1993)

Feminist theory, I believe, must be a politically transformative practice: one that not only disrupts the specific conditions and features of a racist, patriarchal, and capitalist oppression but also transforms the systematic relations of exploitation and moves toward producing nonexploitative social arrangements. At the same time, feminist theory needs to be especially self-reflexive and adept at critiquing its own historical situation and limits; at resisting the patriarchal appropriation and usurpation of its oppositional logic; and at insuring that its alternative practices and modes of knowing circulate and are used on behalf of an emancipatory agenda. While many may agree with this principle, its realization is the most difficult and hotly contested issue in feminist theory today.

2NC Extensions

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Reject their high theory—reunderstanding feminism as a material movement solves the exclusive of disadvantaged women who are unable to participate in knowledge construction

Ebert 93 (Teresa Ebert, "Ludic Feminism, the Body, Performance, and Labor: Bringing "Materialism" Back into Feminist Cultural Studies", <http://www.jstor.org/stable/1354189>, winter 1992-1993)

It is, therefore, politically more productive to move beyond the upper-middle-class antirationalism of ludic critics in order to focus on a materialist feminist reunderstanding of concepts. I believe it is necessary for feminism not to fetishize an identitarian Hegelian notion of concept as a moment of rational plenitude, in which the signifier and the signified correspond without "difference." Instead, we need to reunderstand concepts as "struggle concepts": as historical, material practices through which the subject engages the social contradictions, the exploitative effects of patriarchy. Concepts, in other words, are historical matrices of intelligibility that display the relations among apparently disconnected entities and thus enable us to grasp the logic of domination that underlies the seemingly disparate and isolated experiences of individuals in culture. Concepts allow us to perceive the way experience is produced and thus empower us to change the social relations and produce new nonexploitative experiences and collective subjectivities. The aim of such conceptual knowledge, then, is not cognitive delight—the joys of knowing—but explanatory critique: a critique that explains the conditions of the possibility of patriarchal practices and thus points to ways that they can be transformed. Concepts, contrary to the bodyism of Gallop, are not philosophical, epistemological, and cognitive but, in fact, the very materiality through which social struggles in the realm of cultural politics take place. These struggles have meant that women, people of color, and oppressed classes historically have been restricted in their ability to produce theories and concepts as well as "silenced" by the dominant regime that excludes and discredits the knowledges they do construct. In large part they have been denied access to those cultural and institutional subject positions and practices, such as education (including literacy), "philosophy," and "theory"—itself-through which individuals are enabled to produce new concepts and to legitimize those concepts they do generate (in short, to be "heard"). patriarchy has used the practices of theory and institutions of knowledge to try to keep women and others from entering into the struggle over theory and producing new modes of intelligibility that would radically reconceptualize and organize reality in nonexploitative ways. One of the most recent (and pernicious) forms of this de-educating of women has been antitheoretical theory itself. In a politically damaging move, theory is used to argue against theory, to delegitimize concepts productive for social struggle and to dissuade women from "theorizing," from offering explanatory critiques. As Hartsock has quite rightly pointed out: Somehow it seems highly suspicious that it is at the precise moment when so many groups have been engaged in "nationalisms" which involve redefinitions of the marginalized Others that

suspicions emerge about the nature of the "subject," about the possibilities for a general theory ^{which can describe the world, about historical progress.} "Why is it that just at the moment when so many of us who have been silenced begin to demand the right to name ourselves, to act as subjects rather than objects of history, that just then the concept of subjecthood becomes problematic? Just when we are forming our own theories about the world, uncertainty emerges about whether the world can be theorized." (Foucault on Power 163-64)

Macro and micropolitics are inherently different and can't be combined—starting from identity means it's impossible to address broad-scale change

Myers 13 (Ella Myers, "Worldly Ethics: Democratic Politics and Care for the World", Google Books, February 26th, 2013)

It is true that the arts of the self Connolly theorizes are meant to foster sensibilities that will, in turn, facilitate participation in public life rather than act as a substitute for it. And as I argued above, Connolly's inquiry into the ethics of self-care is most evocative and apt when such care is theorized as both inspired by and inspiring of collective democratic activity. Yet it is equally important not to exaggerate the connection between them. A genuine gap separates practices of self-artistry from collaborative efforts to shape the habitat in which people live, though Connolly's approach tends to cover it over, as his distinctive vocabulary indicates. "Action by the self on itself" is labeled micropolitics and paired with macropolitics, designating an array of large-scale institutional formations and shared practices, including efforts by social movements to disrupt hegemonic patterns of behavior and push for greater pluralization. Connolly's point is to insist on the political significance of arts of the self, and he marks this claim with the word micropolitics. The trouble with this representation, however, is that it designates the self-artistry undertaken by an individual to desanctify her identity and those collective struggles by which a constituency attempts to alter an element of shared conditions as two types of the same phenomenon. Indeed, the labels Connolly relies on imply that the individually practiced reflexive care of the self differs from the collectively pursued care of the world only in terms of scale: one is micro, the other is macro. This framing, I suggest, exaggerates the affinities between building a self and building a world. By presenting arts of the self and collective citizen movements as variations on a single theme, Connolly's writings conceal the unique orientation that democratic politics entails, which sets it apart from any reflexive self-relation. Associative democratic endeavors are distinguished not only by the involvement of multiple actors but by the presence of a common object around which they organize. Thus any movement between the micropolitics of self-constitution and the macropolitics of transforming worldly habits, practices, laws, and norms is decidedly more complicated than Connolly's framing indicates, because it demands a turn away from oneself as the object of attention and toward a different and shared object of concern that serves as a site of mutual energy and advocacy.

Cutting

The more post structuralist aspects of her text, on the other hand, participate in the limits of a ludic postmodern politics, specifically the textualization of resistance and the reification of the local and the particular. Gallop's discourse, like ludic postmodernism as a whole, is an anti theory theory—think of Derrida's Glas, Richard Rorty's Relativism, and Truth, de Man's Resistance or Theory, Gregory Ulmer's a text which also Teletheory, Objectivity, reifies experience as "my

story. Theory in these discourses is essentialized as a phallogocentric, abstract, instrumental, dominating system whose main apparatus is the concept (which is equated with an identity of language and reality) with its rigid, reductive fixity. Ludic opposition to this mastering theory involves displacing its concepts and subverting its categories through such deconstructive strategies as punning, parody, and cultivating the tropic play of signifiers—the dissemination of difference—that exceeds the controlling argument of the system. Thus we have Ulmer's "puncture" (147) and Naomi Schor's "patriody": a form of tropic play and difference that "hovers between parody and parricide" (xii). This ludic notion of theory, to which Gallop and other post-structuralist feminists subscribe, is obviously similar to the dominant feminist essentialization of theory as a masculinist abstraction and provides a site for many for the convergence of some forms of feminism and ludic postmodernism. But the limits of the feminist ludic resistance to theory are quite evident in Gallop's claims for the disruptive potential of the body. As she points out in her discussion of the Marquis de Sade, the conflict is "between rational order, that is, 'philosophy' and irrational bodily materiality.... [T]here is always some disorderly specific which exceeds the systematizing discourse" (*Thinking through the Body* 47) and disrupts the mastering impulse of knowledge. Thus, in her discussion of *Justine* and *The New Justine* Gallop claims that [t]he pedagogical examination which attempts to regulate the student on the basis of external rules, of the teacher's rules, is attempted, regulated, messed up by the *regles*, the rules, flowing from within. The bodily, fluid, material, feminine sense of *regles* [as "woman's bloody (menstrual) 'rules' or period"] undermines the Sadian, pederastic pedagogue's attempt at exact examination, at subjugation of the pupil to his rational, masterful rules. (52) This is a fairly subtle and sophisticated reading of Sade, exposing both rationalism's violence toward the body and the body's uncontrollable excess. But what is its political effectivity? It exposes and disrupts dominant rational categories, but does it move beyond a local, subversive annotation? Does it transform them? Gallop asserts that "the really disturbing violence is not physical violence but the physical as it violates the rational categories that would contain and dominate it" (18). In other words, in a very ludic move, she proposes that what is disturbing is not the violent exploitation and abuse of the body but the body's violation of rational categories. And by this she does not mean a revolutionary act of resistance by the body as agency of conscious social change but rather the excessive, disorderly, irrational details and predictions of the body—its differences—that passively escape rational logic. This, in effect, is a textualizing of violence, of the physical, a dehistoricizing of the social, and an erasure of the economic, all in the name of the body. It is a subversion of linguistic categories on behalf of a concept—that conceals its own conceptuality—a concept of the body as fragmented, nomadic details that escape knowing: its difference from itself. We need to keep in mind that the texts Gallop is attempting to disrupt through the tropic excess and violence of a textual body are ones in which teachers and fathers sexually assault, physically abuse, cut up, and murder mothers and daughters. This is not merely some pornographic fantasy, some libertarian rationalism gone amuck—this is the reality, the historical situation of exploitation of innumerable women in racist, patriarchal capitalism today. According to MacKinnon, only "7.8% of women in the United States have not been sexually assaulted or harassed in their lifetime" (*Feminism Unmodified* 6). Moreover, only 17% of all incidents of rapes and attempted rapes are committed by strangers; the majority are committed by men the women know—acquaintances, friends, lovers, relatives, authority figures (247)—and "women of color (... specifically ... Black women) are raped four times as often as white women" (82). The ludic textualization of violence that Gallop is articulating ends up erasing the political economy of the body in the social relations of exploitation and turning resistance into a tropic game. In what way does Gallop's textualized

body in excess transform the mind-body split? It merely reinscribes woman in the same place she has also been in the patriarchal hierarchy: in the unknowable, unrepresentable, bloody body that exists in opposition to concepts. This anxiety over concepts in ludic postmodernism and humanist feminism is, to my mind, especially counterproductive for an emancipatory politics. Concepts are not only unavoidable, they are also a necessary means for social change. Thinking/experience without concepts is impossible: concepts are the "mediating" frames of intelligibility through which we know the world. Experience-which is put forth as liberation from concepts/thinking by ludic feminists (such as Gallop) and cultural feminists (as different as Susan Griffin and Camille Paglia)-is itself intelligible only through the mediation of concepts. The issue here is not to romantically dismiss concepts but to question how we theorize and use them.

Antiblackness K

INC

The only ethical demand available to modern politics is that of the Slave and the Savage, the demand for the end of America itself. This demand exposes the grammar of the Affirmative for larger institutional access as a fortification of antiblack civil society

Wilderson 07- [Frank B. Wilderson, Assistant professor of African American Studies and Drama at UC Irvine, *Red, White, & Black: Cinema and the Structure of U.S. Antagonisms*, 5-7]

When I was a young student at Columbia University in New York there was a Black woman who used to stand outside the gate and yell at Whites, Latinos, and East- and South Asian students, staff, and faculty as they entered the university. She accused them of having stolen her sofa and of selling her into slavery. She always winked at the Blacks, though we didn't wink back. Some of us thought her outbursts too bigoted and out of step with the burgeoning ethos of multiculturalism and "rainbow coalitions" to endorse. But others did not wink back because we were too fearful of the possibility that her isolation would become our isolation, and we had come to Columbia for the express, though largely assumed and unspoken, purpose of foreclosing upon that peril. Besides, people said she was crazy. Later, when I attended UC Berkeley, I saw a Native American man sitting on the sidewalk of Telegraph Avenue. On the ground in front of him was an upside down hat and a sign informing pedestrians that here was where they could settle the "Land Lease Accounts" that they had neglected to settle all of their lives. He too, so went the scuttlebutt, was "crazy." Leaving aside for the moment their state of mind, it would seem that the structure, that is to say the rebar, or better still the grammar of their demands—and, by extension, the grammar of their suffering—was indeed an ethical grammar. Perhaps their grammars are the only ethical grammars available to modern politics and modernity writ large, for they draw our attention not to the way in which space and time are used and abused by enfranchised and violently powerful interests, but to the violence that underwrites the modern world's capacity to think, act, and exist spatially and temporally. The violence that robbed her of her body and him of his land provided the stage upon which other violent and consensual dramas could be enacted. Thus, they would have to be crazy, crazy enough to call not merely the actions of the world to account but to call the world itself to account, and to account for them no less! The woman at Columbia was not demanding to be a participant in an unethical network of distribution: she was not demanding a place within capital, a piece of the pie (the demand for her sofa notwithstanding). Rather, she was articulating a triangulation between, on the one hand, the loss of her body, the very dereliction of her corporeal integrity, what Hortense Spillers charts as the transition from being a being to becoming a "being for the captor" (206), the drama of value (the stage upon which surplus value is extracted from labor power through commodity production and sale); and on the other, the corporeal integrity that, once ripped from her body, fortified and extended the corporeal integrity of everyone else on the street. She gave birth to the commodity and to the Human, yet she had neither subjectivity nor a sofa to show for it. In her eyes, the world—and not its myriad discriminatory practices, but the world itself—was unethical. And yet, the world passes by her without the slightest inclination to stop and disabuse her of her claim. Instead, it calls her "crazy." And to what does the world attribute the Native American man's insanity? "He's crazy if he thinks he's getting any money out of us?" Surely, that doesn't make him crazy. Rather it is simply an indication that he does not have a big enough gun. What are we to make of a world that responds to the most lucid

enunciation of ethics with violence? What are the foundational questions of the ethico-political? Why are these questions so scandalous that they are rarely posed politically, intellectually, and cinematically—unless they are posed obliquely and unconsciously, as if by accident? Return Turtle Island to the “Savage.” Repair the demolished subjectivity of the Slave. Two simple sentences, twelve simple words, and the structure of U.S. (and perhaps global) antagonisms would be dismantled. An “ethical modernity” would no longer sound like an oxymoron. From there we could busy ourselves with important conflicts that have been promoted to the level of antagonisms: class struggle, gender conflict, immigrants rights. When pared down to twelve words and two sentences, one cannot but wonder why questions that go to the heart of the ethico-political, questions of political ontology, are so unspeakable in intellectual meditations, political broadsides, and even socially and politically engaged feature films.

The affirmative’s call for surveillance curtailment is a form of the bill of sale that allows for genocide of the indigenous, and the exploitation of the black body

Farley 12 [Anthony Paul Farley, James Campbell Matthews Distinguished Professor of Jurisprudence at Albany Law School, “Critical Race Theory and Marxism: Temporal Power”]

Repetition is the mode in which we preserve that which overwhelms us. That which overwhelms us sets itself up in our soul as a repetition of what seems to have been the original catastrophe. We become a permanent wave of our own undoing.⁹ But the precise nature of our own trauma continually eludes us. We give chase, but only through repetition. We become what we do and this fact of repetition makes what was said of us, “they know not what they do”, true. What we do is repeat the disaster that originally left us traumatized. Through repetition we become the very disaster that was our original, albeit unremembered, disaster. It was unspeakable. It remains unsaid. But the cruelty from which we imagine ourselves escaped is what we become, and that which we continually make of ourselves. There are cruelties that happen to us as individuals (“[a]nd I only am escaped alone to tell thee”¹¹) and there are cruelties that happen to us as collectives (“[I]et my people go”¹²). What happens in the individual can happen to the collective and so, as the long story of philosophy verifies, each is a window to the other. The individual is not the unity it is often imagined to be (“[m]y name is Legion”¹³), nor are the borders of the collective as distinct as they are often imagined to be (“[t]hings fall apart”¹⁴). Nevertheless, it is useful to speak of the individual (“I think, therefore I am”¹⁵) and the collective (“[w]e the people . . .”¹⁶) when what is hard to see in the one is easy to make out in the other. Our beginning was the scene of an unspeakable event. That unspeakable event keeps repeating. Capital arrived in the world “dripping . . . with blood and dirt.”¹⁷ If, as Margaret Thatcher infamously put it, “There is no alternative”¹⁸ to capitalism, then there must not have been a time before capitalism. Capital, like trauma, is outside of history, outside of the world of things that change, or so it claims by asserting that there is no alternative. The fact that capitalism presents itself to us as a horizon less world should give us pause. But it does not give us pause: We are on the clock—repeating and not living—and so we go on and on not thinking at all about Modern Times, just repeating.¹⁹ Marxism has as its zero degree the disclosure of the unspeakably cruel event that threw the modern world up all around us. Its name is Legion,²⁰ but three were introduced in Capital’s first volume with these birthnames: genocide in the New World, colonialism in the Orient, and the conversion of the Dark Continent into a hunting ground for slaves. These three mass murders were race-making moments. These three mass murders were the original accumulation, the first capital. These three mass

murders made capitalism a world system. Modernity is the repetition of the original accumulation. We are, in other words, still in that original moment to the extent that we are modern and have always been modern. Time has not passed. We passed out of the time of the real and into the false eternity of the spectacle. As psychoanalysis revealed: A condition has long been known and described which occurs after severe mechanical concussions, railway disasters and other accidents involving a risk to life; it has been given the name "traumatic neurosis." The terrible war which has just ended gave rise to a great number of illnesses of this kind . . . The chief weight in their causation seems to rest on the factor of surprise.²¹ Before World War I, Josef Breuer and Sigmund Freud observed, "Hysterics suffer mainly from reminiscences."²² After the war to end all wars, Freud wrote: In the war neuroses, too, observers . . . have been able to explain certain motor symptoms by fixation to the moment at which the trauma occurred. I am not aware, however, that patients suffering from traumatic neurosis are much occupied in their waking lives with memories of their accident. Perhaps they are more concerned with not thinking about it.²³ History is this way for us as a collective. We are much concerned with "not thinking about it."²⁴ Uranus is castrated by Cronos. The open sky is violated by the desperate hours. Call the perpetrator and the violated by their Greek names or by any other names and the scene remains the same: blood rains down on the water, and from that meeting the Furies are born. The Furies—unceasing Alecto, resentful Tisiphone, avenging Megaera—immortals all, are born of that meeting of blood and water, and are forever punishing violations of the order that allows "no alternative."²⁵ James Baldwin understood the Furies: History, as no one seems to know, is not merely something to read. And it does not refer merely, or even principally, to the past. On the contrary, the great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and history is literally present in all that we do. It could scarcely be otherwise, since it is to history we owe our frames of reference, our identities, and our aspirations. And it is with great pain and terror that one begins to realize this.²⁶ The time that seems to pass only seems to pass. Baldwin understood false time. Baldwin understood that this false time of ours is not even "ours": it is the time of the spectacle.²⁷ We belong to it, not the other way round. What is the "spectacle"? The spectacle is the system's endless hymn of self-praise. When we have been here 10,000 years / bright shining as the sun / we will have no less time to sing its praise / than when we'd first begun. That is the spectacle. We are within the false time of the spectacle, within the repetitions. The repetitions are spectacular time. We do not live spectacular time, we only repeat, and repetition is not living. The death event that produces the first capital begins with a mark made or found ready-made on the body: The discovery of gold and silver in America, the extirpation, enslavement and entombment in the mines of the indigenous population of that continent, the beginnings of the conquest and plunder of India, and the conversion of Africa into a preserve for the commercial hunting of black skins, are all things which characterize the dawn of capitalist production.²⁸ Before the great death event all flesh is common. After the event a mark, insignificant in itself, is made to signify life or death. The mark is a line, a color line, which separates life from death and connects now with then. After the mark life becomes having and not having becomes its opposite. After the murders reach a certain mass, death follows in an unbending line from now till then, and then becomes a hole in the universe, a hole through which we fall and are now falling, forever.²⁹ The New World was not new before the killing. The blacks were not black before the killing. The colonized were not colonized before the killing. The

murders constitute and mark a new species. The production of race is the production of a race that is to have and another race, subordinate to the first, that is to have not. The abundance belonging to the One and the lack that is the chief property of the Other are conjoined twins, born of the same unspeakable event. The black can trace its origin only as far back as a bill of sale. James Baldwin, speaking in London, was clear on this point: I tried to explain that if I was originally from [an African point of origin] I couldn't find out where it was because my entry into America was a bill of sale. And that stops you from going any further. At some point I became Baldwin's Nigger.³⁰ But is the same for the white? The bill of sale is the official screen memory of the mass murder that is the origin of capital. The bill of sale is the alpha and omega of law. The bill of sale is a death certificate, ours. The bill of sale is the recording angel assigned to the children of slaves and children of slave masters. The legality of that bill of sale is what keeps the chains, the genealogies of property that bind now to then, and all of us to the repetitions, together.

The 1AC is a form of phallicized whiteness that posits a neutral subject that eradicates difference in the name of freedom

Winnubst 06 [Shannon Winnubst, Associate Professor of Women's Studies at The Ohio State University, "Queering Freedom" page 37-43]

Cultures of phallicized whiteness are grounded in the constitutive and categorical exclusion of useless expenditure. While Locke attempts to maintain the absolute reign of utility by reasserting a different kind of 'use' in the functions of money as capital, the fundamental tension between systems of value based in utility and those grounded in endless expenditure threatens utility's domination. This tension worsens as politics of race, sexual difference, and sexuality compound this nascent politics of class (and, less explicitly, religion) that we find in Locke's texts. While money appears in Locke's texts to be the inevitable outgrowth of utility's preference for future-oriented labor, cultivated land, and private property, it also introduces an order of value that may not be reducible to the final judgment of utility. The introduction of money appears to render utility's closed system rather fragile, a phenomenon and tension that will resurface repeatedly across the following chapters. The sort of worldview that we find in Locke is thereby one dominated by the twin logics of property and utility. Labor, which man must undertake due to an ontological lack, connects these twin logics: it **encloses the world and one's self into units of private property and then**, elevated into the form of money, **invites reason to overstep utility's boundary and hoard more property than one can use.** Labor initiates **the twin expressions of the logic of the limit: enclosure and prohibition.** We ought not own more than we can use; yet, true to the dynamic of desire grounded in lack, we are drawn toward transgressing the fundamental prohibition of waste proclaimed by nature's law, reason. Labor develops into a system of expression that appears to twist the dynamics of scarcity and abundance beyond the reach of utility, while simultaneously using utility to judge all acts within it: one's labor must be deemed useful if one is to enter into the desired life of propertied abundance, a possibility that will always be scarce in advanced capitalist cultures of phallicized whiteness. Locke's normative model for the liberal individual thereby becomes he who is bound by his ability to labor within a concept of the future sufficient to stake out a piece of land as property. While Cynthia Willett gives Locke credit for trying to articulate a middle-class resistance to "the leisure class and its idle games," she

nonetheless argues that Locke remains entrapped by a conception of rationality “in terms of the English middle-class appreciation for the market value of productive labor and property” (2001, 71). Not only are his concepts of rationality shaped by these historical preferences, but his concepts of man’s condition—man’s desire, destiny, labor, and individuality— all carry these historical preferences into universalized discourses that continue to serve as the bedrock of many of our cultural assumptions and practices. Although Locke’s politics were moderately progressive for the late seventeenth century, **the lasting damage of these concepts still haunts our political quandaries and the very frameworks through which we continue to seek redress. The logic of limit as enclosure, as the ways that the state of society becomes demarcated from—and always preferred over, even while romanticizing—the state of nature,** continuously rewrites itself in several registers across the political histories of the U.S. It fundamentally grounds our understanding of the individual as the person who is clearly demarcated from nature. **The individual becomes that ‘civilized’ man who takes his natural origin, as an enclosed body that is a product of God’s labor, and produces private property that is enclosed into durable forms which persist into and even control the future.** From this critical enclosure of the world and the self, written in the register of property, other modern epistemologies and political projects easily attach themselves to this clear and distinct unit, the individual. (Adam Smith, for example, quickly comes to mind.) **The individual, carved out of nature through productive labor and conceiving the world and himself on the model of appropriating private property, emerges as the cornerstone of political theories and practices in cultures of phallicized whiteness. The individual thereby comes to function as an ahistorical unit defined by its productive labor’s distancing relation to the state of nature,** not by any historico-political forces. (With his unhistorical thinking, Locke acts perfectly as a liberal individual.) Classical **liberalism writes the individual as the (allegedly) neutral substratum of all political decisions, positioning it as separable from historico-political forces.** In carving the individual out of both the natural and socio-historico-political landscapes, **modern political and epistemological projects turn around Locke’s fundamental metaphors of enclosure. The individual, that seat of political and personal subjectivity, is enclosed and thus cut off from all other forces circulating in the social environment. The individual effectively functions as a piece of private property, with the strange twist of owning itself, impervious to all intruders and protected by the inherent right of ownership, derived from the ontological right to one’s own enclosed body. History then is reduced to a collection of what Kelly Oliver has aptly called “discrete facts that can be known or not known, written in history books, and [that] are discontinuous with the present”** (2001, 130). History is that collection of events that occurred in the past and is now tightly sealed in that past. History is simply what has happened, with no fundamental effect or influence upon what is happening now or might happen in the future. Historicity is unthought and unthinkable here. **The modern rational self—the liberal individual—exists in a temporally and historically sealed vacuum, made possible by the clear disjunction between past, present, and future.** Cartesian concepts of time as discrete moments that do not enter into contact or affect one another dominate this conception of the individual.¹⁰ **The logic of the limit thereby demarcates the past sharply and neatly from the present, turning each into objects about which we can develop concepts, facts, and truths. The future, that temporal horizon initiated by preferred forms of complex labor,**

becomes the sole focus of intention and desire. But the future never arrives. Therefore, if historicity and ‘the historical’ mean reading present ideas, values, or concepts as undergoing a constant shaping and reshaping by material forces, this divorce of the past from the present effectively renders all temporal zones—past, present, future, and all permutations—ahistorical. Existence itself is radically dehistoricized. And the individual, that bastion of political activity and value, accordingly resides in a historical vacuum, untouched by historical forces—the very realm of whiteness. This ahistorical view of history perpetuates the modern project of classical liberalism and its damages, creating a particular kind of individual. The individual becomes the locus of identity, selfhood, and subjectivity in the modern political project. Demarcated from historical existence, it also requires careful delineation from other bodies, whether persons, institutions, history, or social attitudes. This concept of the individual develops with a pronounced insistence on its neutrality, rendering specific attributes of the individual merely particular qualities that function, again, on the model of private property: characteristics such as race, gender, religion, or nationality remain at a distance from this insistent neutral individual. (I use the pronoun “it” to emphasize the function of this alleged neutrality, a dynamic that is central to the valorization of the white propertied Christian male as the subject of power in phallicized whiteness.) This insular existence, underscored by its ahistorical status, is further ensured by claims of radical autonomy, whereby the individual is the source, site, and endpoint of all actions, desires, thoughts, and behaviors: we choose what we do. And we choose it, of course, because we are rational: Kantian ethics become the proper bookend to Locke’s initiating of “high modernity’s”¹¹ schemas. This demarcation of the individual then carves the critical division between internal and external, and its political-psychic counterpart, that between self and Other. The self is located squarely and exclusively in one’s rational faculties, the natural law that, according to Locke, civilizes us into economies of labor, utility, and a strange mix of scarcity and abundance. The modern rational self is radically self-contained—enclosed. It is a sovereign self, unaffected by and independent from any thing or force external to it, whether materiality or the Other. Assuming it exercises rationality appropriately, this self is radically autonomous, choosing its own place in the world. (Pointing to America, Locke insists that civilized men are free to leave society.) It does not heed any call of the Other. It is effectively autogenous, existing in a pre-Hegelian philosophical world.¹² Utility and its epistemological counterpart, instrumentality, subsequently become the operative conceptions of power in this schema of the liberal individual as the self. Autonomous, autogenous, and ahistorical, the modern rational individual is in full control of its self. **Its power is thereby something that it owns and wields, as it chooses. Power is not some force that might shape the individual without its assent or, at a minimum, its acknowledgment. It is something that an individual, even if in the form of an individual state, wields intentionally.** It can still use this power legitimately or illegitimately, but that is a matter of choice. The individual controls power and the ways that it affects the world: this is its expression of freedom. Accordingly, the role of the law becomes to vigilantly protect this ahistorical unit, the individual, from the discriminations and violences of historical vicissitudes. The role of the law is to protect the individual’s power, the seat of its freedom. We are far from Foucaultian ideas that perhaps power and history constitute the ways we view and experience the world, shaping our categories and embedding us in this very notion of the individual as autonomous, autogenous, and ahistorical. The liberal individual, untouched by material, po-

litical, and historical conditions, is a neutral substratum that freely wields its power as it chooses: this is the liberal sovereignty and mastery of freedom. **Because the individual is this neutral substratum, differences may or may not attach themselves to it. But those differences are cast into that incon-sequential space of material conditions along with history and the Other.** The odd twist of self-ownership surfaces more fully here. Following Locke's metaphors of enclosure, the individual is enclosed and sealed off not only from all historical and social forces in the environment, but also from the very attributes of difference within itself. While specific attributes that constitute "difference" in North American culture continuously shift, with new categories emerging and old ones receding, the particular vector of difference that matters depends on our historical location, and all its complexities.¹³ Consequently, these attributes do not fundamentally affect the neutrality of the modern individual. These differences occur at the level of the body and history, realms of existence that do not touch the self-contained individual. The neutral individual relates to these differences through the models of enclosure and ownership. It experiences these discrete parts of itself (e.g., race, gender, religion, nationality) as one owns a variety of objects in economies of (scarce) private property: one chooses when one wishes to purchase, own, display, or wear such objects as one freely desires. The unnerving influence of power surfaces, however, as we realize that this free choice becomes the exclusive power of the subject position valorized in cultures of phallicized whiteness, the white propertied Christian (straight) male¹⁴ who determines when, how, and which differences matter. **Neutrality thus functions as the conceptual glue of the modern political project of classical liberalism.** It allows the model of ownership to take hold as the dominant conception of selfhood: one's true self resides in a neutral space and from that space one owns one's power, one's freedom, and one's attributes. Just as the capitalist fantasy still convinces us today that we choose and control our private property, the neutral individual also resides in a self-enclosed, self-contained space that hovers above these matters. Just as the kind of car an American drives today supposedly does not affect the kind of person that he or she is, so too the rational and therefore neutral individual resides in a space that transcends material conditions and their entrapments. Differences between individuals, whether of race or religion or gender or nationality or sexuality, become a mere matter of ownership—i.e., what one has and has not chosen to own. And as the inherent rights of private property imply, one consequently has the right to protect or dispense with one's property: the individual is free to choose how to wield its power and how to respond to these (inconsequential) differences. Not to have this ability—i.e., not to be able to choose and control when and how one's gender, race, nationality, sexuality, or religion matters—signifies a lack of individualism, a lack of power, a lack of civility.¹⁵ The individual thus becomes the proprietor of its differences and the various, discrete rights obtaining to them. The logic of enclosure and demarcation, expressing the logic of the limit here, grounds the conceptions of difference itself in these schemas of classical liberalism. One owns—encloses—one's differences and, additionally, the differences themselves are discrete—demarcated—from one another. The language of rights derives from the overarching model of ownership, just as we find it developed out of the fundamental right to one's own enclosed body in Locke's text. The modern project of liberal individualism thereby reads difference as that which is, can be, or ought to be demarcated, delimited, enclosed—and owned. When I turn to contemporary debates around affirmative action below, I will return to several dynamics that have emerged here. First of all, **the liberal individual exists as a neutral substratum to**

which differences, caused by history and materiality (the body), attach themselves. Equality consequently resides in that neutral substratum of the individual and we access it only by stripping away the merely historical attributes of difference: equality and neutrality mutually constitute one another. Consequently, those who cannot abstract from merely historical attributes of difference (e.g., race and gender) will be read as unequal to those for whom these historical differences do not matter. Secondly, freedom is understood as the expression of power, over which one has conscious and rational control. Power, framed as a tool that one wields, is derived from the model of instrumental reason. And, finally, the liberal individual experiences differences such as race, gender, religion, and nationality as attributes that it owns. It consequently exercises rights over them such as those derived from the inherent right of ownership that Locke locates in the natural imperative to labor: the language of rights assumes, thrives in, and thereby perpetuates an economy of scarcity, the economy in which debates around affirmative action are firmly entrenched. Each of these colludes to give phallicized whiteness the necessary tools to maintain the white propertied Christian (straight) male as the valorized subject in power. Functioning through the rhetoric of neutrality, this specific subject disavows its historical and material conditioning and thereby gains the power to determine when, how, and which differences matter. Grounded in the fundamental value of neutrality, difference should not matter; hence, for example, contemporary rhetorics of color-blindness dominate discourses about the desired endpoint of a 'just'—and therefore raceless—society.¹⁷ However, in those circumstances in which difference insists on its existence (i.e., circumstances in which 'minorities' or the disenfranchised insist on their rights, voices, and even votes), the decisions about when, how, and which differences matter will remain in the power of the neutral individual, the subject in power—and the one who is free.

-Insert book is racist/appropriative link here-

The AFFs politics of inclusion is structural adjustment of the black body that forecloses black liberation. If we win their scholarship produces this structural violence that is a reason to vote negative

Wilderson 2010- Frank B Wilderson III- Professor at UC irvine- Red, White and Black- p. 8-10

I have little interest in assailing political conservatives. Nor is my argument wedded to the disciplinary needs of political science, or even sociology, where injury must be established, first, as White supremacist event, from which one then embarks on a demonstration of intent, or racism; and, if one is lucky, or foolish, enough, a solution is proposed. If the position of the Black is, as I argue, a paradigmatic impossibility in the Western Hemisphere, indeed, in the world, in other words, if a Black is the very antithesis of a Human subject, as imagined by Marxism and psychoanalysis, then his or her paradigmatic exile is not simply a function of repressive practices on the part of institutions (as political science and sociology would have it). This banishment from the Human fold is to be found most profoundly in the emancipatory meditations of Black people's staunchest "allies," and in some of the most "radical" films. Here—not in restrictive policy, unjust legislation, police brutality, or conservative scholarship—is where the Settler/Master's sinews are most resilient. The polemic animating this research stems from (1) my reading of Native and Black American meta-commentaries on Indian

and Black subject positions written over the past twenty-three years and (2) a sense of how much that work appears out of joint with intellectual protocols and political ethics which underwrite political praxis and socially engaged popular cinema in this epoch of multiculturalism and globalization. The sense of abandonment I experience when I read the meta-commentaries on Red positionality (by theorists such as Leslie Silko, Ward Churchill, Taiaiake Alfred, Vine Deloria Jr., and Haunani-Kay Trask) and the meta-commentaries on Black positionality (by theorists such as David Marriott, Saidiya Hartman, Ronald Judy, Hortense Spillers, Orlando Patterson, and Achille Mbembe) against the deluge of multicultural positivity is overwhelming. One suddenly realizes that, though the semantic field on which subjectivity is imagined has expanded phenomenally through the protocols of multiculturalism and globalization theory, Blackness and an unflinching articulation of Redness are more unimaginable and illegible within this expanded semantic field than they were during the height of the F B I ' S repressive Counterintelligence Program (C O I N T E L P R O) . On the semantic field on which the new protocols are possible, Indigenism can indeed IO become partially legible through a grammatics of structural adjustment (as fits our globalized era). In other words, for the Indians' subject position to be legible, their positive registers of lost or threatened cultural identity must be foregrounded, when in point of fact the antagonistic register of dispossession that Indians "possess" is a position in relation to a socius structured by genocide. As Churchill points out, everyone from Armenians to Jews have been subjected to genocide, but the Indigenous position is one for which genocide is a constitutive element, not merely an historical event, without which Indians would not, paradoxically, "exist." 9 Regarding the Black position, some might ask why, after claims successfully made on the state by the Civil Rights Movement, do I insist on positing an operational analytic for cinema, film studies, and political theory that appears to be a dichotomous and essentialist pairing of Masters and Slaves? In other words, why should we think of today's Blacks in the United States as Slaves and everyone else (with the exception of Indians) as Masters? One could answer these questions by demonstrating how nothing remotely approaching claims successfully made on the state has come to pass. In other words, the election of a Black president aside, police brutality, mass incarceration, segregated and substandard schools and housing, astronomical rates of H I V infection, and the threat of being turned away en masse at the polls still constitute the lived experience of Black life. But such empirically based rejoinders would lead us in the wrong direction; we would find ourselves on "solid" ground, which would only mystify, rather than clarify, the question. We would be forced to appeal to "facts," the "historical record," and empirical markers of stasis and change, all of which could be turned on their head with more of the same. Underlying such a downward spiral into sociology, political science, history, and public policy debates would be the very rubric that I am calling into question: the grammar of suffering known as exploitation and alienation, the assumptive logic whereby subjective dispossession is arrived at in the calculations between those who sell labor power and those who acquire it. The Black qua the worker. Orlando Patterson has already dispelled this faulty ontological grammar in *Slavery and Social Death*, where he demonstrates how and why work, or forced labor, is not a constituent element of slavery. Once the "solid" plank of "work" is removed from slavery, then the conceptually coherent notion of "claims against the state"—the proposition that the state and civil society are elastic enough to even contemplate the possibility of an emancipatory project for the Black position—disintegrates into thin air.

The imaginary of the state and civil society is parasitic on the Middle Passage. Put another way, No slave, no world. And, in addition, as Patterson argues, no slave is in the world. If, as an ontological position, that is, as a grammar of suffering, the Slave is not a laborer but an anti-Human, a position against which Humanity establishes, maintains, and renews its coherence, its corporeal integrity; if the Slave is, to borrow from Patterson, generally dishonored, perpetually open to gratuitous violence, and void of kinship structure, that is, having no relations that need be recognized, a being outside of relationality, then **our analysis cannot be approached through the rubric of gains or reversals in struggles with the state and civil society, not unless and until the interlocutor first explains how the Slave is of the world. The onus is not on one who posits the Master/Slave dichotomy but on the one who argues there is a distinction between Slaveness and Blackness.** How, when, and where did such a split occur? The woman at the gates of Columbia University awaits an answer.

The alternative is an unflinching paradigmatic analysis that poses the question of whether civil society is ethical

Wilderson 10 [Frank, Professor of African American Studies and Drama at UC Irvine, Ph.D. in Rhetoric/Film Studies from UC Berkeley, “Red, White, & Black”, pp ix-]

STRANGE AS it might seem, this book project began in South Africa. During the last years of apartheid I worked for revolutionary change in both an underground and above-ground capacity, for the Charterist Movement in general and the ANC in particular. During this period, **I began to see how essential an unflinching paradigmatic analysis is to a movement dedicated to the complete overthrow of an existing order. The neoliberal compromises that the radical elements of the Chartist Movement made with the moderate elements were due, in large part, to our inability or unwillingness to hold the moderates' feet to the fire of a political agenda predicated on an unflinching paradigmatic analysis. Instead, we allowed our energies and points of attention to be displaced by and onto pragmatic considerations. Simply put, we abdicated the power to pose the question—and the power to pose the question is the greatest power of all.** Elsewhere, I have written about this unfortunate turn of events (Incognegro: A Memoir of Exile and Apartheid), so I'll not rehearse the details here. Suffice it to say, this book germinated in the many political and academic discussions and debates that I was fortunate enough to be a part of at a historic moment and in a place where the word revolution was spoken in earnest, free of qualifiers and irony. For their past and ongoing ideas and interventions, I extend solidarity and appreciation to comrades Amanda Alexander, Franco Barchiesi, Teresa Barnes, Patrick Bond, Ashwin Desai, Nigel Gibson, Steven Greenberg, Allan Horowitz, Bushy Kelebonye (deceased), Tefu Kelebonye, Ulrike Kistner, Kamogelo Lekubu, Andile Mngxitama, Prishani Naidoo, John Shai, and S'bu Zulu.

The black body is the site of social death par excellence, having become dead by a 700-year injunction barring its subjectivity. Social death is a condition of existence and not some avoidable impact—how we relate to this condition is all that is important

Wilderson 02 - The Prison Slave as Hegemony's (Silent) Scandal-Presented at #Imprisoned Intellectuals # Conference Brown University]

Civil society is not a terrain intended for the Black subject. It is coded as waged

and wages are White. Civil society is the terrain where hegemony is produced, contested, mapped. And the invitation to participate in hegemony's gestures of influence, leadership, and consent is not extended to the unwaged. We live in the world, but exist outside of civil society. **This structurally impossible position is a paradox, because the Black subject, the slave, is vital to political economy: s/he kick-starts capital at its genesis and rescues it from its over-accumulation crisis at its end. But Marxism has no account of this phenomenal birth and life-saving role played by the Black subject:** from Marx and Gramsci we have consistent silence. In taking Foucault to task for assuming a universal subject in revolt against discipline, in the same spirit in which I have taken Gramsci to task for assuming a universal subject, the subject of civil society in revolt against capital, Joy James writes: The U.S. carceral network kills, however, and in its prisons, it kills more blacks than any other ethnic group. American prisons constitute an "outside" in U.S. political life. In fact, our society displays waves of concentric outside circles with increasing distances from bourgeois self-policing. The state routinely polices the 14 unassimilable in the hell of lockdown, deprivation tanks, control units, and holes for political prisoners (Resisting State Violence 1996: 34). But this peculiar preoccupation is not Gramsci's bailiwick. His concern is with White folks; or with folks in a White (enough) subject position that they are confronted by, or threatened by the removal of, a wage -- be it monetary or social. **But Black subjectivity itself disarticulates the Gramscian dream as a ubiquitous emancipatory strategy, because Gramsci, like most White activists, and radical American movements like the prison abolition movement, has no theory of the unwaged, no solidarity with the slave. If we are to take Fanon at his word when he writes, #Decolonization, which sets out to change the order of the world, is, obviously, a program of complete disorder # (37) then we must accept the fact that no other body functions in the Imaginary, the Symbolic, or the Real so completely as a repository of complete disorder as the Black body. Blackness is the site of absolute dereliction at the level of the Real, for in its magnetizing of bullets the Black body functions as the map of gratuitous violence through which civil society is possible: namely, those other bodies for which violence is, or can be, contingent. Blackness is the site of absolute dereliction at the level of the Symbolic, for Blackness in America generates no categories for the chromosome of History, no data for the categories of Immigration or Sovereignty; it is an experience without analog # a past, without a heritage. Blackness is the site of absolute dereliction at the level of the Imaginary for #whoever says #rape # says Black, # (Fanon), whoever says #prison # says Black, and whoever says #AIDS # says Black (Sexton) # the #Negro is a phobogenic object # (Fanon). Indeed &a phobogenic object &a past without a heritage &the map of gratuitous violence &a program of complete disorder. But whereas this realization is, and should be cause for alarm, it should not be cause for lament, or worse, disavowal # not at least, for a true revolutionary, or for a truly revolutionary movement such as prison abolition. 15 If a social movement is to be neither social democratic, nor Marxist, in terms of the structure of its political desire then it should grasp the invitation to assume the positionality of subjects of social death that present themselves; and, if we are to be honest with ourselves we must admit that the "Negro" has been inviting Whites, and as well as civil society's junior partners, to the dance of social death for hundreds of years, but few have wanted to learn the steps. They have been, and remain today # even in the most anti-racist movements, like the prison abolition movement # invested elsewhere. This is not**

to say that all oppositional political desire today is pro-White, but it is to say that it is almost always "anti-Black" which is to say it will not dance with death. Black liberation, as a prospect, makes radicalism more dangerous to the U.S. Not because it raises the specter of some alternative polity (like socialism, or community control of existing resources) but because its condition of possibility as well as its gesture of resistance functions as a negative dialectic: a politics of refusal and a refusal to affirm, a program of complete disorder. One must embrace its disorder, its incoherence and allow oneself to be elaborated by it, if indeed one's politics are to be underwritten by a desire to take this country down. If this is not the desire which underwrites one's politics then through what strategy of legitimation is the word #prison # being linked to the word #abolition #? What are the lines of political accountability? There is nothing foreign, frightening, or even unpracticed about the embrace of disorder and incoherence. The desire to be embraced, and elaborated, by disorder and incoherence is not anathema in and of itself: no one, for example, has ever been known to say #gee-whiz, if only my orgasms would end a little sooner, or maybe not come at all. # But few so-called radicals desire to be embraced, and elaborated, by the disorder and incoherence of Blackness # and the state of political movements in America today is marked by this very Negrophobogenesis: #gee-whiz, if only Black rage could be more coherent, or maybe not come at all. # Perhaps there is something more terrifying about the joy of Black, then there is about the joy of sex (unless one is talking sex with a Negro). Perhaps coalitions today prefer to remain in-orgasmic in the face of civil society # with hegemony as a handy prophylactic, just in case. But if, through this stasis, or paralysis, they try to do the work of prison abolition # that work will fail; because it is always work from a position of coherence (i.e. the worker) on behalf of a position of incoherence, the Black subject, or prison slave. In this way, social formations on the Left remain blind to the contradictions of coalitions between workers and slaves. They remain coalitions operating within the logic of civil society; and function less as revolutionary promises and more as crowding out scenarios of Black antagonisms # they simply feed our frustration. Whereas the positionality of the worker # be s/he a factory worker demanding a monetary wage or an immigrant or White woman demanding a social wage # gestures toward the reconfiguration of civil society, the positionality of the Black subject # be s/he a prison-slave or a prison-slave-in-waiting # gestures toward the disconfiguration of civil society: from the coherence of civil society, the Black subject beckons with the incoherence of civil war. A civil war which reclaims Blackness not as a positive value, but as a politically enabling site, to quote Fanon, of "absolute dereliction": a scandal which rends civil society asunder. Civil war, then, becomes that unthought, but never forgotten understudy of hegemony. A Black specter waiting in the wings, an endless antagonism that cannot be satisfied (via reform or reparation) but must nonetheless be pursued to the death.

Links

[Some other (probably better) links can also be found in the case section. You can also get links through C-X—ask them about the historical usage of black slave women as breeders and why they think it’s okay for them to appropriate this narrative for a white narrator]

Antiblackness shapes gender oppression

Sexton 08 (Jared Sexton, “Amalgamation Schemes: Antiblackness and the Critique of Multiracialism”, 2008)

But all of this is not to mark difference for difference sake, much less to participate in the ranked determination of suffering. It is, instead, to properly locate the political dynamics and to outline the ethical stakes at hand. Antiblackness is not only unique (something rightly ascribed to any number of political histories). My argument turns on the further point that it is both historically and ontologically prior to, thereby enabling, the range of racial inequalities against which the multiracial Left does battle, just as it subtends the formations of globalizing capital (Vilderson 2003) and thoroughly conditions the elaborations of gender power and the regulations of sexuality (Jackson 2003). This is why the idea of a new racism in the United States, or the pluralizing concept of racisms, indexes the centralization of a politics of immigration across the global North (a process we might think of as the political “Europeanization” of the United States, where race talk is exhausted by concern for the discriminations of immigration policy, the dangers of xenophobia, and the legacies of colonialism; in another register, we could speak of the debilitating leveling effects of Third World-ism or the disabling fallout of the “people of color” heading). This is also why introducing questions about antiblackness, prompted often enough by the mere entrance of black people to multiracial spaces of intellectual inquiry or political activism, throws the discussion into disarray. The politics of multiracialism provides an object lesson in this governing tendency.

Antiblackness is the root cause of all oppression

Sexton 11 (Jared Sexton, “People-of-Color-Blindness”, <http://www.artandeducation.net/videos/jared-sexton-people-of-color-blindness/>, 2011)

In this 2011 talk at University of California, Berkeley, noted critical race scholar Jared Sexton draws on his recent articles to develop some of the most trenchant implications of the Afro-Pessimist position as a historical reading, a performative analysis and a political ontology. He is concerned to emphasize both the foundational character of racial slavery to modernity – including modernity’s salient categories of freedom, rights and personhood – and its specificity as a total social institution in Orlando Patterson’s emblematic term, ‘social death’. There is an urgency to reconstruct the categories of political philosophy around the figure of the slave (departing from Agamben’s injunction that the paradigmatic political figure of our time is the refugee). This should be the first step of a response to the question ‘what is the world that slavery made possible?’ Sexton goes on to critique the universalization of slavery to diverse historical situations of racialized subjugation and exploitation, such as Achille Mbembe’s term ‘necropolitics’ to describe the condition of the ‘post-colony’. Gender and class are both re-positioned as not ‘intersecting’ with but directly produced through the social formation of racial slavery as the matrix for the sorting of humans from ‘anti-humans’ and property from persons.

The affirmative appropriates black suffering which delegitimizes black resistance

Sexton 10 (Jared Sexton, “People-of-Color-Blindness: Notes on the Afterlife of Slavery”, 2010)

The disqualification of black resistance is not unrelated to the peculiar and long-standing cross-racial phenomenon in which the white bourgeois and proletarian revolutions on both sides of the

Atlantic can allegorize themselves as revolts against slavery, while the hemispheric black struggle against actually existing slavery and its afterlife cannot authorize itself literally in those same terms. The latter must code itself as the apotheosis of the French and American revolutions (with their themes of Judeo-Christian deliverance) or, later, the Russian and Chinese revolutions (with their themes of secular messianic transformation) or, still later, the broad anticolonial movements in Asia, Africa, and Latin America of the mid-twentieth century (with their themes of indigenous reclamation and renaissance). 56 The metaphoric transfer that dismisses the legitimacy of black struggles against racial slavery (and what Wacquant calls its “functional surrogates”) while it appropriates black suffering as the template for nonblack grievances remains one of the defining features of contemporary political culture. That notable black academics, artists, and activists participate in this gesture is nothing new, of course, but their increasing degrees of self-consciousness and virulence in so doing signal the hegemony it presently enjoys.

Their choice to absent women of color from their movement sets racial issues to the backburner and never truly includes women of color—turns the case **Ware 15** (Vron Ware, “Beyond the Pale: White Women, Racism, and History”, accessed through Google Books, Jun. 9, 2015,)

When *Beyond the Pale* was first published, I was a senior in a predominantly white high school, struggling to work out my relationship with the feminism espoused by some of my classmates that didn't seem to include women like me. Women who grew up in the inner city without two parents, or even a picket fence in sight. Women for whom the right to work was never going to be in question. Instead ours was a fight to be paid a living wage and not to have our bodies and hair marked out as unprofessional simply for existing. Perhaps if I had read it then, I would have been better equipped to manage conversations about the intersection of race and gender. Instead, I floundered when white friends took offence at a plan to perform for colored girls who have considered suicide when the rainbow is enuf by Ntozake Shange - the Obie and Tony Award-winning theater piece about the experiences of seven women of colour in a racist and sexist society - with a cast comprised solely of girls of colour. There was an air of 'white women are oppressed too!' that I didn't know how to dissect in order to show them that their response was oppressive. When the idea of the play was first floated, their immediate reaction was 'It's not fair to us!' and 'Why put on a show we can't be in?' despite the fact that most shows at the school had casts that were all white or nearly so. Selections like *Pirates of Penzance* or *Brigadoon* were more likely to be produced than *Porgy and Bess* or *A Raisin in the Sun*, much less anything as modern as *for colored girls* who have considered suicide and no one said a word about those plays, even when it came up (as it did periodically) that hardly any plays written by or about communities of colour were even considered for the drama programme. In retrospect, I am certain that the Girl Power rhetoric that was our intro to feminism covered everything but race and class. That pop-music inspired feminism focused more on women being able to work outside the home than on the type of work they might be doing there. It was about having it all, but in a way that had white women in boardrooms with women of colour as their secretaries. It was never overtly stated that way, but in retrospect a lot of imagery from that time either had no women of colour or only one amid a group of white women. Sure my friends wanted the girls of colour to have parts in the school plays, an activity that is typically prime material for enhancing college applications, but not at their own perceived expense. Even one show a year (out of the four to six that were usually performed) was too much space in the limelight for them to give up. It's easy to dismiss such an occurrence as the behaviour of children who didn't know any better, but that same phenomenon can be found in modern mainstream feminist circles among adults. Whether the problem is feminist events that ignore topics like food access, police brutality, or schools in favour of a focus on how to become a CEO, or an insistence that women of colour be patient about their issues for the 'greater good' (i.e., Elizabeth Cady Stanton and other notable suffragettes prioritizing women's rights over the abolition of lynching), the end result is the same. In order for solidarity between white women and women of colour to develop on a broader basis, the history behind the former's failure to support women of colour confronting

problems like¶ racial inequality and immigration must be examined and¶ addressed so that these issues can cease to be replicated in¶ each successive generation.

AT Dodson/Intersectionality

They do not critique the book—7 minutes of the 1AC rave about how great the book are and Dodson (who I'm pretty sure is white) also does not critique the book or say it's bad but talks about racism as a whole

This card is awful—it literally says that one line in the book of the protagonist going, “Wow I feel sorry for those poor people of color now!” That's not an excuse for erasing women of color from the book when the entire narrative is appropriative. The card mentions that “Atwood IMPLIES” things or “this could be taken to mean” and most of the warrants are in fact from OTHER authors like “Ain't I a Woman?” Which is a speech by a black woman. There's no mention of a direct critique of Atwood's narrative—the book and premise of the 1AC itself is inherently appropriative.

This book is not intersectional—THERE ARE NO WOMEN OF COLOR IN THE ENTIRE BOOK. Even if they talk about things like forced breeding that ignores and papers over the particularity of violence that occurs against black women and other women of color

Also even if Offred somehow recognizes her own privilege that does not matter because Atwood is still using the struggles of black women for her book so her “recognition” isn't actually doing much when she's still perpetuating the fungibility of the black body—this is the same as when white women invaded black spaces and took over these spaces under the well-meaning but misguided masking of “we also emphasize with you”—that means they cannot solve for movements of women of color

AT: Atwood checks her privilege

Authorial intent doesn't matter

Keep 2k (Christopher Keep, “Death of the Author”, <http://www2.iath.virginia.edu/elab/hfl0226.html>)

Until recently, an author was an unproblematic concept; an author was someone who wrote a book. Roland Barthes' landmark essay, “The Death of Author,” however, demonstrates that an author is not simply a “person” but a socially and historically constituted subject. Following Marx's crucial insight that it is history that makes man, and not, as Hegel supposed, man that makes history, Barthes emphasizes that an author does not exist prior to or outside of language. In other words, it is writing that makes an author and not vice versa. “[T]he writer can only imitate a gesture that is always anterior, never original. His only power is to mix writings [...] in such a way as never to rest on any one of them” (146). Thus the author cannot claim any absolute authority over his or her text because, in some ways, he or she did not write it. This is not to say that someone named Margaret Atwood did not spend many months toiling away at book called Lady Oracle, rather that we must re-think what it means when we say “Margaret Atwood” and “Lady Oracle.” Barthes throws the emphasis away from an all-knowing, unified, intending subject as the site of production and on to language and, in so doing, hopes to liberate writing from the despotism of what he calls the work, or what we have called The Book:¶ To give a text an Author is to impose a limit on that text, to furnish it with a final signified, to close the writing [...] [However] by refusing to assign a 'secret,' an ultimate meaning, to the

text (and the world as text), liberates what may be called an anti-theological activity, an activity that is truly revolutionary since to refuse to fix meaning is, in the end, to refuse God and his hypostases--reason, science, law. (147)

Just because Atwood talked about black feminism later doesn't mean the book's not eligible for critique—author intent shouldn't be evaluated when it comes to critique of narrative

Rosenberg 14 (Alyssa Rosenberg, “The literary theory idea that explains how we talk about pop culture”, August 28th, 2014, <https://www.washingtonpost.com/news/act-four/wp/2014/08/28/the-literary-theory-idea-that-explains-how-we-talk-about-pop-culture/>)

Rather than trying to resolve the unresolvable and aligning creators' intentions with our own feelings, I think we ought to try to do something different: learn to live with ambiguous stories, and to embrace conflicts between authorial intent and our own interpretation.¶ The critic and cultural historian Jeet Heer took to Twitter last night to point readers to Northrop Frye's “Anatomy of Criticism,” which lays out what Heer thinks is a good standard for how to regard authorial intent.¶ “The poet may of course have some critical ability of his own, and so be able to talk about his own work. But the Dante who writes a commentary on the first canto of the Paradiso is merely one more of Dante's critics.” Frye wrote. “What he says has a peculiar interest, but not a peculiar authority.”¶ To flesh this out a bit, I think authorial intent is interesting precisely because it sets up a particular space for inquiry. The gap between what an author believes he or she has communicated and what audiences take away from a work can be a way to measure how clearly or effectively a creator executed on his or her intentions. Even if we are not using authorial intent to measure whether a work is good or bad, it can be a fascinating test of what creators think constitutes a well-developed female character, a searing look into the misogynist mind or even a sexual assault.

AT: Permutation

You don't get a permutation—this is a methodology debate, you chose to start from the starting point of gender and you shouldn't get to magically include antiblackness when we brought it up— K affs shouldn't get permutations because they're already untopical and don't have stable ground, means a perm is even harder to pin down and they shouldn't get to tack our methodology onto theirs

that means there's a Backburner DA to the permutation, they only include antiblackness as a checkbox on their laundry list, an afterthought—this failing to center antiblackness means that the perm is still structured around the politics and antiblackness of white civil society, leading to the impacts of the K

Hijacking disad - Their attempt to capture and redirect our alternative is similar to the Kennedy Association's involvement the Civil Rights Movement so that he could control the movement and strip out everything that posed an actual threat to the interests of the white elite. The alt will be violently suppressed the moment it no longer aligns with their model of comfortable, peaceful, white-friendly, resistance – a sovereign and violently oppositional resistance movement is key to alt solvency.

AT Speaking for Others

There's a difference between speaking for others and their arg—this debate is literally going: they read a book, we call them out say that book's racist, and they say we're speaking on behalf of black people? There are no black individuals in this debate right now so if we hadn't spoken out then the 1AC would have gone unchallenged which is a net worse than reading the kritik—it would be different if I was telling someone who was black that I would talk for them, but all I'm doing is calling out their book—

They're the ones objectifying black bodies—Atwood literally took the narrative of the slave women, tacked it onto white women—that's definitely worse than our instance

AT Non-black people can't talk about social death

There's a distinction between what we're doing and independently theorizing about social death—of course we don't know what it's like to be black and experience social death, but most of our authors are black and presumably do know what it's like and they've written about it extensively—we're just talking about their theories

AT: Hudson/Nonontological

Civil society is founded on the social death of the slave—they can't win this when they've conceded the card on the 1NC that says that social death is a condition that is fundamentally tied to modernity—the opposite of freedom is the slave, our concepts of what defines a human is predicated against the binary of the slave—other explanations don't and cannot explain things like gratuitous violence

Perm

cutting

If the oppression of nonblack people of color in, and perhaps beyond, the United States seems conditional to the historic instance and functions at a more restricted empirical scope, antiblackness seems invariant and limitless (which does not mean that the former is somehow negligible and short-lived or that the latter is exhaustive and unchanging). If pursued with some consistency, the sort of comparative analysis outlined above would likely impact the formulation of political strategy and modify the demeanor of our political culture. In fact, it might denature the comparative instinct altogether in favor of a relational analysis more adequate to the task. Yet all of this is obviated by the silencing mechanism par excellence in Left political and intellectual circles today: “Don’t play Oppression Olympics!” The Oppression Olympics dogma levels a charge amounting to little more than a leftist version of “playing the race card.” To fuss with details of comparative (or relational) analysis is to play into the hands of divide-and-conquer tactics and to promote a callous immorality.⁷² However, as in its conservative complement, one notes in this catchphrase the unwarranted translation of an inquiring position of comparison into an insidious posture of competition, the translation of ethical critique into unethical attack. This point allows us to understand better the intimate relationship between the censure of black inquiry and the recurrent analogizing to black suffering mentioned above: they bear a common refusal to admit to significant differences of structural position born of discrepant histories between blacks and their political allies, actual or potential. We might, finally, name this refusal people-of-color-blindness, a form of colorblindness inherent to the concept of “people of color” to the precise extent that it misunderstands the specificity of antiblackness and presumes or insists upon the monolithic character of victimization under white supremacy⁷³—thinking (the afterlife of) slavery as a form of exploitation or colonization or a species of racial oppression among others.⁷⁴ The upshot of this predicament is that obscuring the structural position of the category of blackness will inevitably undermine multiracial coalition building as a politics of radical opposition and, to that extent, force the question of black liberation back to the center of discussion. Every analysis that attempts to understand the complexities of racial rule and the machinations of the racial state without accounting for black existence within its framework—which does not mean simply listing it among a chain of equivalents or returning to it as an afterthought—is doomed to miss what is essential about the situation. Black existence does not represent the total reality of the racial formation—it is not the beginning and the end of the story—but it does relate to the totality; it indicates the (repressed) truth of the political and economic system. That is to say, the whole range of positions within the racial formation is most fully understood from this vantage point, not unlike the way in which the range of gender and sexual variance under patriarchal and heteronormative regimes is most fully understood through lenses that are feminist and queer.⁷⁵ What is lost for the study of black existence in the proposal for a decentered, “postblack” paradigm is a proper analysis of the true scale and nature of black suffering and of the struggles—political, aesthetic, intellectual, and so on—that have sought to transform and undo it. What is lost for the study of nonblack nonwhite existence is a proper analysis of the true scale and nature of its material and symbolic power relative to the category of blackness.⁷⁶ This is why every attempt to defend the rights and liberties of the latest victims of state repression will fail to make substantial gains insofar as it forfeits or sidelines the fate of blacks, the

prototypical targets of the panoply of police practices and the juridical infrastructure built up around them. Without blacks on board, the only viable political option and the only effective defense against the intensifying cross fire will involve greater alliance with an antiblack civil society and further capitulation to the magnification of state power. At the apex of the midcentury social movements, Kwame Ture and Charles Hamilton wrote in their 1968 classic, *Black Power: The Politics of Liberation*, that black freedom entails “the necessarily total revamping of the society.”⁷⁷ For Hartman, thinking of the entanglements of the African diaspora in this context, the necessarily total revamping of the society is more appropriately envisioned as the creation of an entirely new world: “I knew that no matter how far from home I traveled, I would never be able to leave my past behind. I would never be able to imagine being the kind of person who had not been made and marked by slavery. I was black and a history of terror had produced that identity. Terror was “captivity without the possibility of flight,” inescapable violence, precarious life. There was no going back to a time or place before slavery, and going beyond it no doubt would entail nothing less momentous than yet another revolution.”⁷⁸

Ocularcentrism

Notes

The second card can also be read on case

1NC

The 1AC's usage of visual metaphors is similar to society's bias towards all things visual—this bias affects our conceptions of social difference

Hibbits 94 (Bernard J., Assoc. Prof of Law @ Pitt, "Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse" Cardozo Law Review, 229, http://law.pitt.edu/archive/hibbits/meta_p2.htm)

The traditional American bias towards the visual is aptly captured by the observation that "[i]n our society, . . . to be real, a thing must be visible."⁴⁵ We⁴⁶ demonstrate our visual bias in numerous ways and in numerous contexts, usually without recognizing that such a bias even exists. Every time we sing the first line of the national anthem, we ask a question about looking: "Oh say can you see . . .?" We pay for goods and services with dollar bills that bear a staring eye on their backs.⁴⁷ We go on vacation not to hear the sounds, but to "see the sights"; we take along cameras, not tape recorders.⁴⁸ [2.4] We give aesthetic priority to visual effect. Our glass and steel buildings are monuments to the power of sight, rather than sound or touch.⁴⁹ Our idea of personal beauty is primarily visual.⁵⁰ So is our idea of art, to the point where, in ordinary discourse, that term denotes purely visual painting, not music or dance.⁵¹ Our visual orientation even colors our approach to art forms which, at least in theory, are not altogether dependent on visual appreciation: we regularly highlight the visuality of sculpture-and, at the same time, neutralize its tactility-by posting signs in our museums and art galleries that read "Do Not Touch." Is it any wonder that in such a context, our sculpture should have become "painterly,"⁵² i.e., designed much more for seeing than feeling?[†] [2.5] Less obviously, but more fundamentally, our visuality shapes our sense of social identity and difference. We tend to group one another more on the basis of similar visual appearance than on, say, similar accent.⁵³ This is most obvious when we categorize individuals according to the color of their skin: in our visualist culture, most Americans are "white" or "black." Visual identity has indeed become so important to us that we not only differentiate, but actually discriminate against one another on a visual basis. Having skin of a certain color may in practice entitle us to, or alternatively, it may disqualify us from educational opportunity, economic wealth, and political power.

This fixation on the visual has aided in the development of the male "gaze" and control over women—leads to patriarchy

Hibbits 94 (Bernard J., Assoc. Prof of Law @ Pitt, "Making Sense of Metaphors: Visuality, Aurality, and the Reconfiguration of American Legal Discourse" Cardozo Law Review, 229, http://law.pitt.edu/archive/hibbits/meta_p2.htm)

It may be argued that the extent of their involvement with written material has led American men as a group-like men in other Western societies- to take a great interest in the phenomenon of visual observation that has been the source of so much of their textual knowledge and authority²²¹ As modern feminist scholarship has taken pains to emphasize (if not necessarily explain), the "gaze" has historically been more of a "male" than a "female" medium.²²² In the American tradition, men have been primarily responsible for reducing the world-and, in the process, women-to visual two-dimensional texts, paintings, photographs,²²³ electronic images,²²⁴ diagrams, and equations.²²⁵ In their capacities as school administrators, college professors, historians, curators, and archivists, American men have long been in charge of preserving and perpetuating the corpus of American visual culture over time. As scientists and philosophers, they have further indulged their visuality by using mostly visual metaphors to describe the central intellectual operations of thinking and knowing: they have made "observations," offered

"perspectives," and "speculated" on the nature of reality.²²⁶[2.33] The desire and even the need to look that has animated American male experience has frequently been coupled with a limited and somewhat selective devaluation of aurality and evocatively aural forms. At least since the late eighteenth century, most American men have rejected dialogue and story as respectable vehicles for the communication of important written information.²²⁷ More generally, American men as a group have been eager to prescribe silence as a positive personal and social value for others, if not necessarily for themselves.²²⁸ This latter strategy has been feasible in part because many American men have had access to a visual medium of communication (writing) which in their experience has not depended on sound to provide its sense. The strategy has moreover been politically useful because it has enabled American men to consolidate their control of other groups that have been more dependent on aural expression. The command that women (not to mention children) be "seen and not heard"-implicitly evoked from the anti-scolding laws of the seventeenth century²²⁹ through the marital evidence laws of the nineteenth century²³⁰-has been a prime guarantor of patriarchal power.

The Alt— Reject the Affirmative’s visual metaphors and advocate the parts of the 1AC that don’t reference the visual.

2NC Extensions

Privileging of vision is uniquely bad in epistemology and philosophy

Levin 93 (David Levin, “Modernity and the Hegemony of Vision”, 1993, accessed using Google Books)

In a series of recent articles Martin Jay has focused on criticism of the ocularcentrism of Western culture. By ocularcentrism, Jay means the epistemological privileging of vision that begins at least as early as Plato's notion that ethical universals must be accessible to "the mind's eye" and continues with the Renaissance, the invention of printing, and the development of the modern sciences. For Descartes, truth is associated with clear and distinct ideas discerned by a "steadfast mental gaze," while for Bacon objectivity is associated with observation, and objective knowledge is that knowledge obtained through sight. But such a privileging of sight lens also inspired a deep distrust, a distrust that one can find in Berwon's work and that runs through the work of Wagner, Nietzsche, and Heidegger. More recently it has taken form in Foucault's analysis of modern surveillance techniques, in Guy Debonl's condemnation of the society of the spectacle, and in Richard Rorty's critique of ocular metaphors in phi-losophy. Many contemporary feminists, hermeneuticists, deconstruc-tionists, and Marxists now attack any supposed association between vision and the critique of ideology. Marx could still rely on the power of the idea of clear vision in his comparison of ideology to a camera obscura that inverts the way "men and their circumstances" appear, just as the physical life process inverts objects on the retina. For contemporary critics, however, ideology is no longer to be connected to distortions in vi-sion but to distortions of language. ¶ In Jay's view, such an analysis follows from a renewed respect for the truths of interpretation over the methods of scientific observation. Vision is conceived of as synchronic, antihistorical, and pointillist, °producing an external prescence without my meaningful continuity between past and future." Sight can only grasp external appearances and behav-ior, never inner meaning. It externalizes only the given moment and can¶ never envision its context. In contrast, interpretation involves decoding¶ meaning by listening to its expression connecting meaning to what has¶ been said or will be said and understanding the context of action or expression. For this reason, it seems to allow more space for sustained criticism. To connect ideology to obscured vision is to suppose that the¶ social critic is somehow suited to seeing social reality for what it is. To con-¶ nect ideology with language is to open up avenues for critical interpreta-¶ tion that focus on the kinds of discourses that have power in a culture or¶ society and to claim that language includes hierarchal relations of dom-¶ ination. The overcoming of ideology is thus no longer associated within-¶ sight, clear vision, or

even enlightenment. Social criticism does not reveal the truth of 'men and their circumstances' for all to see. Instead, it cleans language and communication of their hidden relations to power.

Case

This book is bad and you should feel bad

The very premise of the Handmaid's tale is flawed and diminishes the struggle of people of color; it effectively appropriates their suffering in order to create a vehicle for white feminism (1nc)

Berlatsky 14 (Noah Berlatsky, "The Handmaid's Tale and Bad Slavery Comparisons", 8/19/14, <http://splicetoday.com/politics-and-media/the-handmaid-s-tale-and-bad-slavery-comparisons>)

A way to answer that question is to consider one of the most famous feminist novels of the last 30 years: Margaret Atwood's The Handmaid's Tale. Atwood's book, published in 1985, is set in a dystopian near future in which right-wing family-values religious fanatics have taken control of the United States. The nameless protagonist and narrator was a librarian prior to the coup. The new rulers stripped her of her money, profession, and child and marriage, the last of which is considered invalid since her husband was previously divorced. She's forced by the new government of Gilead to become a Handmaid, assigned to various important men as a kind of official mistress, in hopes that she will bear them children—an imperative since chemical and radioactive pollution has sterilized much of the population.¶ The Handmaid's Tale clearly owes a debt to other totalitarian dystopias, most notably 1984. But it also borrows liberally from the experiences of non-white women. In fact, the novel's horror is a nightmare vision in which white, college-educated women like Atwood are forced to undergo the experiences of women of color.¶ This transposition is not subtle, nor meant to be. Handmaids wear red, full-body coverings and veils that reference the burqa. In case the parallel isn't sufficiently obvious, Atwood has the narrator directly compare the Handmaids waiting to perform their procreative duties to "paintings of harems, fat women lolling on divans, turbans on their heads, or velvet caps, being fanned with peacock tails, a eunuch in the background standing guard." The narrator has been teleported into an Orientalist fever dream, the irony only emphasized early in the novel by a group of modern, Japanese tourists, who stare at the debased Occidental women just as Westerners stereotypically stare at the debased women of the Orient. The stigma against Islam is leveraged along with, and blurs into, the stigma against prostitutes. The horror here is that middle-class, college-educated white women will be forced into the position of sex workers.¶ Slave experiences are appropriated with similar bluntness. The network that secretly ferrets Handmaid refugees over the border to Canada in the novel is called, with painful obliviousness, the Underground Femaleroad. We learn, in an aside, that the regime hates the song "Amazing Grace"—originally an anti-slavery song, its reference to "freedom" has been repurposed here to apply to Gilead's gender inequities. The specific oppressions the Handmaids face also seem lifted from slave experience—their children are taken; they're not allowed to read; they need passes to go out; if they violate any of innumerable rules, they're publicly hanged. The tension between white mistresses and black women on slave plantations is even reproduced; the narrator's Commander wants to see her outside of the proscribed procreation ceremony. She can't refuse, but when she finds out it provokes the Commander's wife to dangerous sexual jealousy. This is a familiar dynamic from any number of slave narratives (12 Years a Slave is a high-profile recent example) with the one difference that here, not just the oppressor, but also the oppressed, is white.¶ Atwood is hardly the first science-fiction author to create a white future from elements of past non-white oppression. As I've written before, this kind of reversal is central to the genre; H.G. Wells, explicitly compares the invasion of the Martians in The War of the Worlds to European colonization of Tasmania. Wells presents this parallel as a moral lesson; he asks Europeans to imagine themselves in the position of the colonized, and to think about how that would feel. You could argue that Atwood is doing something similar—that she's trying to get white people, and particularly white women, to imagine themselves in the position of non-white women, and to be more appreciative of and sympathetic to their struggles. You could see The Handmaid's Tale as analogous to Orange Is The New Black, where a white woman is a convenient point of entry to focus on and think about the lives of non-white women.¶ Orange Is the New Black actually

includes black and Latina women as characters, though. **The Handmaid's Tale emphatically does not.** The book does mention that the Gilead regime is very racist, but the one direct mention of black people in the book is an assertion of their erasure. The narrator sees a news report that declares, "Resettlement of the Children of Ham is continuing on schedule." Here **Atwood and Gilead are in cahoots, resettling black people somewhere else, so that we can focus, untroubled by competing trauma, on the oppression of white people.** Atwood created Gilead. You can hear an echo of the writer's thoughts in Moira, the narrator's radical lesbian friend, who is not shocked by the Gilead takeover. Instead, the narrator says, Moira seems, "In some strange way she was gleeful, as if this was what she'd been expecting for some time and now she'd been proven right." **The Handmaid's Tale presents a world in which white middle-class women are violently oppressed by Christian religious fanatics. As such, it is not just a dystopia, but also a kind of utopia, the function of which, as Moira says, is to prove a certain kind of feminist vision right.** That vision is one in which women, and effectively white women, contain all oppressions within themselves. **The Handmaid's Tale is a dream of vaunting, guiltless suffering.** Maybe that's why Stop Patriarchy finds the slavery metaphor so appealing. **Using slavery as a comparison is not just an intensifier, but also a way to erase a complicated, uncomfortable history in which the oppressed can also sometimes be oppressors.**

Reject the narrative of the Handmaid's Tale—it reinforces western and xenophobic conceptions of Islam and generalizes the oppression that women of color face

Berlatsky 15 (Noah Berlatsky, "The Handmaid's Tale Is Overrated—Here's What You Should Read Instead", 3/18/15, <http://www.ravishly.com/2015/03/17/handmaids-tale-overrated%E2%80%94heres-what-you-should-read-instead>)

Thirty years after it was first published, Margaret **Atwood's The Handmaid's Tale remains popular**, both with readers and with teachers. In part, this is **no doubt because this particular nightmarish future remains a favorite nightmarish future.** In *The Handmaid's Tale*, **the bad guys are repressive, anti-sex, right-wing religious whackos who have conquered America**—they're a stand-in for the moral majority of the Reagan era, a Christian right which is with us still. **But** those bad guys also reference **Western visions of Islamic evils—the oppressed handmaids** in Atwood's future America of Gilead **wear what are essentially burkas, and there's a telling reference to "paintings of harems, fat women lolling on divans."** **The Handmaid's Tale takes the repression and exotification of women of color and generalizes it to all women. The result is a fairly straightforward morality tale, in which (all) women are oppressed by a non-specific, generalized conservative fanaticism.** You can see why that still resonates in a post-9/11 world, **in which the egalitarian liberty of the West is often defined in opposition to "Islamofascism."** **The Handmaid's Tale can easily be read as a prescient warning against sharia law; the book is conservative in the sense that it takes a stand against an incursion of foreign values and foreign culture.** It says, don't let those people make us over in their image.

The Handmaid's tale fails to mention and appropriates the suffering of black women (1nc)

Coleman 13 (Arianna Coleman, "Thoughts on Margaret Atwood's "The Handmaid's Tale", <https://aconerlycoleman.wordpress.com/2013/12/30/thoughts-on-margaret-atwoods-a-handmaids-tale-part-2/>, December 30th, 2013)

For instance, I did not take into account the category of "Unwomen." **As Offred is the (presumed) white narrator of the text** situated within the Republic of Gilead, a theocratic regime borne of conservative anxieties about the state (and future—hence the emphasis on the (re)productive capabilities of the Handmaids) of a white nation (or "race"), **she takes whiteness to be the assumed norm, even when she talks about Jews** ("Sons of Jacob") **and Blacks** ("Sons of Ham") **being**

forcibly moved to the margins or simply killed. So, when Offred uses the term “Unwoman” she refers to a category reserved for people with uteruses who did not have sufficient socio-economic (or marital) status within the regime to be afforded protection in the event that they are “sterile” or “infertile.” More pertinently, the category of “Unwomen” in Atwood’s text is implicitly white. And this implicit understanding is premised on the erasure of Black women from the story.¶ Indeed, the “Children of Ham” are said to be relegated to National Homelands, not unlike those of the South African Apartheid regime, but nowhere in the book are Black women named or mentioned. This omission is particularly glaring in light of Atwood’s decision to analogize The Underground Railroad with the “Underground Femaleroad.” In *The Handmaid’s Tale*, the “Underground Femaleroad” is an illegal (extralegal?) network of resisters who acted as a safe haven for runaway Handmaids. On page 246, Moira (a former inmate who shared quarters with Offred) recalls being brought from Quaker household to Quaker household to a short-lived freedom. Now, as a reader who is also a Black woman and a descendant of enslaved Africans within the institution of chattel/racial slavery, I am curious whether there could be a Harriet Tubman in the “Underground Femaleroad,” but I know the answer, because Black women are neither named nor seen in the text.¶ This omission is doubly egregious when one takes the forcible removal and adoption of babies under the Republic of Gilead into consideration. In the contemporary (and historical) United States that presumably precedes the Republic of Gilead, there is a strong pattern of state interventions which led to the forcible sterilization of women of color (notably Black, Native and Latin@ women, as well as poor women and people with disabilities - legal in 27 states), in addition to the forcible removal of children in Black, Native, low-income, etc households. Dorothy Roberts’ “Shattered Bonds: The Color of Child Welfare” covers this in a very thorough manner. For Black women in particular, the forcible removal of children from their homes is part of a long history- one rooted in the institution of chattel/racial slavery, where Black children were regularly wrested from the breasts of their mothers and sold for a profit. In short, it is an appropriation (I do not use this word lightly) of the pain of Black women.

The Handmaid’s tale assumes a default white perspective which excludes women of color

Coleman 13 (Arianna Coleman, “Thoughts on Margaret Atwood’s “The Handmaid’s Tale”, <https://aconerlycoleman.wordpress.com/2013/12/29/thoughts-on-margaret-atwoods-the-handmaids-tale/>, December 22nd, 2013)

So I’m (re)reading Margaret Atwood’s “The Handmaid’s Tale” and wondering what the story would be like if Of-fred had been a Black woman. Of course, Black people are only referenced once in the book- in an off-hand manner about “Children of Ham” being relegated to “National Homelands” (reminiscent of Bantustans in Apartheid South Africa).¶ This could be read as a convenient way of avoiding addressing the afterlife of slavery- because the reader is expected to understand that the valued, fecund bodies are those of cisgender white women (not Jews, termed “Children of Jacob” or Blacks termed “Children of Ham”, etc). Offred is allowed to be the ‘neutral’ narrator with whom the reader identifies because whiteness is presumed to be a universal and ubiquitous solvent- a solvent that dissolves, assimilates and destroys.¶ If this text were to center a Black subject, the reader would have to confront the afterlife of slavery- a reality in which Black bodies which were previously valued for their fecundity and (re)productive value are now devalued, deemed ‘queer’ (or ‘deviant’) and ‘excess’ in the face of nationalisms that prize whiteness/heteronormativity/etc above all. Another interesting angle to look at the surreptitious use of contraceptives and methods to induce miscarriage among enslaved Africans, and the ways that the regime’s staunchly anti-abortion stance would doubly criminalize Black subjects on this basis.

The Handmaid's Tale is nothing more than white privileged narrative that hides black oppression
Merriman 09 (Ben Merriman, "White-washing oppression in Atwood's The Handmaid's Tale", University of Chicago, 2009, <http://www.thefreelibrary.com/White-washing+oppression+in+Atwood%27s+The+Handmaid%27s+Tale.-a0206534450>)

White privilege is rarely manifested in intentional, positive acts. It is, in Peggy McIntosh's terms, "invisible," "unearned," and "cashed in each day" ("White Privilege and Male Privilege" in Critical White Studies: Looking Behind the Mirror [Philadelphia: Temple UP, 1997]: 291). To be White is to be the norm, universal. This norm functions automatically, and unless the universality of White experience is explicitly questioned or subverted, racial distortions may appear even against the conscious intent of an author. Such distortions appear throughout Margaret Atwood's The Handmaid's Tale (NY: Houghton-Mifflin, 1986). Atwood attempts to offer an archetypal account of female exploitation, but the stand-in for this universal experience is Offred, a White, college-educated American. Offred would seem an unlikely victim, but at no point in the text does Atwood acknowledge that sexism in America has, generally, been modulated by forms of race and class oppression, nor does she acknowledge the parallels between her own story and the experience of Black slavery. Because these historically-specific oppressions are removed from their broader context, the Tale drifts from speculative fiction, which is anchored in reality, into conceptually suspect and politically hazardous fantasy. Atwood's dystopia is set in the late 20th Century, when a cadre of fundamentalist Christians have overthrown the U.S. government and created the theocratic Republic of Gilead. Due to an unexplained fertility crisis, the government has impressed unmarried women of proven fertility into a state of sexual servitude. Many others work as domestic slaves in an autarkic, inefficient command economy. Women are forbidden to read or to meet without supervision. The novel thus places particular emphasis on the most persistent forms of female victimization: the sexual exploitation, isolation, and compelled ignorance that accompany severe economic and political powerlessness. These forms of victimization do not function in a vacuum, and in the United States they have been associated most strongly with the enslavement of African-Americans. Forced procreation arose from widespread slavery associated with plantation agriculture, particularly during in the 19th Century, when the Trans-Atlantic slave trade was on the wane and industrialization increased the demand for raw materials. This form of abuse followed a specific vector, from the White slaveholding man to the Black enslaved woman. In The Handmaid's Tale, victimization does appear to function in a historical and causal vacuum. The Republic of Gilead is an all-White enclave, and Blacks are erased from the novel in a single line, cloaked in Old Testament euphemism: "'Resettlement of the Children of Ham is continuing on schedule,' says the reassuring pink face, back on the screen. 'Three thousand have arrived this week in National Homeland One, with another two thousand in transit.'" (83) While the demand for Black slaves had a well-established economic cause, Offred is forced to copulate because of the novel's two ill-supported pretenses: the coup, which is glossed over in less than a paragraph, and the nebulous, unexplained "fertility crisis." These are clearly fantastic rather than speculative devices, and it is only by this inventive leap that Atwood can write a White professional into the position of a Black slave. The restrictions on reading and assembly in the Tale are similarly contrived. Tight controls on literacy have been the norm throughout Christian history, but these controls have not been exclusively gendered. The hegemony of Latin into the 16th Century functioned as a form of class oppression. In the Antebellum South, restrictions on literacy were based on race, not gender, and here Atwood again draws from the precedent of Black slavery without acknowledgement. The novel is understood to be a transcript of a recitation given by Offred on the night of her escape into Canada. In the slave narrative genre, the "orality" of the text owed to the illiteracy of the narrator, or to the fact that the narrative was recited for a gathered crowd. Offred, a former librarian, is highly literate, and she is speaking to a tape recorder. This orality has the putative function of letting Offred's fate remain unknown to the reader. However, its deeper function is precisely the opposite. Leaving Offred in suspension, without access to paper, allows Atwood to maintain the increasingly dubious parallels to the experience of slavery. Atwood's intentions for writing The Handmaid's Tale are noble, and most readers find it smooth and convincing. It is thus an object lesson in the pernicious character of White Privilege--a well-written, imaginative, and humane novel can nonetheless hide the link between racism and sexism. In fact, Atwood's exercise of racial privilege is more

problematic because of her talent. She deftly parodies the clumsy language of racial propaganda and offers a convincing portrait of the placid, banal evil of the religious extremist. **The intersection between race and sex is itself hidden in plain sight**, in the improbable but extremely sympathetic Offred, and only a cad would greet her with suspicion.

Can you not be transphobic k thanks

The 1AC's emphasis on women with vaginas reinscribes gender binaries and static notions of sexuality—the narrative focus on women as being valued for their “unique reproductive organs” is one that excludes Trans* and gender queer women

Seawell 14

(Sophia Seawell, Blue Stockings Magazine, “Not Buying Into It: On Language, Capitalism and Menstruation,” http://bluestockingsmag.com/2014/02/05/edit___title-menstruation/, 2/5/2014)

On July 27, 2011, I added a new post on my feminist coming-of-age blog (now inactive) This Girl on Girls, titled “Why is Menstruation Taboo?” In it, I discussed the sexist stigmas attached to menstruation, including but not limited to the prescribed silence and shame around the process. It was certainly a well-intentioned piece, and I still believe that society (or more specifically, sexism) uses menstruation as a marker of the dirtiness or impurity of the female body and female sexuality. But what I can now recognize that I didn't at the time is the way in which **discourses about menstruation, whether they are medical or academic or everyday and whether they are sexist or feminist, are prone to falling into a ciscentric trap of framing menstruation as inherently a ‘female’ experience**. In my post, I wrote **things like “menstruation is completely normal and natural,” and that when a woman menstruates, “her body is doing exactly what it's supposed to be doing. We should all embrace that.”** I can see what I was trying to do: destigmatize menstruation and work towards accepting and potentially celebrating it. I think this is a worthwhile project but that it needs to be executed with care and intentionality and not, for starters, by emphasizing the heightened stigma in “other cultures,” as I did at the time. **Talking about menstruation as if it is something only women-identified people experience erases the experience of people who may not identify as women but still have uteri, as well as of those who do identify as women but do not have uteri, like trans women. And are they not women? There are also cisgender women who, often for health-related reasons, do not menstruate. Are they not women? While on a conscious level most of us who talk about women and menstruation are not intentionally trying to exclude the experiences of trans, genderqueer or gender non-conforming people, our language can and does have that effect. This kind of essentializing language reflects our binarist conceptualization of gender, sex and the body as neatly corresponding to either male or female—that, I would argue, is the larger problem. In summary: not all women menstruate, and not all people who menstruate are women.** Another layer I'd like to add to my initial discussion of menstruation is how it relates to industry and the environment. The tropes used to convince people who menstruate to buy a particular product often involve presenting menstruation as a problem to be fixed or avoided, and this product is often a bleached tampon that puts users at risk for Toxic Shock Syndrome. It's not healthy and it's not environmentally friendly—a person who menstruates and uses tampons/pads will produce 62,415 pounds of garbage over their lifetime—but hey, you should buy it! As the video above mentions, there are other options: there are menstrual cups like the Keeper, made from latex, and the Divacup, made from silicone. Because they are non-absorbent, they don't harbor bacteria like tampons, and there's also no risk of TSS. For people who menstruate who don't want to or can't use internal products, GladRags are the reusable counterpart to more commercially available pads. Of course it's crucial to recognize that these choices still involve purchasing a product and that, though they save money and waste in the long run, these particular products are more expensive than the non-reusable options on the market. The arguments I've put forth, particularly in relation to cissexist language, are also applicable to other ‘women's issues’ such as reproductive justice. **And while many argue that changing the language would muddle the message, I'm not interested in a political movement that privileges progress for cisgender women at the expense of trans women or other gender-oppressed people. The project of resistance to sexism necessarily entails resistance to cissexism, and to pretend otherwise means getting nowhere, fast.**

Defining gender based on biology excludes transgender individuals subjected to everyday violence

Goldberg 14 (Michelle Goldberg, “What Is a Woman?

The dispute between radical feminism and transgenderism”, <http://www.newyorker.com/magazine/2014/08/04/woman-2>, August 4th, 2014)

On May 24th, a few dozen people gathered in a conference room at the Central Library, a century-old Georgian Revival building in downtown Portland, Oregon, for an event called Radfems Respond. The conference had been convened by a group that wanted to defend two positions that have made radical feminism anathema to much of the left. First, the organizers hoped to refute charges that the desire to ban prostitution implies hostility toward prostitutes. Then they were going to try to explain why, at a time when transgender rights are ascendant, radical feminists insist on regarding transgender women as men, who should not be allowed to use women’s facilities, such as public rest rooms, or to participate in events organized exclusively for women.¶ The dispute began more than forty years ago, at the height of the second-wave feminist movement. In one early skirmish, in 1973, the West Coast Lesbian Conference, in Los Angeles, furiously split over a scheduled performance by the folksinger Beth Elliott, who is what was then called a transsexual. Robin Morgan, the keynote speaker, said:• I will not call a male “she”; thirty-two years of suffering in this androcentric society, and of surviving, have earned me the title “woman”; one walk down the street by a male transvestite, five minutes of his being hassled (which he may enjoy), and then he dares, he dares to think he understands our pain? No, in our mothers’ names and in our own, we must not call him sister.¶ Such views are shared by few feminists now, but they still have a foothold among some self-described radical feminists, who have found themselves in an acrimonious battle with trans people and their allies. Trans women say that they are women because they feel female—that, as some put it, they have women’s brains in men’s bodies. Radical feminists reject the notion of a “female brain.” They believe that if women think and act differently from men it’s because society forces them to, requiring them to be sexually attractive, nurturing, and deferential. In the words of Lierre Keith, a speaker at Radfems Respond, femininity is “ritualized submission.”¶ In this view, gender is less an identity than a caste position. Anyone born a man retains male privilege in society; even if he chooses to live as a woman—and accept a correspondingly subordinate social position—the fact that he has a choice means that he can never understand what being a woman is really like. By extension, when trans women demand to be accepted as women they are simply exercising another form of male entitlement. All this enrages trans women and their allies, who point to the discrimination that trans people endure; although radical feminism is far from achieving all its goals, women have won far more formal equality than trans people have. In most states, it’s legal to fire someone for being transgender, and transgender people can’t serve in the military. A recent survey by the National Center for Transgender Equality and the National Gay and Lesbian Task Force found overwhelming levels of anti-trans violence and persecution. Forty-one per cent of respondents said that they had attempted suicide.

The usage of the term “women” to refer to only people with vaginas is exclusive of and responsible for violence against transgender individuals

Jones 14 (Kelsie Jones, “Trans-Exclusionary Radical Feminism: What Exactly Is It, And Why Does It Hurt?”, Huffington Post, October 2nd, 2014, http://www.huffingtonpost.com/kelsie-brynn-jones/trans-exclusionary-radical-terf_b_5632332.html)

Trans-Exclusionary Radical Feminism, or TERF, is a loosely-organized collective with a message of hate and exclusion against transgender women in particular, and transgender people as a whole. They have attached themselves to radical feminism as a means to attempt to deny trans women basic access to health care, women’s groups, restroom facilities, and anywhere that may be considered women’s space.¶ Long time feminist and advocate, Gloria Steinem, used to hold an exclusionary opinion, but has since said that she fully supports the inclusion of trans women

in the feminist movement. However, not all radical feminists agree. Janice Raymond, author of *The Transsexual Empire: The Making of the She-Male* authored a paper in the early 1980s that the Health and Human Services branch of the U.S. Government used to deny trans men and women trans-related medical care, for example.¶ Since then, they have continued to use anti-transgender rhetoric, using the banner of feminism in the same way that Westboro Baptist Church uses Christianity. They consistently use rhetoric suggesting that trans women are would-be rapists, that we are "men invading women's spaces" -- (Cathy Brennan, head of Gender Identity Watch) and are "forcing penises on lesbians" -- (Justin Norwood, Gender Identity Watch), intimating that "penis" is a threat, with the assumption that trans women are nothing more than whatever genitals they may have been born with. The statistics, however, consistently show disproportional sexual aggression against transgender women, and to a lesser degree transgender men, when compared with the cisgender (simply a term meaning those whose gender identity matches their assigned sex at birth) population.¶ When speaking out against the TERF movement, one is at risk of being "outed" on social media. In one instance, the group Gender Identity Watch worked with the right-wing anti-gay group, Pacific Justice Institute, to help prevent a Colorado teen from being able to use the women's restroom. The leader, Cathy Brennan, outed the teen, who was already being bullied, and she was subsequently put on suicide watch. Their actions often incite others to denigrate or discriminate a minority -- which is the definition of a hate group.¶ The verbiage often used by the TERF groups are problematic for the transgender community. Not because of the way in which they deliberately seek to dehumanize and denigrate trans women, but because of the reliance of tropes that medical science have for many years proven wrong, that feed into misunderstandings people may have regarding what being transgender truly means. In their words, a transgender woman is a nothing but a "self loathing gay man" and they claim that trans women are gay men who, rather than stand up and come out as gay, would rather "hide" by being transgender, as if it makes things more palatable for friends, family and co-workers. The reverse is unfortunately the truth.¶ We are often portrayed as fetishists by hate groups such as Gender Identity Watch -- the "Man in a Dress" trope is widely applied to us, and that transgender men are still women. TERFs hold the belief that if someone is born with a penis, they are male for life, and a vagina, female for life. The quandary to those who believe the misinformation spread by the TERF movement is that if someone was born with a functional vagina and clitoromegaly, for example, and the doctors decided to assign the baby as a male because they believed that the child would have a better normalization experience (the term that the medical profession use for butchering infants genitals that don't match Cathy Brennan's narrow definitions) -- then is that child a male, or a female? Nature has many variations of physical gender that occur naturally, in fauna and flora. Quite simply then, logic dictates that Cathy Brennan's definition of gender does not stand up to basic real-world scrutiny.¶ As a transgender woman, I can assure the readers that I have not met one trans person who would deliberately choose to stand out among their peers to be singled out for abuse, assault, for rape, or to be murdered in the horrific way that transgender women are being killed around the world. In the U.S., when a cisgender woman is murdered, the violence against the murdered woman is eclipsed by the way that trans women are more often than not mutilated, dismembered, or set on fire in an orgy of hate. Being transgender is not a choice, it is a scientific medical reality. It would be far easier for someone who is gay than transgender. Simply put, gay people generally look the same as everyone else. This does not mean that our brothers and sisters within the LGBT do not have their own struggles, many of which are part of the shared experience within the LGBT. However while we have many commonalities and shared goals, there are significant differences, such as access to healthcare and a significantly higher murder rate.¶ Another tactic of the TERF movement is using the widely discredited trope that being transgender is a mental health issue. It's true that because of societies reaction towards transgender people, particularly trans women and trans women of color, many trans people suffer from depression and bodily dysphoria. However, this is not the cause of someone being transgender, but the symptom of abuse that those such as the TERF groups like to perpetrate against them daily. No one is mentally ill for being transgender -- medical science has already proven this, and transgender is no longer listed in the DSM-V as a result, but this does not stop the TERFs from claiming that something must be "wrong" with a transgender person for "mutilating" themselves through surgery, according to Cathy Brennan.¶ Whenever a trans individual such as myself is critical of TERF ideology, we are labelled "misogynists" or "Men's Rights Activists", which is an interesting tactic and one that seems to actually make people question the TERF ethos more than swing the undecided towards their viewpoint. Merely by taking a stand against them, I and others like myself have been subjected to threats against our personal safety, been bombarded with spam, pornography, and signed up to various mailing lists in an attempt to silence our voices. Yet many transgender individuals are brave enough to continue pointing out where TERFs are wrong, in the hope that, at least for the transgender community, we can be treated as the men and women we truly are.

Painting gender as tied to reproductive capacity is transphobic and diminishes reproductive rights

Truitt 13 (Jos Truitt, "On trans issues within feminism and strengthening the movement's gender analysis", <http://feministing.com/2013/06/11/on-trans-issues-within-feminism-and-strengthening-the-movements-gender-analysis/>)

I've taken some time away from blogging while I've been in grad school, and it's given me an opportunity for some perspective on the feminist blogosphere. I started working at Feministing in 2009 with a goal of centering trans issues within feminism. I think the oppression trans folks face, particularly the extreme marginalization and violence aimed at trans women in this misogynist culture, is exactly what feminism can exist to change. I understand feminism as a response to gendered oppression in a patriarchal context, where femininity is devalued. I see the worst of our gender hierarchy landing on the shoulders of folks who fail to meet the strict rules of the compulsory gender binary in a way that's perceived as feminine. This plays out when, for example, queer men and trans women are specifically targeted with violence. So I see the exclusion of trans women and our issues from feminism (or the feminist movement's active perpetuation of transmisogyny) as a problem that needs to be addressed.¶ Centering the issues of trans and gender non-conforming folks requires a shift in thinking for folks who's feminism is based in cisgender norms, though. The norm in our culture is to assume someone will identify with the gender assigned to them at birth based on a doctor looking at their crotch. Which means we assume a link between gender and genitals, which leads to a supposed link between gender and someone's sexual role and reproductive capacity as well. As I pointed out regarding the "War on Women" rhetoric about attacks on reproductive rights, most reproductive rights organizing packs the assumption that woman = person with a vagina who can make babies. This is true for a lot of women, but it's not the experience of all women. And painting all women as fundamentally baby making factories is exactly what the anti-choice movement wants. Feminism that's based in a link between gender and genitals doesn't just exclude people who's bodies don't fit – it's a fundamentally flawed analysis that perpetuates an essentialist idea that feminism partially exists to combat. Feminism that centers a trans feminist take on gender, that recognizes that woman ≠ vagina, offers a more accurate gender analysis in general that benefits everyone.

Sci-fi is for nerds

Politicizing science fiction is bad—leads to silencing of alternative views

Reynolds 14 (Glenn Reynolds, "Politics don't belong in science fiction:

A writer shouldn't be punished for his political beliefs", April 28th, 2014, <http://www.usatoday.com/story/opinion/2014/04/28/hugo-awards-science-fiction-reading-politics-larry-correia-column/8282843/>)

There was a time when science fiction was a place to explore new ideas, free of the conventional wisdom of staid, "mundane" society, a place where speculation replaced group think, and where writers as different as libertarian-leaning Robert Heinlein, and left-leaning Isaac Asimov and Arthur Clarke would share readers, magazines, and conventions.¶ But then, there was a time when that sort of openness characterized much of American intellectual life. That time seems to be over, judging by the latest science fiction dust-up. Now, apparently, a writer's politics are the most important thing, and authors with the wrong politics are no longer acceptable, at least to a loud crowd that has apparently colonized much of the world of science fiction fandom.¶ The Hugo Awards are presented at the World Science Fiction Society's convention ("Worldcon") and nominees and awardees are chosen by attendees and supporters. The Hugo is one of the oldest and most prestigious awards in science fiction, but in recent years critics have accused the award process — and much of science fiction fandom itself — of becoming politicized.¶ That's certainly been the experience of Larry Correia, who was nominated for a Hugo this year. Correia, the author of numerous highly successful science fiction books like Monster Hunter International and Hard Magic, is getting a lot of flak because he's a right-leaning libertarian. Makes you wonder if Robert Heinlein could get a Hugo Award today. (Answer: Probably not.)¶ Here's how Correia, writing on his blog, characterizes what's happened since he was nominated.¶ The libel and slander over the last few days have been so ridiculous that my wife was contacted by people she hasn't talked to for years, concerned that she was married to such a horrible, awful, hateful, bad person, and that they were worried for her safety. I wish I was exaggerating. Don't take my word for it. My readers have been collecting a lot of them in the comments of the previous Hugo post and on my Facebook page. Plug my name into Google for the last few days. Make sure to read the comments to the various articles, too. They're fantastic. ... I've said for a long time that the awards are biased against authors because of their personal beliefs. Authors can either

cheerlead for left-wing causes, or they can keep their mouth shut. Open disagreement is not tolerated and will result in being sabotaged and slandered. Message or identity politics has become far more important than entertainment or quality. I was attacked for saying this. I knew that when an admitted right winger got in they would be maligned and politicked against, not for the quality of their art but rather for their unacceptable beliefs.¶ The ins and outs of politics and science fiction fandom are inside baseball to most people, though lately they've been juicier than usual. But unfortunately, this sort of thing is symptomatic of what's going on in a lot of places these days. Purging the heretics, usually but not always from the left, has become a popular game in a lot of institutions. It just seems worse in science fiction because SF was traditionally open and optimistic about the future, two things that purging the heretics doesn't go with very well.

Images of dystopian violence desensitize viewers to real, mass violence (not a stellar card)

Giroux 13 (Henry Giroux, “Beyond Savage Politics and Dystopian Nightmares”, November 22nd, 2013, <http://billmoyers.com/content/beyond-savage-politics-and-dystopian-nightmares/>)

Unfortunately, the dark and dire images of America’s dysimagination machine made visible endlessly in all the mainstream cultural apparatuses have been exceeded by a society rooted in a savage politics in which extreme forms of violence have become both spectacle and modus operandi of how American society governs and entertains itself. Evidence of the decay of American democracy is not only found in the fact that the government is now controlled by a handful of powerful right-wing and corporate interests, it is also increasingly made manifest in the daily acts of cruelty and violence that shroud that American landscape like a vast and fast-moving dust storm. Unspeakable violence, extending from the murder of young people and children at Columbine High School, Virginia Tech University and Sandy Hook Elementary School, to name a few, to the recent mass shootings at Fort Hood, Texas and the Washington Navy Yard give credence to the notion that violence now becomes the most important element of power and mediating force in shaping social relationships. Mass violence has become so routine that it no longer evokes visceral responses from the public. For instance, when such violence engulfs major cities such as Chicago, the public barely blinks. And as the mass shootings increase, they will barely be covered by mainstream media, who have no critical language by which to engage such events except as aberrations with no systemic causes.¶ The line between the spectacle of violence and the reality of everyday violence has become blurred, making it difficult to respond to and understand the origins of symbolic and institutional violence in the economic, political and social formations that now rule American society. Violence has become so normalized that it no longer has a history. That is, its political and economic structures have become invisible and the painful memories it evokes disappear quickly among the barrage of spectacles of violence and advertisements addressing us not as moral beings but as customers seeking new commodities, instant pleasure and ever-shocking thrills. At the same time, violence in America is fed by a culture of fear – shaped, in part, by a preoccupation with surveillance, incarceration and the personal security industry. And, as a result, American society has made “a sinister turn towards intense social control,” [ii] and a “political culture of hyper punitiveness.” [iii]

Dystopian portrayals are bad, especially to young adults—disincentivizes political action

Tindale 15 (Hannah Tindale/'HannahLoveBook', “Why are YA books about politics always dystopian?”, The Guardian, May 6th, 2015, <http://www.theguardian.com/childrens-books-site/2015/may/06/why-ya-books-about-politics-election-always-dystopian>)

The time has come, the general election is upon us, and in a few days we will have a new government, with new ideas and new theories about how to run the UK. With the growing anticipation to find out who will soon be in charge, I began to wonder how politics is represented to young adults in literature – and the more I looked, the more I couldn't get away from one genre: dystopian fiction.¶ Take Divergent, or The Hunger Games, both hugely successful series with a film-based franchise to boot, yet both of these governments are portrayed as totalitarian, repressing the populations they rule over. And these aren't the only ones: Uglies by Scott Westerfeld, Perfect Ruin by Lauren Destefano and the Matched trilogy by Ally Condie all portray their political leaders as deranged in the sense of being highly oppressive and depriving their populations of free will.

Filtering through the cracks of these dystopian novels is a pervasive sense of futility, perhaps even inevitability, which could slowly have an influence on how young people perceive politics.¶ So if dystopian novels really have somehow become the norm for representing politics to young readers then what is the impact of this on our opinion of politics and our expectations in the real world? Are dystopian politics trying to show us that there is no room for rebellion in the 21st century? Or perhaps they are telling us that one person, like Katniss, can make a stand and lead a rebellion. That we can be like Tris and that it is OK to have different views and opinions on society and laws created by politics. The five factions of Divergent could be interpreted as a mirror to our modern 21st-century society, with the numerous political parties vying to create a government; Tris, nevertheless, bravely carves out her own direction. Within these two prime examples of dystopian novels we could say that the message which we encounter is that it is important for young readers to take an interest in politics and make a stand. Obviously there are some caveats: Tris is 16 and Katniss is a similar age when making a stand against their governments, yet in the UK the voting age is 18 years old. And of course every teenager dreams of saving the world, making their mark on it before they are forced to participate in adult life – but that still doesn't answer the question, why are the governments these characters are rebelling against almost always presented as dystopian? What are authors really attempting to communicate here? It seems to me that this use of teenage rebellion set within dystopian worlds could be telling us something else. Looking at dystopian novels and the ways in which politics is treated as a threat against individuality, I think authors are using dystopian politics to highlight failures in our own politics, trying to make young readers eager to question authority, and warning us that we really aren't that far off from this type of politics ourselves.¶ Yet despite this, only 41% of first time voters will definitely be voting, leaving two million with no voice. Whatever its intentions, then, does the dystopian representation of politics in literature affect or have any influence on young people making that decision to vote or not? Has it reduced our opinion of government so far that we're just not interested, or do we care about the politics but think, what can I do? After all, no one is Katniss or Tris or Cassia (from Matched), or Morgan (from Perfect Ruin); we aren't the individual who will stand up and make their voice heard simply because... well, because life isn't a fantasy. There are consequences in life and we don't have a writer behind the typewriter or computer screen making sure our rebellion runs smoothly.¶ I did find one series which begins to portray government in a positive light. Well, for the first couple of books at least... This is the Ministry of Magic in JK Rowling's Harry Potter series. We are at first presented in Harry Potter and the Philosopher's Stone with a fully-functioning government which works well. And yet again, looking further into these novels, we see the Ministry becoming very dark and dystopian. So even this example isn't the best to show a positive representation of politics and this could be the point: there really aren't any good, realistic examples of government and politics.¶ And this is the thing: perhaps if there was more contemporary fiction with political aspects this might present a more positive view and encourage more young people to take an active interest in it. We need fiction to be teaching us to stand up and make our voices heard – just maybe not by starting a full-scale civil war to do so!

Apocalyptic fiction lacks any political meaning and is unable to create political change

Kunkel 08 (Benjamin Kunkel, "Dystopia and the End of Politics", Fall 2008, <http://www.dissentmagazine.org/article/dystopia-and-the-end-of-politics>)

This is the highly compromised "individualism" promoted by our collection of futuristic novels: individuality here means escape from the bad collective (cannibals, the corporate state) but does not entail real individuation. Our literary sci-fi novels are bereft of strongly individual characters—the apocalyptic ones even more depopulated than they know, the clone narratives at least bespeaking the anxiety that their characters are redundant—and the ongoing merger of genre fiction (where the reader is accustomed to finding no complex characters) with literature (which no one would think to accuse of being indifferent to individuality) has allowed the liquidation of character to pass virtually unnoticed. And this, it seems, is likely to be among the most accurately futuristic features of the "literary" genre novels: they will have been the harbingers of a literary sea change in which complex characters are rejected by critics and ordinary readers alike as morally unattractive (compared to generic heroes), hopelessly self-involved (because capable of introspection), and annoyingly irresolute (because subject to deliberation). These prejudices are already articulate and operative whenever fiction is discussed, thanks in large part to the incomplete literature-genre fiction merger, and the prestige such prejudices acquire through that merger allows them to be expressed without the taint of philistinism.¶ In sum, when the contemporary novelist contemplates the future—including, it seems, the future of the novel—he or she often forfeits the ability to imagine unique and irreplaceable characters, can no longer depict love credibly, and responds to political problems by rejecting politics for personal life, albeit one made

meaningless by interchangeable characters and a zoological conception of family and love. The result is political novels without politics, social novels without society, and romances free of love, amounting, in the end, to “literature” that isn’t. All of this deprives the resulting books of much political, artistic, or psychological value—but they may at least capture something of our present-day situation in an accidental and symptomatic way. For if lately we find ourselves fearing that the complexity of our civilization is nothing so much as an index of its fragility, the strange character of the neoliberal apocalypse is to placate the very dread that it evokes. There are grounds for fearing that this civilization devoted to private happiness and private gain will end by intruding pain and loss horribly upon our own households and personal relationships. In the meantime the likelihood of disaster is only abetted by our sense of the hopeless corruption of public life and the need to defend our wealth, our conveniences, and the small happiness of our homes against the sacrifices our governments or our consciences might otherwise exact. In the neoliberal apocalypse, we see the collapse brought about by this approach to life—as well as the eternal triumph of the same approach, at least for those who survive the wars and epidemics and successfully evade the gangs of thugs stalking a devastated planet.

Science fiction is bad—papers over REAL historical atrocities committed against the black body
Ferrara 12 (Beatrice Ferrara, “My measurement of race is rate of vibration”: Afrofuturism and the ‘molecularization’ of race”, November 29th, 2012,
<http://www.darkmatter101.org/site/2012/11/29/%E2%80%9Cmy-measurement-of-race-is-rate-of-vibration%E2%80%9D-afrofuturism-and-the-%E2%80%98molecularization%E2%80%99-of-race/>)

It was with a question that the trigger was pulled: “Why do so few African-Americans write science fiction, a genre whose close encounters with the Other – the strange in a strange land – would seem uniquely suited to the concerns of African-American novelists?”[12] A provocative question, indeed – which immediately smacks the readers of Mark Dery’s 1993 essay “Black to the Future” with the uncanny equivalence central to that cultural sensibility Dery himself will call ‘Afrofuturism’: that between a ‘slave ship’ and a ‘space ship’.[13]¶ In fact, the opening question evokes the spectre of a second and more subtle interrogation: ‘How could it go unnoticed that all of what has been relegated to the science-fictional imaginary has in fact already happened to a whole culture?’¶ African-Americans are, in a very real sense, the descendants of alien abductees; they inhabit a sci-fi nightmare in which unseen but no less impassable force fields of intolerance frustrate their movement; official histories undo what has been done; and technology is too often brought to bear on black bodies (branding, forced sterilization, the Tuskegee experiment, and tasers come readily to mind).[14]¶ Through these two questions – both pointing towards the delineation of a zone of convergence between black people and the non-human creatures of science-fiction – Dery renders immediately effective the potential of this conceptual overlap to induce an embarrassing short-circuit into the reassuring ‘normality’ of white (hegemonic) culture. From this, he sets forth to excavate and unpack the hidden traces of future imaginaries and technological speculations disseminated in black culture, to break open a critical interval in the ‘master narratives’ which have been immobilizing and relegating black cultures to ‘prehistory’ on a supposedly linear and progressive sequence of time.[15] Further, the recuperation of the traces of a long tradition of anti-humanism in black culture also complicates the stable frame of ‘the human’ as interpellative and performative function.[16]

Dystopian fiction does squat to challenge traditional gender roles

Booker 94 (M. Keith Booker, “Woman on the Edge of a Genre: The Feminist Dystopias of Marge Piercy”, Science Fiction Studies, November 1994
<http://www.depauw.edu/sfs/backissues/64/booker.htm>)

In some ways dystopian fiction would seem to be a natural genre for feminist writers, despite the fact that such writers have more typically been associated with utopian fiction. Centrally concerned with the clash between individual desire and societal demand, dystopian fiction often focuses on sexuality and relations between the genders as elements of this conflict. For example, the governments of dystopian societies like those described in *We*, *Brave New World*, and *1984* all focus on sexuality as a crucial matter for their efforts at social control. And it is also clear that this focus comes about largely because of a perception on the part of these governments that sexuality is a potential locus of powerful subversive energies.¶ On the other hand, despite this

consistent focus on sexuality in dystopian fiction, the major works of the genre have done relatively little to challenge conventional notions of gender roles. Despite giving frequent lip service to equality of the genders, literary dystopias (and utopias, for that matter) have typically been places where men are men and women are women, and in relatively conventional ways. As in many other ways, More's original Utopia sets the tone for this trend. In contrast to his belief that social and economic inequality is the source of most of the ills of his contemporary European society, More's Raphael Hythloday describes an ideal Utopian society where equality is emphasized above all else, even to the point of suppression of individual liberty and imposition of a potentially oppressive conformity. However, despite this demand for complete social homogeneity, More's Utopia is still a strongly patriarchal society. The principal political unit is the family household, and households are generally ruled by the eldest male member of the family. Upon marriage women transfer to the household of their husband's family, while males remain members of their own family for life. Within the household, meanwhile, the hierarchy of authority is clearly defined: "Wives are subject to their husbands, children to their parents, and generally the younger to their elders" (41).

Other cards

Sole focus on micropolitics doesn't solve—is coopted

Best and Kellner 01 (Steven Best and Douglas Kellner, "Postmodern Politics and the Battle for the Future," <http://www.uta.edu/huma/illuminations/kell28.htm>)

The emphasis on local struggles and micropower, cultural politics which redefine the political, and attempts to develop political forms relevant to the problems and developments of the contemporary age is extremely valuable, but there are also certain limitations to the dominant forms of postmodern politics. While an emphasis on micropolitics and local struggles can be a healthy substitute for excessively utopian and ambitious political projects, one should not lose sight that key sources of political power and oppression are precisely the big targets aimed at by modern theory, including capital, the state, imperialism, and patriarchy. Taking on such major targets involves coalitions and multi-front struggle, often requiring a politics of alliance and solidarity that cuts across group identifications to mobilize sufficient power to struggle against, say, the evils of capitalism or the state.¶ Thus, while today we need the expansion of localized cultural practices, they attain their real significance only within the struggle for the transformation of society as a whole. Without this systemic emphasis, cultural and identity politics remain confined to the margins of society and are in danger of degenerating into narcissism, hedonism, aestheticism, or personal therapy, where they pose no danger and are immediately coopted by the culture industries. In such cases, the political is merely the personal, and the original intentions of the 1960s goal to broaden the political field are inverted and perverted. Just as economic and political demands have their referent in subjectivity in everyday life, so these cultural and existential issues find their ultimate meaning in the demand for a new society and mode of production.¶

The aff fails to engage larger structures of power—forecloses possibility of change

Ebert 93 (Teresa Ebert, "Ludic Feminism, the Body, Performance, and Labor: Bringing "Materialism" Back into Feminist Cultural Studies", <http://www.jstor.org/stable/1354189>, winter 1992-1993)

A move toward an emancipatory politics for feminism needs to be based on a materialist cultural critique. But in order to be effective, cultural critique must intervene in the system of patriarchal oppression at both the macropolitical level of the structural organization of domination (a transformative politics of labor relations) and the micropolitical level of different and contradictory manifestations of oppression (cultural politics). Ludic postmodern cultural studies and much recent feminist theory all tend to confine their analysis to the micropolitics of oppression and the local level of differences. In doing so, they inhibit any effective intervention in the structures of totalities like patriarchy. I believe resistance postmodern cultural studies and postmodern materialist feminism, with their dialectical critiques of both the

structures of difference-in-relation and the specific enunciations of these differences, will develop a transformative theory and practice that can contribute to the end of patriarchal exploitation. For it is through the unrelenting critique of the socioeconomic relations of differences, particularly the division of labor, and the way they construct and restrict the meanings and subjectivities they require that feminist cultural studies can help bring about the nonexploitative future.

Using the rhetoric of the male gaze only serves to strengthen patriarchal notions of power
Snow 89 (Edward Snow, “Theorizing the Male Gaze: Some Problems”, Representations
No. 25 (Winter, 1989), pp. 30-41)

Perhaps all powerful critical positions have to be built with partial truths, this one continues to produce brilliant, ground-breaking readings. Probably the vast majority of male-engendered images of women deserve its point of view. But I still feel discomfited—as a male viewer framed by the theory, of course, but also as someone whose own work has long been drawn to feminism. It seems to me that such a theory can—and in practice often does—become an unwitting agent of the very forces of surveillance it wishes to oppose. Crucial as the unmasking of patriarchal/ideological/pornographic motives may be, the demystifying project runs the risk of occluding whatever in the gaze resists being understood in those terms. The fugitive elements within vision that elude or strain against the ideological can all too easily get ground up in the machinery that seeks to expose the ideological, so that the critical apparatus winds up functioning as a simulacrum and supplement of the ideological apparatus itself. **Nothing could better serve the paternal superego than to reduce masculine vision completely to the terms of power, violence, and control, to make disappear whatever in the male gaze remains outside the patriarchal, and pronounce outlawed, guilty, damaging, and illicitly possessive every male view of woman.** It is precisely on such grounds that the father's law institutes and maintains itself in vision. **A feminism not attuned to internal difference risks becoming the instrument rather than the abrogator of that law.**

Theorizing is useless without application to the real world

Wark 12 (McKenzie Wark, “How Do You Occupy an Abstraction?”,
<https://larvalsubjects.wordpress.com/2012/08/04/mckenzie-wark-how-do-you-occupy-an-abstraction/>, 8/4/12)

The crisis of contemporary politics is thus the crisis of the erasure of site. In the age of hyperobjects, we come to dwell in a world where there is no clear site of political antagonism and therefore no real sense of how and where to engage. Here I'm also inclined to say that we need to be clear about system references in our political theorizing and action. We think a lot about the content of our political theorizing and positions, but I don't think we think a lot about how our political theories are supposed to actually act in the world. As a result, much contemporary leftist political theory ends up in a performative contradiction. It claims, following Marx, that its aim is not to represent the world but to change it, yet it never escapes the burrows of academic journals, conferences, and presses to actually do so. Like the Rat-Man's obsessional neurosis where his actions in returning the glasses were actually designed to fail, there seems to be a built-in tendency in these forms of theorization to unconsciously organize their own failure. And here I can't resist suggesting that this comes as no surprise given that, in Lacanian terms, the left is the position of the hysteric and as such has “a desire for an unsatisfied desire”. In such circumstances the worst thing consists in getting what you want. **We on the left need to traverse our fantasy so as to avoid this sterile and self-defeating repetition; and this entails**

shifting from the position of political critique (hysterical protest), to political construction— actually envisioning and building alternatives.

Cutting

Tuck+Yang

Aff operates under visibility as a way to advance aff opens up to gaze—operate in the undercommons, break down the system

FW/T

~~Anti-Blackness~~

Counter-Gaze

Fiction bad+T Version of the Aff

~~Slavery—women were used as breeders (either fiction bad: this is real, IAC eolumbusizes/whitewashes history)-(POSSIBLE counter-advocacy later)~~

“Eye surveillance” (on projectmuse)

~~Ocularcentrism (ableism) defining power in terms of visuality is bad~~

Trans feminist critique of Handmaid’s Tale—distinction between infertile women and trans women. Focus on how they talked about issue but don’t talk about trans women

List of package-able arguments

1 more counter-gaze card diminishing gaze is a power move. They say society should stop gazing, but society is still in control. Only by counter-gaze can power challenge

Also more link card on Material Feminism and **FICTION/DYSTOPIA BAD**

Health Surveillance Michigan 7

Doctor-Patient Trust CP

1NC

Text: The United States Federal Government should track healthcare companies' quality of care by mandating that Department of Health and Human Services evaluate health care companies for privacy protections. The United States Federal Government should mandate that health institutions use high security cloud computing to store sensitive data about patients by enforcing encryption and redaction measures.

Cloud computing has potential to secure patient data if health care providers implement encryption and redaction measures

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist. "New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 19. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652>)/EMerz

This emphasis indicates that the cloud-computing industry has matured. Respondents are now looking toward secure access and data-centric controls and are less concerned with operational considerations such as monitoring of cloud applications for vulnerabilities and threats. Cloud computing may be an area where secure, multifactor authentication, which combines two or more independent credentials—such as what the user knows (password), what the user has (security token) and what the user is (biometric verification)—also takes off. This year, 60% of respondents said they are using multifactor authentication as their top control to address the risk to data and applications in the cloud. This represents a shift from 2013, where APIs for data reporting, auditing and providing alerts were cited by respondents as the top security control for addressing cloud security concerns. Cloud computing is also driving a more data-centric method of security, which focuses on protecting data rather than just protecting the network or application in which the data lives. Starting a data-centric security plan involves learning and understanding where sensitive data resides, as well as how that information will be used, accessed, managed, retained or retired across its life cycle. The next step is to assess the risks and determine the policies and resources needed and available to monitor and control risk in cloud-based computing models. For example, storing data in the cloud demands encryption for the data at rest. Is that provided through the internal application or the cloud services provider? Sharing that same data among individuals with different roles and levels of access might demand further modification of data to protect it, such as redaction, masking or a combination of both.

Data breaches are likely with current cloud computing technology—new security measures and technology can prevent them

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist. "New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 19. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652>)/EMerz

Trends such as mobile and cloud computing are game changers for the way individuals and organizations must approach the security of their systems, the privacy of protected sensitive data, and compliance. Health care organizations must complement traditional, infrastructure-driven

controls such as network perimeter security with protections for the newer and evolving threat vectors where their data and applications are outside of the protected network. Providers, payment plans, insurers and other related industries now allow patients unprecedented access to helpful, sophisticated health information and digital tools. Patients have online access to their doctors, and immense social support is also provided online. The fact is that the attack surfaces are many, and the movement to detect, protect and defend in the health care industry, as shown by the small improvements in this survey, is still not enough to keep up the pace. Investment in understanding the new threat landscape and designing solutions to protect against these attacks, including leveraging newer tools for protecting data and responding to new forms of attacks, become critical to staying ahead of attackers.

This institutional trust is key to solve

Rowe and Calnan 6 (Rosemary Rowe and Michael Calnan. Professor of Medical Sociology, School of Social Policy, Sociology and Social Research at the University of Kent. “Trust Relations in Health Care- the New Agenda.” 2006.

<http://eurpub.oxfordjournals.org/content/eurpub/16/1/4.full.pdf>)//EMerz

Given that trust remains important, how can new forms of trust relations be developed and sustained? There is considerable evidence as to what factors encourage patient trust in clinicians: the clinician’s technical competence, respect for patient views, information sharing, and their confidence in patient’s ability to manage their illness.⁸ Patient participation per se does not necessarily result in higher trust, rather it is associated with value congruence regarding participation, patient involvement produced higher trust where patients wanted to participate.⁹ In contrast, evidence as to what builds institutional trust is sparse, with trust relations between providers and between providers and managers a particularly neglected area. Hall et al US survey of HMO members found that system trust could help the development of interpersonal trust, where there was no prior knowledge of the clinician, but it is not known how interpersonal trust affects institutional trust. Medical errors and cost containment are associated with distrust of health care systems, whereas relationship building with the local community is regarded as an important trust building mechanism. However, little research has been conducted to identify how different modes of governance affect institutional trust. The focus of trust relationships may of course differ according to the model of health care delivery; in market based systems such as the US patient trust may be more important to secure loyalty to particular providers whereas in tax-financed systems which are organized by national or regional agencies public trust may be more necessary. However, as health systems converge and increasingly share common challenges including: providing adequate patient choice; managing a mixed economy of provision; and more explicit rationing, then both interpersonal and institutional trust will continue to be important for all health systems. In conclusion, we would argue that clinicians and managers need to address and respond to the changing nature of trust relations in health care. The benefits of trust demonstrate the value to be Trust and the sociology of the professions⁵ gained from ensuring that both interpersonal and institutional trust are developed, sustained, and where necessary rebuilt. Trust is still fundamental to the clinician–patient relationship but as that relationship has changed so has the nature of trust. Trust is now conditional and has to be negotiated but, whilst clinicians may have to earn patients’ trust, there is good evidence as to what is required to build and sustain such interpersonal trust. The lack of knowledge about how institutional trust can be developed indicates the need for research, ideally through inter-country comparisons to identify whether such trust varies by health system and how it can be generated. The cost of failing to recognize the importance of trust and to address the changing nature of trust relations could be substantial: economically, politically, and most important of all, in terms of health outcomes.

2NC Extensions

Government monitoring of healthcare quality ensures trust in patients

CQHCA '1 (Committee on the Quality of Health Care in America. "Crossing the Quality Chasm: A New Health System for the 21st Century." March 1, 2001.

<http://www.ncbi.nlm.nih.gov/books/NBK222265//EMerz>

Recommendation 2: All health care organizations, professional groups, and private and public purchasers should pursue six major aims; specifically, health care should be safe, effective, patient-centered, timely, efficient, and equitable. The committee believes substantial improvements in safety, effectiveness, patient-centeredness, timeliness, efficiency, and equity are achievable throughout the health care sector. This opportunity for improvement is not confined to any sector, form of payment, type of organization, or clinical discipline. Problems in health care quality affect all Americans today, and all can benefit from a rededication to improving quality, regardless of where they receive their care. The committee applauds the Administration and Congress for their current efforts to establish a mechanism for tracking the quality of care. Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.; Agency for Healthcare Research and Quality Part A) provides support for the development of a National Quality Report, which is currently ongoing. Section 913(a)(2) of the act states: "Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people." Recommendation 3: **Congress should continue to authorize and appropriate funds for, and the Department of Health and Human Services should move forward expeditiously with the establishment of, monitoring and tracking processes for use in evaluating the progress of the health system in pursuit of the above-cited aims of safety, effectiveness, patient-centeredness, timeliness, efficiency, and equity.** The Secretary of the Department of Health and Human Services should report annually to Congress and the President on the quality of care provided to the American people. Without ongoing tracking of quality to assess the country's progress in meeting the aims set forth in this chapter, interested parties—including patients, health care practitioners, policy makers, educators, and purchasers—cannot identify progress or understand where improvement efforts are most needed. Continued funding for this activity should be ensured.

Health institutions use weak cloud services to transmit sensitive patient data

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist.

"New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 10-11. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652//EMerz>

Health care organizations rely on cloud services for applications processing sensitive information, including protected health care patient records as well as PCI-protected financial information. Respondents plan to expand these services in the next 12 months. Open-ended responses by several respondents reflect the bias against cloud services, most often prompted by concerns over loss of control or oversight over sensitive data, but more than 60% are either using or planning to use the cloud for multiple applications containing sensitive data, as shown in Figure 4. Mobile devices are also a source of additional risk, according to respondents. Not surprisingly, 92% of respondent organizations allow access to calendar and email via mobile devices. However, 52% also allow respondents to access health record information from their mobile devices, and nearly as many access data from cloud-based applications, through which they may be processing highly sensitive data, as discussed previously (see Figure 5).

Secure cloud computing increases patient trust in health care institutions

CSCC 12 (Cloud Standards Customer Council. Advocacy group dedicated surrounding the transition to the cloud. "Impact of Cloud Computing on Healthcare." November 2012. P. 12.

<http://www.cloud-council.org/cscchealthcare110512.pdf//EMerz>

“Patient centricity” has become the key trend in healthcare provisioning and is leading to the steady growth in adoption of electronic medical records (EMR), electronic health records (EHR), personal health records (PHR), and technologies related to integrated care, patient safety, point-of-care access to demographic and clinical information, and clinical decision support. **Availability of data**, irrespective of the location of the patient and the clinician, **has become the key to both patient satisfaction and improved clinical outcomes**. **Cloud technologies can significantly facilitate this trend**. Cloud computing offers significant benefits to the healthcare sector: doctor’s clinics, hospitals, and health clinics require quick access to computing and large storage facilities which are not provided in the traditional settings. Moreover, healthcare data needs to be shared across various settings and geographies which further burden the healthcare provider and the patient causing significant delay in treatment and loss of time. **Cloud caters to all these requirements thus providing the healthcare organizations an incredible opportunity to improve services to their customers, the patients, to share information more easily** than ever before, and improve operational efficiency at the same time.

Doesn’t link to the net benefit- health businesses that use cloud computing still adhere to status quo HIPAA procedures

CSCC 12 (Cloud Standards Customer Council. Advocacy group dedicated surrounding the transition to the cloud. “Impact of Cloud Computing on Healthcare.” November 2012. P.7. <http://www.cloud-council.org/cscchealthcare110512.pdf>//EMerz

In the United States, every healthcare entity (e.g., hospital, university research facility, physician’s office) that deals with Protected Health Information (PHI) must adhere to the guidelines stipulated under the Health Information Portability and Accountability Act (HIPAA). HIPAA is a U.S. Federal law that was designed to protect patient privacy, and does so by mandating and enforcing strict privacy and security rules over how medical information is collected, handled, used, disclosed and protected. While the HIPAA Privacy rule pertains to patients’ privacy and rights for their personal health information, the HIPAA Security rule, focuses on assuring the availability, confidentiality, and integrity, of electronic protected health information through a series of administrative, physical and technical safeguards. Under Title II of HIPAA, most of a patient’s medical record and payment history are considered PHI, and is protected under the law. PHI may only be disclosed to other medical entities on a “need to know” basis, only upon the permission of the individual patient and only the “minimum data fields required for the purpose involved”. As a result, one of the challenges is “Patient Consent Management” and managing PHI in a way that is sufficiently simple to enable use by the general public. The owner of the data must require the cloud service provider (aka the “business associate”) to contractually agree to maintain all PHI in adherence with HIPAA standards. The HIPAA Privacy rule defines a business associate as “a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity”. Covered entities are institutions, organizations or persons who electronically transmit any health information in connection with transactions for the United States Health and Human Services (HHS) adopted standards. While ultimate responsibility for compliance always resides at the covered entity, the actual implementation of certain operational and control aspects of securing the data occurs at the business associate cloud provider.

*****States CP*****

INC

Text: The 50 states and relevant US territories should apply strict scrutiny to public health surveillance programs.

State privacy protections are extremely effective

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 19-21 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

Health privacy and HIPAA frequently are viewed as indistinguishable. However, health privacy exceptionalism is not restricted to federal law. In the decade and a half since the appearance of the HIPAA regulations and notwithstanding the Privacy Rule’s limitation on preemption, state law regarding health privacy appears to have receded into the background. The Bush Administration’s health information technology narrative included the characterization of divergent state laws as impeding EHR implementation. 144 Furthermore, in the intervening years several states have normalized their laws with HIPAA. There are explicit protections of privacy in a handful of State constitutions.¹⁴⁶ And some state supreme courts have implied such a right¹⁴⁷ that subsequently has been applied in cases involving medical information.¹⁴⁸ Yet there is nothing that could be as described as exceptional. In contrast, many state legislatures embraced strong, exceptional health privacy models (particularly in the pre-HIPAA years).¹⁴⁹ Indeed many state privacy statutes continue to escape preemption due to HIPAA’s “more stringent” provision. **Any generalized account fails to credit the resilience of health privacy exceptionalism in some states**. Of course, there should be little surprise that California has built on its enviable consumer protective reputation with additional substantive and enforcement provisions. The state’s original Confidentiality of Medical Information Act dates from 1981. It is notable for possessing a broader reach than HIPAA, applying, for example, to health data custodians who are not health care providers.¹⁵¹ California passed one of the first health information breach notification laws.¹⁵² More recently the state established the Office of Health Information Integrity to “ensure the enforcement of state law mandating the confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information”¹⁵³ which requires: Every provider of health care shall establish and implement appropriate administrative, technical, and physical safeguards to protect the privacy of a patient’s medical information. Every provider of health care shall reasonably safeguard confidential medical information from any unauthorized access or unlawful access, use, or disclosure. Perhaps more surprisingly Texas enacted similarly broad protection for health information. In sharp contrast to the narrow HIPAA conception of a “covered entity,” the Texas law applies to “any person who . . . engages . . . in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting protected health information.”¹⁵⁵ Texas also requires “clear and unambiguous permission” before using health information for marketing¹⁵⁶ and broadly prohibits the sale of an individual’s protected health information.¹⁵⁷ As discussed above, HITECH (together with a change in administration) provided the enforcement focus that HIPAA had lacked.¹⁵⁸ However, the 2009 legislation did not alter the longstanding HIPAA position of not permitting private rights of action.¹⁵⁹ Of course a small number of states permit such actions under their health privacy statutes.¹⁶⁰ However, almost all jurisdictions allow some species of the breach of confidence action in such cases,¹⁶¹ and some even allow HIPAA in through the “back door” establishing a standard of care in negligence per se cases.¹⁶² For example, *Resnick v. AvMed, Inc.*, concerned two unencrypted laptops that were stolen from the defendant managed care company. The compromised data concerned 1.2 million persons, some of whom subsequently became victims of identity theft. Dealing with Florida law allegations of breach of contract, breach of implied contract, breach of the implied covenant of good faith and fair dealing, and breach of fiduciary duty, the Eleventh Circuit addressed the question whether plaintiffs had alleged a sufficient nexus between the data theft and the identity theft. The court concluded that the plaintiffs had “pled a cognizable injury and . . . sufficient facts to allow for a plausible inference that AvMed’s failures in securing their data resulted in their identities being stolen. They have shown a sufficient nexus between the data breach and the identity theft beyond allegations of time and sequence.”¹⁶⁴ **Overall there seems to be a proliferation of data breach cases being filed in state courts. State privacy case law and legislation are continually evolving both in and out of the health care space. However, there is reason to believe that health privacy exceptionalism remains an accepted tenet among state courts and legislatures.**

The states are sufficient

Jason **Kreag** (Visiting Assistant Professor, University of Arizona James E. Rogers College of Law) **2015** “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957

While a federal law would be most effective, there are other options to achieve some of the benefits of the reforms outlined in Part III.C. For example, each state could be encouraged to adopt a model statute that includes these reforms. The prospect of quick action by each state seems considerably less likely to occur without the stick of being excluded from CODIS that could be a part of federal regulation. However, Alaska, Vermont, and Washington have demonstrated that some states are capable of regulating local databases. In addition, there are options aside from legislation. Existing regulatory bodies could promote these reforms as best practices for local DNA databases. For example, the recently created National Commission on Forensic Science (“NCFS”), a joint project of the Department of Justice and the National Institute of Standards and Technology (“NIST”), describes part of its mission as “reduc[ing] fragmentation and improve[ing] federal coordination of forensic science.”³²³ Similarly, NIST’s newly-formed Organization of Scientific Area Committees (“OSACs”) represents another potential source for external regulation.³²⁴ Whereas the NCSF will outline broad policies, the OSACs are designed to adopt specific “standards and guidelines” for each forensic discipline.³²⁵ These organizations, which include national leaders from law enforcement, practice, and academia, are limited to adopting non-binding recommendations. However, even recommended procedures could be powerful forces to alter current practices. Finally, while this Article argues that external regulation is optimal and necessary,³²⁶ it is at least possible that the early adopters of local databases could organize a working group to develop uniform standards. Director Harran of Bensalem has considered holding a meeting with the agencies that use local databases to explore the adoption of standard procedures.³²⁷ A working group offers at least three potential incremental benefits. First, simply starting the dialogue would force some agencies to articulate their practices and procedures. Second, a discussion about what regulations are needed could encourage law enforcement to consider some of the external costs of local databases. Finally, even if the working group did not possess the power to adopt binding regulations, it is possible that some agencies—motivated by the self-interested desire to continue using their own local databases—could pressure others to act more cautiously so as not to generate interest from external regulators.

CONCLUSION Given the pressure on police to solve crimes and reduce criminal activity, it is not surprising that law enforcement aggressively adapts surveillance technology to its benefit. Such actions are often commendable and encouraged. Indeed, the very manner in which law enforcement agencies measure their absolute and comparative success—through crime rates and clearance rates—incentivizes local agencies to push the boundaries of crimesolving tools. Early adopters of local databases are doing just that, trying to maximize the ability of forensic DNA analysis to fight and deter crime. Palm Bay, Bensalem, and others have shown that local databases offer great promise when measured on that scale. But a narrow focus on crime rates and clearance rates is not the only relevant metric when allocating policing resources in general, and public surveillance in particular. Rather, policing has the potential to generate positive and negative externalities unrelated to crime rates and clearance rates, and these externalities are often difficult to measure reliably. Furthermore, there is little incentive for law enforcement to identify or measure these externalities, particularly negative ones. This Article is the first attempt to identify the full implications of local databases. While it is beyond its scope to measure these externalities, identifying their existence and recognizing law enforcement’s failure

to consider them calls for some level of external regulation of local databases. Because the empirical work needed to measure the external costs of local databases has not been developed, the reforms proposed in this Article are modest. It is possible, although, in the opinion of the author, unlikely that the external costs of local databases will outweigh their benefits. If that proves true, states should follow Vermont's lead and ban local databases. More than likely, the result of a full-scale empirical study of local databases will call for something in the middle, rejecting the total prohibition in Vermont and rejecting the current landscape, where local agencies are free to develop and use local databases without external regulation.

Solvency – Flexibility

States solve better

Duffy et al 11 (Effective State-Based Surveillance for Multidrug-Resistant Organisms Related to Health Care-Associated Infections, Jonathan Duffy, MD, MPH,^{a,b} Dawn Sievert, PhD, MS,^a Catherine Rebmann, MPH,^a Marion Kainer, MD, MPH,^{c,d} Ruth Lynfield, MD,^{c,e} Perry Smith, MD,^{c,f} and Scott Fridkin, MD^a Division of Healthcare Quality Promotion, Centers for Disease Control and Prevention, Epidemic Intelligence Service, Centers for Disease Control and Prevention, Atlanta, GA 2011 Mar-Apr; <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3056030/?tool=pmcentrez>)

A primary aim of public health surveillance is to direct prevention and control activities and monitor their effectiveness. Collection of surveillance data by itself does not control disease or constitute public health action. As public health agencies operate with finite resources, implementation of surveillance tools should occur in conjunction with a plan to interpret and act on the data collected. Resources should be devoted to MDRO surveillance activities only when resources are also available for specific MDRO infection- or transmission-prevention activities or to build capacity to respond with public health action to the MDRO surveillance data. Moreover, integrating input from local partners and key opinion leaders in infection control and prevention to ensure that any surveillance and response strategy is consistent with regional priorities or concerns is critical. A state is more likely to develop a surveillance system that meets its particular needs and functions well within the constraints of its available resources if the state health department takes an active role in deciding what MDRO surveillance activities are appropriate for its circumstances. Surveillance activities developed in response to mandates created without health department input could lack these characteristics.

Solvency - Speed

States solve – quicker public health responses

Galva et al 5 (Jorge, JD MHA, Christopher Atchison, MPA, Samuel Levy, PhD SM, analysts for Public Health Reports, “Public Health Strategy and the Police Powers of the State” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2569983/> 2005 JM)

The preparedness of the U.S. public health system to respond to acts of terrorism has received a great deal of attention since September 11, 2001, and especially subsequent to the anthrax attacks later that year. The use of biologic agents as a weapon has served as a catalyst to better aligning public safety and health strategies through public health law reforms. Associated with this work is the renewal of the debate over the most appropriate means to both protect the public and assure the rights of individuals when implementing readiness strategies. A key element of the debate focuses on what is a reasonable application of state-based police powers to ensure community

public health standards. The doctrine of state “police power” was adopted in early colonial America from firmly established English common law principles mandating the limitation of private rights when needed for the preservation of the common good. **It was one of the powers reserved by the states** with the adoption of the federal Constitution and was limited only by the Constitution's Supremacy Clause—which mandates preeminence of federal law in matters delegated to the federal government—and the individual rights protected in the subsequent Amendments.^{1,2} The application of police power has traditionally implied a capacity to (1) promote the public health, morals, or safety, and the general well-being of the community; (2) enact and enforce laws for the promotion of the general welfare; (3) regulate private rights in the public interest; and (4) extend measures to all great public needs.³ The application of “police powers” is not synonymous with criminal enforcement procedures; rather, this authority establishes the means by which communities may enforce civil self-protection rules. More specifically, **public health police power allows the states to pass and enforce isolation and quarantine, health, and inspection laws to interrupt or prevent the spread of disease.** Historically, **the exercise of public health police power was enforced with strong support of the courts and restraint of police power occurred only when there was open disregard for individual rights.** The abilities of states to exercise their police powers has been constrained since the 1960s by the legal and social reexamination of the balance of power between the individual, the states, and the federal government, which affects contemporary efforts to reform public health law in the face of terrorism. Given the development of the criminally based threats to health marked by bioterrorism, the **relatively recent emphasis on the personal rights side of the equation should be reassessed.**⁴ A reexamination of the legal, ideological, and social limits of police power is appropriate since **increased state capacity can be crucial for first responses to terrorist threats or actions.** Effective first responses may be hampered in the absence of pragmatically designed realignments of the state-individual relationship and the redesign of state public health infrastructures.⁵ This article begins with an historical overview of the doctrine of state police power, addresses recent limitations imposed on the implementation of public health police powers, then uses the example of the imposition of quarantine orders to illustrate the state's capability to impose such orders in exercise of its police power. Finally, it **suggests changes in state public health agency governance, focus, and regulation to rebalance public and private interests.**

Solvency – General

States solve best—have a balance of privacy and effectiveness

Galva et al 5 (Jorge, JD MHA, Christopher Atchison, MPA, Samuel Levy, PhD SM, analysts for Public Health Reports, “Public Health Strategy and the Police Powers of the State” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2569983/> 2005 JM)

Population-based **measures in response to increased public health threats assume diverse forms.** These are essentially clustered in two distinct groups: prevention (detection, data-basing, and tracking), and remediation (containment of actual damage). **Preventive measures entail mechanisms to control and track the movement of persons and things.** This type of activity **may involve the enactment and enforcement of unsympathetic laws and regulations affecting real or perceived spheres of rights.** Effective enforcement will depend on the public health authorities' **ability to safely overcome resistance to these measures.** The control of the flow of information may also result in restrictions to the access and publication of public health information.

Remediation demands even greater degrees of control over persons and property. Remediation measures could include: (1) quarantine and involuntary holds when and where necessary for an indefinite period limited only by the cessation of the state of emergency; (2) suspension of habeas corpus in case of quarantine with very limited post-detention remedies for the individuals affected; and (3) property rights (establishment of “public interest easements” on private property in anticipation of an emergency and deputization/commandeering private-sector resources for public use during an emergency). Remediation measures must be rapidly implemented in the event of biological attack or new infectious disease.⁶⁵ Significant normative measures in this respect have been proposed at both the federal and state levels.⁶⁶ The Model State Emergency Health Powers Act (MSEHPA) illustrates this effort. The MSEHPA contains projected measures based on potential terrorist threats and proposed preventive and remedial measures as well as a detailed description of the protection of individual and business rights during an emergency.⁶⁷ The State Emergency Powers Act's purpose is to create a unified response system whereby the states put into effect standardized measures.⁶⁸ The driving principle behind this uniform legislation is twofold: on the one hand, standardization and modernization of obsolete or inapplicable state laws regulating public health responses, and on the other, creation of balance between states' ability to control individual activity and constitutional rights.⁴ The goals of the MSEHPA are, inarguably, meritorious.⁶⁹ Nevertheless, there are valid concerns regarding the effects of the attempted balance of public and private interests on the states' ability to carry out an effective public health response. There is foundation for these concerns. The MSEHPA's balancing act may sidestep the needed mechanics of infectious disease control by unduly incorporating post-Warren Court legal restraints—pre-intervention notices, hearings, heightened burden of proof, and access to witnesses—into the law.⁷⁰ The MSEHPA fails to restore the historic deference to public health activities or enhance the crucial scientific and administrative underpinnings of public health enforcement actions. Stringent preventive and remedial public health measures are necessary to face contagion. The recent experience with quarantine measures as the principal method used against SARS validates this conclusion.⁴⁴ Taiwan successfully implemented a broad quarantine program: 131,132 persons were placed under strict quarantine orders that required them to stay where they were quarantined, submit to periodic temperature checks, and sharply restrict transportation or visits to public places. These measures were needed because of the unknown transmissibility of SARS; they are associated with the rapid control of the epidemic in that country.⁷¹ Although the Canadian government attempted to use voluntary isolation, ultimately orders were issued for mandatory quarantine when the use of voluntary isolation became difficult.⁷² The Canadian government's response was later characterized as deficient, while the limited spread of SARS in Canada has been attributed to chance.⁷³ It is hard to envision the application of the MSEHPA in a manner congruent with stringent quarantine measures. The procedural guarantees in the MSEHPA may well be impossible to implement due to the risk of exposing judges, witnesses, and the public to possible contagion. In addition, the judiciary and public authorities are not prepared to implement quarantine orders due to lack of familiarity with public health doctrines or logistical shortcomings.^{74,75} The effects of one successful injunction resulting from these shortcomings—very likely under the MSEHPA—allowing, for example, a single SARS super-spreader to avoid quarantine, could be devastating.⁷⁶ A perfect balance between private and public rights in the face of a highly infectious disease may not be attainable, or even desirable. **Emergency activities will be effective if the states' exercise of public health police power is strengthened by good scientific practices and rigorous application of justified means of control.** Expiration of any extraordinary powers once the emergency is controlled remains an obligatory feature unless there is reauthorization on the basis

of solid scientific evidence. The ultimate goal of public health law should be the reinforcement of public health on the basis of historic principles of police power allowing broad but temporary administrative activities that are needed to face an impending emergency when the situation warrants.⁷⁷ This necessitates a return to the traditional historic bases of public health police power. Recommended steps in this direction should include: (1) reinforcing the administrative capability for the issuance of robustly evidence-based public health orders properly issued under authority of law; (2) removing all judicial pre-intervention review measures of such orders while limiting review of public health orders to the post-execution phase; (3) subjecting all public health orders to automatic expiration terms and making renewal of the orders contingent on the same robust degree of evidence allowing the original order.

The issue of health information is the jurisdiction for the state

O’connor et al 11(Informational Privacy, Public Health, and State Laws, 2011 October Jean O’Connor, JD, DrPHcorresponding author and Gene Matthews, JD with the Centers for Disease Control and Prevention, Atlanta, GA. Gene Matthews is with the North Carolina Institute of Public Health, Chapel Hill. <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3222345/?tool=pmcentrez>)

The US Constitution does not impart a broad right to the privacy of individual health information.⁷ At the federal level, statutes place boundaries around the collection, use, and disclosure of certain types of health-related information. These statutes include the Freedom of Information Act,⁸ the Privacy Act of 1974,⁹ the Department of Health and Human Services (HHS) Human Subject Protection Regulations,¹⁰ the E-Government Act of 2002,¹¹ the Family Educational Rights and Privacy Act,¹² the Federal Drug and Alcohol Confidentiality provisions,¹³ and the Genetic Information Nondiscrimination Act.¹⁴ These statutes restrict the use of information for different purposes. For example, the HHS Human Subjects Protection Regulations focus on protecting information in the research context. However, the most frequently cited law in discussions of the privacy of public health information is the Health Insurance Portability and Accountability Act (HIPAA) and its associated regulations. The HIPAA Privacy Rule protects most health records from disclosure but permits health care providers to make disclosures to public health officials and for certain other purposes.¹⁵ The rule does not protect information possessed by public health officials from disclosure, except in limited circumstances. HIPAA also does not preempt state laws on the use or disclosure of data by public health authorities.¹⁶ Because there is no national standard for safeguarding all data held by public health agencies, state laws remain central to discussions of the privacy, confidentiality, security, use, and disclosure of information within the public health system.¹⁷ These state laws have been reported to be fragmented and antiquated, and to “fail to effectively balance competing individual interests in privacy with the need to share public health data and information for the common good.”¹⁸(p1389) For more than a decade, both public health advocates and privacy advocates have responded to this need by calling for clearer protections for state public health information and developing model state policies.^{17,19,20} To disseminate ideas to update state public health privacy laws, Gostin et al. developed the Model State Health Privacy Act (MSHPA), a model statute for states to use as a guide in developing new laws, in 1999.¹⁸ The MSHPA contains detailed language about the appropriate acquisition and use of public health information, terms for when it is appropriate for state health departments to disclose that information, and penalties for noncompliance. After the events in the fall of 2001, the Model

State Emergency Health Powers Act (MSEHPA) was drafted to promote the adoption of state public health emergency statutes that contained, among other things, language related to the disclosure of public health information.²¹ Despite these efforts, anecdotal information suggests that few states have adopted public health privacy and disclosure provisions recommended in the MSHPA and MSEHPA.²² To address the lack of adoption of provisions by states and the continuing development of new approaches to data exchange, Lee and Gostin recently recommended a set of national principles for protecting public health data.¹⁷ The principles included discussion of use of data for legitimate public health purposes, collection or use of the minimum information necessary, data use agreements and security measures, and stewardship and trust. The need to develop a common approach to the use and disclosure of public health information has also been recognized as more than solely a domestic problem; various professional organizations (e.g., the International Epidemiological Association²²) have developed guidelines for the use of data by their members, and an international collaborative is seeking to develop a collective code of conduct for the use of public health data.²³ An analysis of current public health privacy laws can inform these efforts. The success of a national or international set of principles for the use and disclosure of personally identifiable health information under the control of the public health system depends, in part, on acknowledging the specific political and historical factors that have resulted in existing laws. In the United States, understanding current state laws may assist in identifying approaches to bridging the gap between the reality that state and local public health agencies face and ideal policies, frameworks, or practices for the use and disclosure of public health information. Identifying approaches and patterns in existing state laws is also an essential first step in further analyses of what laws are effective.

States solve best – only way to avoid circumvention

Pritts 13 (Joy L. Pritts JD is a lawyer who practices in Washington DC and earned her degree at Georgetown University. “Altered States: State Health Privacy Laws and the Impact of the Federal Health Privacy Rule” <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1047&context=yjhple>)//CW

States have traditionally been the primary regulators of health care information. While the promulgation of the Federal Health Privacy Rule changes the regulatory landscape, it need not supplant the importance of state health privacy laws. In fact, states have often become more active after the enactment of federal privacy laws, enacting statutes that either mirror or build upon the federal protections. **This approach**, endorsed by the Privacy Protection Study Commission in the 1970s, **ensures that the states will be able to enforce the law and protect their citizens**.^{8 4} Because the Federal Health Privacy Rule does not preempt current or future stronger state health privacy laws, the states have ample opportunity to fill the gaps and strengthen the weaknesses of the federal regulation. States therefore should not rely solely on the Federal Health Privacy Rule to protect the privacy rights of their citizens. Rather, states should take advantage of the need to evaluate their health privacy laws in light of the Federal Health Privacy Rule and take appropriate action. States with little statutory protection of health information in place may want to use Federal Health Privacy Rule as a roadmap for enacting comprehensive state health privacy laws. At a bare minimum, states can mirror the federal protections, thereby allowing enforcement to occur at the state level. However, to afford truly comprehensive protection, states should directly regulate not only the entities governed by the Federal Health Privacy Rule, but also the other major generators and holders of health information (such as employers and life insurers). Additionally, states should directly regulate the recipients of health information from these core record keepers. Furthermore, states should strengthen some of the weak provisions of the Federal Health Privacy Rule, such as the use of health information for marketing purposes. States with fairly well developed health privacy rules should also reevaluate their laws in light of the Federal Health Privacy Rule. Some state and federal rules may accomplish the same goals through slightly different requirements (e.g., different content requirements for a notice advising the patient of information practices). In this situation, a state may want to harmonize its provisions with the Federal Rule in order to avoid confusion and to afford some degree of uniformity between states. States should also use this as an opportunity to fill in gaps in state law that may exist (such as having statutory access rights to hospital records but not doctor's records).

CP solves – more stringent state laws take precedence over federal regs

Holloway 3 (Jennifer Daw Holloway is a communications manager at Ipas, an organization dedicated to safe abortions. “What takes precedence: HIPAA or state law?” January 03, <http://www.apa.org/monitor/jan03/hipaa.aspx>///CW

With the Health Insurance Portability and Accountability Act (HIPAA) privacy rule compliance date--April 14--fast approaching, psychologists must explore how the new federal rules interact with their current state laws.¶ HIPAA's privacy rule governs how health-care providers handle the use or disclosure of protected health information (PHI). In effect, PHI is defined as individually identifiable health information relating to the condition of a patient, the provision of health care or payment for care. All states already have privacy laws that apply to such information. Areas such as patient consent, access to records and subpoena rights, to name a few, are included under HIPAA as well as state laws.¶ So, will HIPAA's rules preempt state laws?¶ **"The general standard is that if a state law is more protective of the patient, then it takes precedence over HIPAA."** says Doug Walter, legislative and regulatory counsel in APA's Practice Directorate.¶ Conversely, if a state law is less stringent than HIPAA, then HIPAA takes over, he says.¶ The following examples illustrate the interplay between state laws and HIPAA and how that will affect psychologists:¶ Consent for payment, treatment and health-care operations. Dr. Smith, a psychologist in Utah, has scheduled a new patient. When the patient comes for her general appointment, Dr. Smith's office must be sure she signs a consent form for the disclosure of her records. Utah law requires that psychologists obtain signed consent, while the HIPAA privacy rule does not require consent. So, Utah law applies instead of HIPAA in this case because the state law gives patients greater privacy protection. Other states may have similar laws that would take precedence over HIPAA. Patient access to psychotherapy notes. Under HIPAA, patients are granted access to their records, with the exception of "psychotherapy notes," better known as what psychologists traditionally call "process notes." But in some states, such as Vermont, patients can access their psychotherapy notes under state law. So, when a patient of Vermont practitioner Dr. Jones asks to see his notes, Dr. Jones must permit the patient to see the notes. Because Vermont law provides greater rights from the patient's standpoint for the patient to access his or her psychotherapy notes, it takes precedence over the HIPAA requirements. Again, several other states may have such protective laws. Subpoena of patient records. Dr. Milton, a psychologist in New Hampshire, receives a subpoena requesting one of his patient's records. Attached to the subpoena is a notice from the requesting party's attorney stating that her office has made diligent but unsuccessful efforts to reach the patient to serve notice that his records are being requested. This is an adequate attempt to notify the patient under HIPAA and, therefore, the psychologist would not be barred from producing the patient's records if HIPAA took precedence. However, under New Hampshire law, psychologists are precluded from producing their patients' records for a third party absent a court order or patient consent. New Hampshire law is more protective than HIPAA with respect to records subpoena. Therefore, state law preempts HIPAA in this case.¶ There are myriad examples--aside from the three above--of how state laws may take precedence over HIPAA. The simple rule of thumb is that any provision--in state laws or HIPAA--that gives greater protection to patients' privacy or right to access their own health information takes precedence. The HIPAA privacy rule **"won't impair the effectiveness of state laws that are more protective of privacy"**, says Russ Newman, PhD, JD, APA's executive director for practice. And, he notes, in states where protective laws haven't been enacted, HIPAA will not prevent states from enacting laws that provide greater patient privacy protection.¶ HIPAA assumes that practitioners know the ins and outs of their state laws, but figuring out which law will take precedence involves a complicated analysis of state statutes, regulations and common law decisions.¶ The APA Practice Organization and the APA Insurance Trust are developing comprehensive resources for psychologists that will facilitate compliance with the HIPAA privacy rule. Along with several offerings, a new product, "HIPAA for Psychologists"--which will include the necessary state-specific forms that comply with both the HIPAA privacy rule and relevant state law--will be available for purchase online at the Practice Organization's new practitioner portal.¶

Health Data is important for state use

O'Connor et al 11(Informational Privacy, Public Health, and State Laws, 2011 October Jean O'Connor, JD, DrPHcorresponding author and Gene Matthews, JD with the Centers for Disease Control and Prevention, Atlanta, GA. Gene Matthews is with the North Carolina Institute of Public Health, Chapel Hill. <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3222345/?tool=pmcentrez>)

Developments in information technology that make it possible to rapidly transmit health information also raise questions about the possible inappropriate use and protection of identifiable (or potentially identifiable) personal health information.¶ Despite efforts to improve state laws,

adoption of provisions has lagged. We found that half of states have no statutes addressing nondisclosure of personally identifiable health information generally held by public health agencies. Exceptional treatment of HIV, sexually transmitted infections, or tuberculosis-related information was common. Where other provisions were found, there was little consistency in the laws across states.^a The variation in state laws supports the need to build consensus on the appropriate use and disclosure of public health information among public health practitioners.^a

Surveillance, epidemiological, and laboratory data are essential to the practice of public health, particularly at the state and local level.¹ Public health practitioners within government agencies use data to identify new cases of disease and to make decisions about when to apply public health interventions. The exchange of information between health officials in different jurisdictions has been demonstrated to be essential to managing outbreaks of well-understood diseases, such as measles, and identifying and responding to new and emerging threats, such as severe acute respiratory syndrome and pandemic influenza A (H1N1). However, the very developments in information technology and health care policy that make it increasingly possible to rapidly transmit health information, such as electronic medical records and health information exchanges, continue to raise questions about the possible inappropriate use and lack of protection of personally identifiable health information.^{2–4} In highly charged situations, such as the recent influenza A (H1N1) pandemic, variations in state laws and incomplete understanding among jurisdictions can easily lead to inconsistent public health disclosure practices, resulting in media questions about the integrity of information access policies.^{5,6} Clearly, consideration should now be given to a more cohesive approach to public health information sharing.

State prohibition of re-identification of patient information is crucial in preventing widespread sharing of personal patient files

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 16-19 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

There has always been something lopsided about the HIPAA regulatory model. Rather than concentrating on securing health data, most of the Privacy Rule provisions detail wide-ranging exceptions (public health, judicial and regulatory) to data protection or outline the process by which patients can consent to disclosure. Just recently, for example, a pharmacy chain made the headlines by conditioning its loyalty rewards program on a broad HIPAA authorization.⁸⁶ It is no surprise, therefore, to learn that **there has been leakage of health data through the very system set up to protect it.** Such leakage has been exacerbated by the mission creep exhibited by the recipients of data under HIPAA, particularly public health agencies. As Wendy Mariner notes: Today, almost everyone, regardless of station, could be subject to public health surveillance. **The scope of public health surveillance has grown significantly beyond its contagious disease origins.** . . . [A] new generation of reporting laws reflects a goal of many people in public health: to collect data about chronic diseases outside the context of a research study and without the need to obtain any individual patient's informed consent. . . . Do they offer the promise of medical advances, or the threat of “general searches, which the authors of the Bill of Rights were so concerned to protect against?”⁸⁷ For example, a 2013 report from the Citizens’ Council for Health Freedom alleges broad state health surveillance based on individual and often identifiable records.⁸⁸ However, public health authorities are not only voraciously consuming patient data but also abetting the acquisition of the same by big data companies. Researchers at Harvard’s Data Privacy Lab have found that thirty-three states re-release patient hospital discharge data that they

have acquired as HIPAA-permitted recipients of patient data. 89 Generally states release this data (that is no longer in the HIPAA protected zone) in somewhat de-identified or anonymized form but with little restriction on future use of the data. The naïve thought that such data was only being released to academic researchers was upended by the Data Privacy Lab's discovery that many of the major buyers of such state health databases were big data companies.⁹⁰ Most states only charge small fees that are not a major source of revenue for them, and many are oblivious to this practice.⁹¹ **The obvious solution is for the state public health agencies to contractually prohibit re-identification.** For example, the National Practitioner Data Bank (NPDB) collects information about physician malpractice awards, adverse licensure reports and Medicare/Medicaid exclusions. Although it is not a public resource the NPDB does release de-identified data. Following a re-identification episode NPDB now contains a prohibition on re-identification, specifically against using its “dataset alone or in combination with other data to identify any individual or entity or otherwise link information from this file with information in another dataset in a manner that includes the identity of an individual or entity.” Clearly, state health departments and any similarly placed recipients of HIPAA data should require similar restrictions. Indeed, the proposed FTC privacy framework would mandate such: . . . [I]f a company makes such de-identified data available to other companies – whether service providers or other third parties – it should contractually prohibit such entities from attempting to re-identify the data. The company that transfers or otherwise makes the data available should exercise reasonable oversight to monitor compliance with these contractual provisions and take appropriate steps to address contractual violations.⁹⁵ **Until such prohibitions are instituted HIPAA's public health exception unpardonably will continue to facilitate the “laundering” of protected patient data as it is transferred from a data protected domain to unprotected space.**

Disad Links

Politics – Link

Congress has no interest in changing health surveillance standards

Evans 13 (Barbara J. Evans. Professor of Law; Co-director, Health Law & Policy Institute; Director, Center on Biotechnology & Law, University of Houston Law Center, Yale Law School; M.S., Ph.D. Stanford University; Post-doctoral Fellow, The University of Texas M.D. Anderson Cancer Center. “Institutional Competence to Balance Privacy and Competing Values: The Forgotten Third Prong of HIPAA Preemption Analysis.” P.1189-1190.
http://lawreview.law.ucdavis.edu/issues/46/4/Articles/46-4_Evans.pdf//EMerz

The problem, however, **is that Congress appears to lack this desire**. An excellent opportunity to address this problem came and went when Congress introduced major amendments to the HIPAA statute in the 2009 Health Information Technology for Economic and Clinical Health (“HITECH”) Act.⁷⁴ Congress declined to expand HIPAA’s preemption of state privacy law. Pragmatism counsels that **HIPAA’s preemption provisions are not likely to change**. Those who favor a more uniform legal framework to support large, interoperable public health data networks and public health uses of data must find a way to achieve these goals within the existing preemption framework. To paraphrase Donald Rumsfeld, “You go to war with the [HIPAA preemption provisions] you have, not the [provisions] you might want or wish to have at a later time.”⁷⁵ Accordingly, this Article takes a fresh look at HIPAA’s existing preemption provisions to check for tactical opportunities that earlier scouts may have overlooked.

Privacy rulings are extremely unpopular and take up the entire floor- HIPAA empirics proves

Evans 13 (Barbara J. Evans. Professor of Law; Co-director, Health Law & Policy Institute; Director, Center on Biotechnology & Law, University of Houston Law Center, Yale Law School; M.S., Ph.D. Stanford University; Post-doctoral Fellow, The University of Texas M.D. Anderson Cancer Center. “Institutional Competence to Balance Privacy and Competing Values: The Forgotten Third Prong of HIPAA Preemption Analysis.” P. 1212-1213.
http://lawreview.law.ucdavis.edu/issues/46/4/Articles/46-4_Evans.pdf//EMerz

The HIPAA Privacy Rule had a famously contentious rulemaking history. The proposed regulation drew more than 52,000 public comments and the final rule of December 2000 subsequently was reopened for a second round of comments and amendments. **Consensus was hard to achieve and, in fact, was not fully achieved.** The Privacy Rule continues to be disliked by all sides. For example, it is simultaneously criticized for allowing too much and not enough access to data and biospecimens. Modestly positioning the Privacy Rule as a floor of privacy protections may have had a calming effect during the fractious rulemaking process. By its own terms, the Privacy Rule is merely a floor, and that was all that needed to be discussed during the rulemaking. The Privacy Rule only becomes a ceiling in one narrow context — public health uses of data and biospecimens — and then only when read in conjunction with the HIPAA statute. The rulemaking carefully set the stronger statutory preemption provision at 42 U.S.C. § 1320d-7(b) to one side and avoided making it a topic of rulemaking discussions.

No political constituency for the plan – politicians will defer to law enforcement

Jason **Kreag** (Visiting Assistant Professor, University of Arizona James E. Rogers College of Law) **2015** “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957

The lack of legislative interest in regulating local DNA databases is not surprising.²⁸⁷ Absent a public outcry, there is normally little political upside for politicians to initiate legislation to curb police use of a tool that law enforcement has identified as effective.²⁸⁸ And the possibility of a public outcry resulting from surveillance techniques like local databases, which disproportionately impact people with comparatively little socioeconomic standing and political power, seems unlikely because “citizens tend not to see themselves as the subjects of future police investigations.”²⁸⁹ Furthermore, even if policy makers would be interested in regulating a particular surveillance method, they are often not notified of new techniques in advance, leaving the new methods to gain a foothold absent external oversight.²⁹⁰

The debate over the plan get dragged into the ObamaCare debate

Katherine **Gasztonyi** (associate in the firm’s Washington, DC office and a member of the Privacy & Data Security and Intellectual Property Rights practice groups) **2014** “House Republicans Signal Push for Data Breach Legislation” <http://www.insideprivacy.com/united-states/congress/house-republicans-signal-push-for-data-breach-legislation/>

In the wake of the recent Target Corp. credit card data breach, Congress is once again turning its attention to data breach legislation. In a memorandum to Republican lawmakers on January 2, House Majority Leader Eric Cantor (R-Va.) stated that he intends to schedule legislation on security and breach notification requirements for federally facilitated healthcare exchanges when Congress resumes session next week. Democratic leaders characterized the news as yet another effort by Republican lawmakers to undermine the Affordable Care Act rather than a serious effort to deal with data security issues.

Case

1NC Link Turn

Despite privacy concerns - substantial numbers of patients are still engaging the medical system now

Erin **McCann** (Managing Editor of Healthcare IT News) November **2014** “Trust issues over health privacy persist” <http://www.healthcareitnews.com/news/trust-issues-over-health-privacy-persist>

Healthcare industry, listen up: You've got a consumer distrust issue on your hands. The majority of American consumers continue to have serious doubts over the privacy and security of their medical records – so much so that a sizable number of them actually withheld information from care providers over those concerns. This according to a new Office of the National Coordinator for Health IT survey, which took a pulse of consumer perceptions toward healthcare privacy and security. The numbers are telling. After surveying more than 2,000 consumers, ONC officials found that about three-quarters of them were either very or somewhat concerned over the privacy and security of their medical records. What's more, 10 percent of respondents withheld information from their healthcare provider who used an electronic health record. (This compared to the 6 percent who withheld data from providers who used paper medical records.) The differences between the two were not statistically different, ONC pointed out. The lion's share of Americans are also not keen on their medical records being sent electronically or through fax, with about 60 percent of consumers indicating concern over unauthorized access of their medical records when they're sent in these two forms. These numbers appear to align with a similar study conducted by Harvard researchers just last year. The study, which assessed the privacy perceptions of U.S. adults, found similarly that more than 12 percent of the 1,500 respondents withheld information from care providers over medical security concerns. Findings supported "the need for enhanced and sustained measures to ensure the confidentiality, integrity and availability of PHI," Harvard School of Public Health researchers wrote in the study. Despite all these concerns, as ONC officials highlighted in Tuesday's HIT Policy Committee meeting, most respondents still "wanted healthcare providers to use an EHR despite any potential privacy and security concerns," with some 76 percent indicating this. "In spite of the fact that a majority of Americans expressed concerns regarding the privacy and security of both their medical records and with sharing of their medical records, support for EHRs and electronic health information exchange remained consistently strong," said Vaishali Patel, senior advisor at the Office of the National Coordinator for Health IT.

Restrictions on health surveillance destroys medical research and disease prevention – anonymization and consent are too burdensome – turns the entire aff

Chris **Verity et al.** (Child Development Centre, Addenbrooke's Hospital, past chairman, British Paediatric Surveillance Unit Executive Committee, Agnus Nicoll, PHLS Communicable Disease Surveillance Centre, and Donal Manning, Child Development Centre, Addenbrooke's Hospital) **2002** “Consent, confidentiality, and the threat to public health surveillance / Commentary” British Medical Journal, International edition 324.7347 (May 18, 2002): 1210-3

Why is surveillance important? Since the 1980s the public has become increasingly concerned about health protection against real and perceived hazards, including HIV, bovine spongiform encephalopathy/variant Creutzfeldt-Jakob disease, food poisoning, possible adverse effects of

medicines and vaccines, etc.¹⁶ People expect that health surveillance will be undertaken efficiently and effectively. When outbreaks of infectious disease occur, local public health doctors, regional epidemiologists, or, centrally, the Communicable Disease Surveillance Centre, mount rapid investigations to enable them to provide protective measures, identify hazards, and reduce the risk of further infections and disease. Is surveillance acceptable? When the rationale for surveillance is explained to colleagues in primary care and in hospitals, they are almost always cooperative, as are affected patients and healthy "controls," sometimes providing personal information over the phone. Similarly, feedback from parents of children with rare but important disorders indicates that they support surveillance and would not welcome changes that threaten its completeness or accuracy. No major effort, however, has been made to explain surveillance mechanisms or their importance to the public. Threats to health surveillance The present arrangements for health surveillance are threatened by the proposal that either explicit consent should be sought from patients for use of their personal data, or data must be completely anonymised. Obtaining explicit consent before sharing identifiable patient data Simple but unrealistic suggestions have been made to solve the complex problems surrounding surveillance, consent, and confidentiality One is that consent for reporting can readily be obtained from patients or parents. Almost all reporting and referral of clinical specimens relies on the cooperation of busy people such as clinicians and microbiologists who are providing patient care with growing workloads in an increasingly bureaucratic environment For example, over 90% of paediatricians return the British Paediatric Surveillance Unit's monthly surveillance card, but the data the card requests are purposely kept to a minimum in order to sustain good response rates.¹⁷ It is our considered opinion, and that of our colleagues, that if explicit consent for sharing data had to be obtained the completeness and timeliness of reporting would be dangerously disrupted. Obtaining explicit consent would be most difficult for single consultations—for example for an acute infection when the need for a report is often only appreciated some time after collection of the specimen or after initial diagnosis. It is usually impossible to determine at the time of a consultation which specimen will reveal a significant pathogen. For laboratory reporting, clinicians would have to ask for consent for sharing of data or specimens for every proposed investigation, or else pathologists would later be ringing up clinicians to ask them to trace and contact patients for consent. Neither system could be expected to work well. When approached, families almost always wish to cooperate,⁴ but reporting doctors do not readily want to add the task of obtaining consent to their other work commitments,^{4 18} as a sequential surveillance and research investigation undertaken by the Royal Colleges of Ophthalmologists and Paediatrics and Child Health on retinopathy of prematurity illustrates. In this study, 235 cases were initially reported through conventional surveillance (without seeking explicit consent from parents). Later, reporting doctors were asked to obtain consent because an additional research study involved seeking parental views. In some cases repeated reminders to clinicians were needed although there were only three parental refusals. Eventually consent was obtained for 188 of 221 eligible cases (85%), and each consent took on average 3 months to obtain (L Haines, personal communication, 2001). The percentage would have been far lower had not the investigators been able, from prior knowledge of existing cases, to remind clinicians that consent was outstanding. Other specialties have had similar experiences. Introduction of the requirement for consent for cancer registration resulted in a 70% drop in notifications to the long established Hamburg cancer register, destroying its comparative value—it is no longer referred to in European publications (M Parkin, International Agency for Research on Cancer, personal communication, 2001). An American study on consent found that the requirement for consent led to selective exclusion of some patients and hence introduced bias.¹⁹ In the United Kingdom, a belief that patient consent

was needed before inclusion in a general practitioner diabetes register contributed to ascertainment of only 60% of eligible diabetic patients,²⁰ mainly because some doctors never got round to obtaining consent (S Burnett, UCL London, personal communication, 1999). A disturbing recent development is that, notwithstanding official reassurances 9 10 12 some NHS trusts have instructed doctors not to transfer data about patients unless they do have consent, and this has inhibited some doctors who were keen to contribute to, for example, cancer registries. This has already impaired the work of the cancer registries, and the reporting of infectious diseases might be similarly affected. Anonymising data before transfer It has been suggested that removal of the identifiers from patient data will obviate the need for consent, but in a number of health surveillance studies the identifiers are essential links to other sources of health information about individuals that provide validation and eliminate duplication (table). An alternative suggestion is to use NHS numbers instead of such identifiers as names and dates of birth, but at present NHS numbers are rarely included in routine data sets, so this solution would also interfere with surveillance. Conclusions Health surveillance is essential to protect public health, and existing surveillance mechanisms work reasonably well. Surveillance could be seriously threatened if it was thought that there was an over-riding need to maintain patient confidentiality or always to have to seek explicit consent to sharing of data. We are very concerned that restrictive interpretations of some of the recent guidance on patient consent would so damage surveillance mechanisms that they would cease to protect the health of the public, thus resulting in preventable ill health and deaths.

2NC Link Extensions

Rigid health privacy protections collapses public health – expansive surveillance key

Amy **Fairchild** (associate professor in the Department of Sociomedical Sciences and assistant director for scholarly and academic affairs at the Center for the History and Ethics of Public Health at the Joseph L. Mailman School of Public Health, Columbia University in New York City) Ronald **Bayer** (professor of public health and codirector of the Center for the History and Ethics of Public Health at the Joseph L. Mailman School of Public Health, Columbia University in New York City) and James **Colgrove** (assistant professor in the Department of Sociomedical Sciences at the Joseph L. Mailman School of Public Health, Columbia University in New York City) December 2007 “Privacy and Public Health Surveillance: The Enduring Tension” <http://journalofethics.ama-assn.org/2007/12/mhst1-0712.html>

The discovery that cases of paralytic polio in 1955 were caused by a single manufacturer of Salk vaccine, the linkage of toxic shock syndrome to tampons in 1979, the identification of the sentinel cases of AIDS on the East and West coasts in the early 1980s, the recognition of West Nile, SARS, and avian flu at the turn of the twenty-first century—were all the result of surveillance systems, through which alert and troubled physicians could communicate with public health officials, thus enabling emerging patterns to be identified. In each instance, such vigilance made it possible to initiate measures that could limit the human toll. Surveillance serves as the eyes of public health. Name-based reporting of cases has provided the foundation for planning, intervention, and prevention and has been critical for epidemiological research into patterns of morbidity and mortality for a wide variety of diseases and conditions. Registries have been essential for tracking individuals and their conditions over time. Surveillance has also served to trigger the imposition of public health control measures, such as contact tracing, mandatory treatment, and quarantine. The threat of such intervention and long-term monitoring has provoked

alarm and rendered surveillance suspect for those concerned about the unwarranted exercise of state authority in the name of public health. Thus the history of surveillance has been bounded by a promise and a specter. Over the course of the 20th century, public health officials reiterated the importance of surveillance, arguing that without the name and location of diseased individuals they worked "in the darkness of ignorance" and might "as well hunt birds by shooting into every green bush" [1]. It was the prospect of what surveillance might offer that raised hopes—for the delivery of services, for lifesaving knowledge, and for protection of individuals and communities. Hermann Biggs, a titanic figure in the history of public health, who was perhaps the most important late 19th- and early 20th-century architect and philosopher of U.S. public health surveillance, made it clear that names of the diseased were never collected "in order to keep clerks or adding machines busy" [2]. Toward the end of the 20th century, Surgeon General David Satcher would state the value of surveillance as plainly as had Biggs: "In public health, we can't do anything without surveillance. that's where public health begins" [3]. When surveillance opened the doors to vital services and knowledge, its subjects could well become among its most ardent advocates, thus underscoring a politics that goes beyond the politics of privacy. In the late 19th and early 20th centuries, as public health was extending the ambit of surveillance, the medical community reacted with hostility, particularly when it came to tuberculosis surveillance and seemingly threatened to intrude on the sanctity of the clinical relationship, over which the physician was guardian. Medical Record editor George Shrady thus complained of TB surveillance, The compulsory step taken is a mistaken, untimely, irrational, and unwise one.... The real obnoxiousness of this amendment to the sanitary code is its offensively dictatorial and defiantly compulsory character. It places the Board [of Health] in the rather equivocal position of dictating to the profession and of creating a suspicion of an extra bid for public applause [4]. "Already," he continued, "the profession as a whole has watched with jealous eye the encroachments of the Board upon many of the previously well-recognized privileges of the medical attendant" [4]. Over time, disease reporting was extended to chronic, noncontagious conditions such as cancer, birth defects, and occupational illnesses. Not only physicians but laboratories were often required to report cases to local health authorities. The surveillance of chronic diseases, of course, differs because these conditions do not represent a direct threat to the health of others. And, indeed, when state and local health departments first began tracking conditions like congenital malformations and cancers in the first half of the 20th century, these initiatives typically served epidemiological or research purposes only. These reporting efforts, critically, also became linked to the assessment and improvement of clinical care. Tumor registries, for example, emphasized patient care improvement since the 1950s and, currently, data from the National Cancer Institute's SEER program (Surveillance, Epidemiology, and End Results Program) are routinely used for quality improvement initiatives. It was not until the AIDS epidemic that activists challenged the long-standing tradition of name-based reporting. Even so, as AIDS has become a more treatable disease, resistance to reporting has all but vanished. In the 1990s, the promulgation of national standards to safeguard the privacy of medical records, as dictated by HIPAA (the Health Insurance Portability and Accountability Act), provoked intense public debate. But there was virtually no opposition to carving out an exception in the guidelines for the reporting of diseases to public health agencies. While there was initial uncertainty among physicians and researchers about whether hospitals could continue to provide cancer data to state registries, the Department of Health and Human Services made clear that HIPAA did not serve as an obstacle to reporting. In the early 20th century it was physicians who spearheaded opposition to surveillance; since the 1970s, patients have often been at the forefront of challenges to reporting diseases. Parents of children with disabilities, for example, successfully changed the

terms of birth defects surveillance in Minnesota, requiring the state to allow unwilling parents to opt out of reporting. Patient advocates within the American Diabetes Association forced New York City health officials to place limits on an initiative to track cases of diabetes. But just as often, patients with serious illnesses have pushed for better tracking of their conditions. Breast cancer survivors have emerged as the most ardent defenders of universal name-based cancer reporting, recognizing how important surveillance and the research it makes possible is to their own well-being. Similarly, communities concerned about "cancer clusters" and environmental threats have demanded access to the data that only cancer registries can accumulate. Patients expect their privacy to be protected, of course, but also maintain that a rigid commitment to privacy could hobble the usefulness of registries. In these instances, public health officials, committed to the paramount importance of surveillance, have been extremely wary about disclosing any data that could potentially compromise individual privacy.

Disrupts biomedical research

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, “Medical registries represent vital patient interests and should not be dismantled by stricter regulation,” July 2012, *The International Journal of Cancer Epidemiology, Detection, and Prevention*, p. 3-4)//JL

Rothstein foresees criticism of his proposal for leading to selection bias in research, delaying the introduction of new treatment and safety procedures in medicine, but he claims that at present there is an “insufficient empirical basis to assert that adding some level of privacy and autonomy protection to deidentified health information and biological samples will invariably and unreasonably disrupt biomedical research” (p. 8). However, as has been argued by several, inclusivity and universality are the keys to successful registry research [10,11]. There is a price to be paid since all requirements for informed consent, opt-out, re-consent, etc. imply that the registry will be affected both by those included and those not included. The likely result is incomplete information and data bank bias that will prevent researchers from tracking success and failure of treatment and drug efficacy and safety. The immediate victims of this will be the patients, with those suffering from rare diseases like CML paying the highest price. There are several examples of bureaucratic ethical review procedures and requests for consent that seriously jeopardized the possibility of doing biomedical research, at the end exposing patients to increased risks [12,13]. There are recent assessments available of the cost in lives caused by hurdles related to information and consent procedures [14].

Privacy is a prerequisite to any form of successful health surveillance

Khaled El **Emam** (founder and CEO of Privacy Analytics Inc, senior scientist at the Children’s Hospital of Eastern Ontario (CHEO) Research Institute and Director of the multi-disciplinary Electronic Health Information Laboratory (EHIL) team) **2014** “Public Health Surveillance and

Privacy in the Age of Ebola” <https://privacyassociation.org/news/a/public-health-surveillance-and-privacy-in-the-age-of-ebola/>

Being able to introduce anonymization methods into practice to ensure data custodians are willing to share data for public health purposes is important in the age of such epidemics as Ebola. The efficiency with which we track and investigate outbreaks is directly related to the spread of the disease. There is an urgency to get access to data. And it is not always health data that is important. Ongoing public health surveillance systems would allow rapid detection of and reaction to outbreaks. But this can only happen if privacy concerns that currently act as a barrier are addressed. Privacy does not have to be an obstacle, but it is an issue that needs be dealt with upfront when these surveillance systems are put into place. We cannot take for granted that data custodians are willing to share their data, even when there is an outbreak, as we saw during H1N1.

Thomas R. **Frieden** (Director, U.S. Centers for Disease Control and Prevention; Administrator, Agency for Toxic Substances and Disease Registry) September **2012** “Non-Communicable Diseases and the New Global Health” <http://www.cfr.org/diseases-noncommunicable/non-communicable-diseases-new-global-health/p35310>

Really, let me say one thing about the problem and one thing about the solution. Noncommunicable diseases are sometimes mischaracterized as diseases of affluence because we have the concept that as people get richer, they do more unhealthy things, and these diseases follow. But actually, I think these are fundamentally diseases of poverty. They're diseases of poverty because in most countries, not only do they disproportionately affect the poor, but they perpetuate poverty in individuals, in families, in communities and, perhaps most importantly, in countries. Noncommunicable diseases are an enormous drag on economic development, on health care systems, on workplace productivity. And so they have enormous economic implications for individuals, families, communities, work sites and countries. The global burden of disease has really shifted. For the first time in human history, we have more people living in cities than in rural areas. We have more people who are overweight than underweight. We have more deaths among adults than among children. And we also have more people dying from noncommunicable diseases in poor countries than in rich countries, with higher rates of noncommunicable diseases in poor countries than rich countries. In fact, in poor countries, half of all deaths from noncommunicable diseases occur before the age of 70. In rich countries, it's about a quarter of all deaths from noncommunicable disease before the age of 70. So these are huge differences, and now non-communicable diseases kill more people than communicable diseases, about two-thirds of all of the world's deaths, and that burden is not only high, but it is increasing and on a trajectory to increase even further.

Mass health surveillance is good – its key to medical effectiveness and drug development

Freedland 14 (Jonathon Freedland is the Guardian’s executive editor. He also writes for the NYT and New York Review of Books. He won the Orwell special prize for journalism and the columnist of the year in What the Papers Say. “We now trust no one with our data – not even our doctors” 1/31/14 <http://www.theguardian.com/commentisfree/2014/jan/31/nhs-medical-data-trust-doctors-edward-snowden>)///CW

If you thought someone snooping around your emails and listening to your phone calls was bad, imagine them looking at your medical records. The private realm may be ever-shrinking – in an age when we reveal so much of ourselves online and

when we know the eavesdroppers of the NSA and GCHQ are never far away – but if there's one thing we'd want to keep behind high walls, it's surely the intimate histories of our mental and physical health.¶ So there can be little surprise that privacy campaigners are recoiling at the expansion of NHS England's data collection, which from this spring will take in information from the place where most people experience the NHS: their GP's surgery. Until now, the NHS in England kept the stats from hospital visits but not from those day-to-day encounters with your local doctor. As 26.5m leaflets pop through letterboxes, explaining the new "care.data" project, groups such as medConfidential.org are urging patients to opt out in the name of basic privacy. One survey found that up to 40% of GPs plan to keep their own personal records out of the scheme. My first, unreflective instinct would be to stay out too – and others will surely feel the same way. Indeed, the appeal of that stance says much about the times we live in, both online and in the physical world.¶ For one thing, less than a year after Edward Snowden's revelations of mass surveillance, the notion that our medical records will remain closely guarded, viewed only by those doctors and scientific researchers who need to see them, arouses instant scepticism. Sure, we think. They said the same about our emails. After Snowden, many will assume that if the authorities want to know whether we are HIV-positive or once suffered from depression, they'll be able to find out with just one click. As medConfidential's Phil Booth told the FT: "Everyone agrees medical research is a good thing but, after the NSA scandal, people are getting wise to the dangers of these massive data sets." [paywalled link]¶ It doesn't even have to be that sinister. It wasn't that long ago that government ministers were apologising from the floor of the House of Commons after Revenue & Customs mislaid two discs containing the names, dates of birth, national insurance numbers and, where relevant, bank details of 25 million people. What, one wonders now, is to stop the geniuses who brought us that disaster messing up again, except this time losing not our tax details but the stories of our lives and bodies?¶ Advertisement¶ Campaigners worry too about who might want to take a look at all that info. Won't the big drug companies be desperate to pore over that information, the better to profit from our frailties? And if private health and life insurance companies get access to that data, won't they start charging higher premiums if they know what once took us to see the doctor?¶ Given all those worries, you can see why some want to opt out. And yet that first, gut instinct might be wrong. It's not just that the vast bulk of the information will be rendered anonymous, with individuals blurred out in all but the most controlled circumstances, or that there are strict rules in place over access to this information. Nor even that there is an explicit declaration that this data will not be shared with insurance or marketing companies – so no prospect of a Strepsils ad popping up on your screen just after you've seen your GP over a sore throat.¶ Rather, it's the great gain that this information will provide. Small, clinical studies only tell you so much. Sometimes it's mass data you need. It was mass information that disproved the link between MMR and autism, or that spotted the connection between Thalidomide and birth defects, or between smoking and cancer. Ethically you can't conduct trials on pregnant women or children, so you're reliant on knowing what's happening in the population. If you can know that swiftly and at scale, you can act faster and more effectively. As the leaflet popping through the door puts it: "Better information means better care."¶ The pragmatic truth is that this logic extends even to the private drug companies. Like it or not, it's through pharmaceutical companies that new medicines are developed: they're the ones who fund the trials, turning research into medication. As Nicola Perrin of the Wellcome Trust, which strongly backs care.data, put it to me: "If we want access to the best possible drugs, the drug companies need access to the best possible information."¶ There is a principle at stake here too. In a subtle piece for the Socialist Health Association, Prof Dave Byrne recalls the traditional method of teaching medical students, in which a senior doctor on a ward-round would urge them to look at and learn from real-life individuals and their treatment: care.data is just a hi-tech version of that process, says Byrne, gathering together doctors' experience of treating patients. Viewed this way, our individual experience of treatment – suitably anonymised – is not our private property, even if it should remain private. Those who treated us have the right to use that experience to benefit others, to help the collective good.¶ But anonymity is the key. None of these arguments in favour of care.data works unless we can be sure those rules on access hold firm and that the identity of individual patients remains concealed – and not easily hacked as some currently fear. And yet online anonymity remains vexed. All too often it seems we don't have it when we should, whether through data loss or NSA-style state intrusion. At the same time, we have too much anonymity when we shouldn't: witness the social media trolls and abusers, or phoney, astroturf campaigners, able to stay hidden when they would surely shrivel if exposed to the daylight and forced to reveal their true identities.¶ The larger obstacle confronting this new scheme goes beyond the virtual realm. It is a change that is infecting almost every aspect of our shared lives: loss of trust. So the government can issue guarantees of privacy protection and our first thought is of missing discs, GCHQ eavesdroppers or perhaps hacked phones. Too many institutions have been exposed as having betrayed their unspoken promises, whether it's MPs, the security services, the police, the banks or the BBC.¶ For many years the NHS stood alone, immune to this trend, doctors topping every index of trust. But thanks to Mid-Staffs and scandals like it, the NHS too has been found wanting. Which is why a good idea like a project to share our broad, unnamed data can face such resistance. We take nothing on trust these days – not even the word of a doctor.

Medical Research Extensions

Even the current minimal protections provided by HIPAA drastically impede research

Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. “The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research Growth.” 2009. P. 1-2.

http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf////EMerz

The Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA), a regulation designed to protect the privacy of health information, continues to have a negative impact on the nation’s research enterprise, according to the latest survey of academic health center research administrators and principal investigators by the Association of Academic Health Centers (AAHC). Since the 2003 implementation of the Privacy Rule (45 CFR 160, 164), studies have shown that it has imposed barriers to research at academic health centers, the nation’s major research institutions, thus slowing the pace of research, increasing the costs, and significantly hindering participation of individuals in important research studies. Research was not intended to be governed by the HIPAA Privacy Rule, but neither was it exempted from the regulation. However, the new constructs and restrictions on information mandated by the Rule have had untold consequences for the conduct of research and the advance of science and discovery in the United States. Despite repeated efforts by the research community to highlight the negative consequences of the HIPAA Privacy Rule, policymakers have made little attempt to address the Rule and consider options to remedy the situation. With the U.S. facing critical socioeconomic challenges, including an aging population and the desire for new treatments and cures for disease and illness, it is essential that policymakers reexamine the HIPAA Privacy Rule. The AAHC called for changes to the HIPAA Privacy Rule and recommended options to address these critical research issues based on evidence from a limited number of focus groups conducted with researchers throughout the country in 2007.⁴ This year, to broaden its information base, the AAHC developed a questionnaire that was administered online to 102 members of the AAHC’s executive leadership group of Vice Presidents for Research as well as other senior leaders (e.g., legal counsel and chief compliance officers) who are members of the Vice Presidents for Research Workgroup on HIPAA. The vice presidents for research were also asked to forward the survey to 2-4 principal investigators at their institution in the interest of including the perspective of researchers along with that of senior research administrators.

Privacy legislation destroys scientists’ motivation to conduct research- it’s too expensive with protections in place

Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. “The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research Growth.” 2009. P. 3.

http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf////EMerz

In short, the majority of survey respondents believe the HIPAA Privacy Rule had a significant negative impact on the scope, pace, and costs of research. The greatest concern was expressed about the negative impact on the costs of research. Respondents also indicated they were aware of research studies that were stopped or never pursued because of Privacy Rule related problems. The negative perceptions of research leaders are especially significant. The HIPAA Privacy Rule imposes another limitation on America's ability to fulfill the promises of new science. A lack of interest in scientific careers, and decreased federal funding of research when coupled with the HIPAA Privacy Rule, create a burdened and troubled environment for the future.⁸

That turns case- patients health will be worse off if there are more barriers to DNA research
Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. "The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research Growth." 2009. P. 3.
http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf////EMerz

The problems with the HIPAA Privacy Rule are extensive and are likely to be even broader than the survey suggests. Furthermore, there is no clear evidence that the Rule is achieving its intended purpose in the research arena. Given the longstanding history of the Common Rule in research, it would be most expedient and effective to exempt research from the HIPAA Privacy Rule and to defer to the Common Rule. The Common Rule — an essential safeguard that has worked successfully — has been responsible for ensuring the protection of research participants' safety and privacy for more than 30 years. The negative impact of the HIPAA Privacy Rule on research ultimately translates into negative consequences for patients, with more terminally ill patients missing out on the opportunity to participate in clinical trials that have the potential to save their lives. To remedy this threat to research and the American people, revision of the HIPAA Privacy Rule is imperative. The AAHC recommends that research be exempt from the HIPAA Privacy Rule and that it be solely governed by the Common Rule. Furthermore, the AAHC recommends a revision of the Common Rule to incorporate more explicit standards for the privacy of health information and to augment the protections of the Common Rule to accommodate new technologies and guard against new threats to patient safety and privacy

Privacy-based critiques fail and undermine research

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, "Medical registries represent vital patient interests and should not be dismantled by stricter regulation," July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

3. Registries criticized for threatening privacy Accordingly, vital patient interests are in the balance in association with the EUTOS for CML and other similar registrations and data-sharing efforts. However, within the ethics and legal literature collaborations between medical registries of this kind are seen as controversial because they pose a potential threat to the individual privacy of the patients. Mark Rothstein has recently argued

that collection and use of large quantities of health information create a substantial challenge for protecting the privacy of patients and research subjects that is accentuated when biological samples are involved [8]. De-identification, he suggests, does not solve the problem since the process of removing identifiers implies that someone will actually have to do it thus representing an intrusion in private matters. It has also been claimed that re-identification may be possible by using publicly available databases, provided that one have access to reference samples [9]. Rothstein suggests that rules about de-identification are insufficient for privacy protection and need to be comple-mented with rules about notice provisions to patients, such as informed consent, strategies for opt-out, and giving individual patients a degree of control over the use of data and, where relevant, biological samples. 4. **The critique fails for four reasons** In light of the experience with the EUTOS for CML registry we believe that Rothstein's argument fails for four reasons. 1. **Rothstein foresees criticism of his proposal for leading to selection bias in research, delaying the introduction of new treatment and safety procedures in medicine, but he claims that at present there is an "insufficient empirical basis to assert that adding some level of privacy and autonomy protection to deidentified health information and biological samples will invariably and unreasonably disrupt biomedical research"** (p. 8). However, as has been argued by several, inclusivity and universality are the keys to successful registry research [10,11]. **There is a price to be paid since all requirements for informed consent, opt-out, re-consent, etc. imply that the registry will be affected both by those included and those not included.** The likely result is incomplete information and data bank bias that will prevent researchers from tracking success and failure of treatment and drug efficacy and safety. The immediate victims of this will be the patients, with those suffering from rare diseases like CML paying the highest price. There are several examples of bureaucratic ethical review procedures and requests for consent that seriously jeopardized the possibility of doing biomedical research, at the end exposing patients to increased risks [12,13]. There are recent assessments available of the cost in lives caused by hurdles related to information and consent procedures [14]. 2. **Rothstein acknowledges that research concerns should not be dismissed lightly, but, he continues: "On the other hand, the interests of patients and the public also deserve respect and consideration"** (p. 8). **His argument for privacy relies, as stated, on a perceived dichotomy between the clinical researcher on the one side with the patient and the public at the opposite side, a normative description of the relationship that is questionable. This dichotomization seems to be a rather common phenome-non** [15]. As Dixon-Woods et al. have recently argued, the ethical, legal and sociological accounts of medical research that influence the policy debates describe research as operating in opposition to the norms and interests of the general public and of the patient [16]. Based on empirical studies in a pediatric oncology research context they were, in contrast to this alleged dichotomy, able to show how sentiments of coalition and partnership characterized the relationships between the patient families, their doctors and the researchers. 3. **Rothstein argues for the need of increased protection of privacy and autonomy based on these interests as fundamentally protected by constitutional law.** Wendy Mariner argues in a similar vein for the need of limiting intrusion into medical privacy and has suggested that a constitutional challenge could dismantle cancer registration [17]. **Health is regarded as an important concern but must sometimes give way to inherent principles of law, e.g. protection of privacy** [18]. **That privacy is a vital interest of citizens and democratic societies is not controversial.** However, the values that are associated with a secluded life are all kinds of social value [19]. They presuppose and acquire their meaning only in a context where various kinds of social relationships with other individuals are involved. To be banished to seclusion on a desert island, certainly implies that one will be left in peace, but it is not the kind of situation which people wishing to protect their private life, strive for. **Individuals, as far as their own personal matters are concerned, have an interest in being left in peace but they also wish to participate** in the possibilities that are available to citizens in a society. **This includes having access to new medical knowledge attainable only when personal medical data is recorded and shared within the format of large well-managed registries. In order to further strengthen his argument Rothstein suggests that autonomy is only one aspect of the broader concept of "respect for persons"** (p. 8) and that this should imply closer regulation of registry research. However, **patients have interests also at the end of the research line,** e.g. in new possibilities to follow up the effects of medical drugs with regard to treatment response and adverse reactions, and if they became aware of the costs of stricter regulation undermining the possibilities of participating in the development of scientific knowledge they may be more likely to feel disrespected. 4. **Rothstein is critical of partnership with commercial interests** in association with biomedical research, something not uncom-monly questioned by ethicists and lawyers [20]. However, we suggest that **partnership between academic and commercial partners is essential for making progress in medical research** and is intrinsic to concerns about assessment of drug efficacy, safety and effectiveness. **This claim does not imply that one should be nai"ve.** For the benefit of patients sharing of data should go in both directions, also when a pharmaceutical

company enjoys a monopoly. Potential conflicts of interest may arise and should not be taken lightly. The increasing collaboration between industry and patients' organizations should be considered. However ELN provides an interesting example of how doctors and researchers may be able to collaborate with the pharmaceutical industry while preserving their own integrity. A working party has just started a controlled trial in order to find out when treatment of CML patients with TKI should be stopped because the patient will not benefit from prolonged treatment with the drug. Such a study may, arguably, not be in the best (economic) interest of the drug companies.

HIPAA's protections of individual health records have prevented vital research

Pritts 13 (Joy L. Pritt. "The Importance and Value of Protecting the Privacy of Health Information: The Roles of the HIPAA Privacy Rule and the Common Rule in Health Research." 2013. P. 1-2

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The privacy of personal information, and of health information in particular, continues to be a vexing issue in the United States. As more and more health information is computerized, individuals express concern about their privacy and that they are losing control over their personal health information. To help allay public concerns, federal rules governing the use and disclosure of health information were promulgated under the Health Insurance Portability and Accountability Act (known as the HIPAA Privacy Rule). While the HIPAA Privacy Rule does not directly regulate researchers, it does restrict the manner in which health care providers may use and disclose health information for health research. Health researchers have been critical of the HIPAA Privacy Rule since its inception, concerned that it would interfere with valuable research. Various research organizations and others have requested that the Rule be revised to lessen its effect on research. Most recently, an Institute of Medicine (IOM) committee was formed and charged with reviewing the impact of the Privacy Rule on health research. This paper was commissioned by that committee, the IOM Committee on Health Research and the Privacy of Health Information: The HIPAA Privacy Rule.

Disease Turn - Military

Surveillance key to check tick-based disease outbreaks --- specifically likely on military installations

Peterson et al, masters in entomology qualifications of other authors: Medical

Entomologist/epidemiologists, **2015** (Wade, "Tick-borne disease surveillance", published in U.S. Army Medical Department Journal, jan-march edition, Academic OneFile)//roetlin

Tick-borne diseases (TBDs) represent some of the world's most rapidly expanding arthropod-borne infectious diseases. (1) (p1) In the United States, ticks are responsible for more human disease than any other arthropod group. The incidence and the number of pathogens transmitted by ticks are increasing. For example, Lyme disease is now the most commonly reported arthropodborne illness in the United States. (2)

Anaplasmosis, ehrlichioses, and rickettsioses are also on the rise. (1) (p1) In most parts of the world, TBDs are potentially serious health threats to troops, civilian employees, and residents at military installations. (2) (p6)

Companion animals and military working dogs (MWD) are also at risk in areas where ticks and TBDs are endemic or emerging. Risk of TBD increases with the introduction of exotic tick species into new areas and the expansion of historical tick ranges. One example of exotic ticks that effects the United States is *Boophilus annulatus* and *B. microplus*, also known respectively as the cattle fever tick and the southern cattle tick, that were imported here by Spanish colonists who brought tick-infested cattle and horses with them. These ticks transmit a severe disease to cattle called Texas fever or cattle fever that caused enormous losses to the US cattle industry in the past. Present efforts to keep this tick out of the United States exist as the Cattle Fever Tick Eradication Program. (3) Nilgai antelopes, native to India, Nepal, and Pakistan, that were released into southern Texas are also hosts to the cattle fever ticks, posing a threat as maintenance hosts of cattle fever. (4) There are many other examples of exotic tick introductions from migratory birds, exotic and wildlife species, and domestic animals. (5) Changes in climate may also alter the geographic distribution of tick vectors, and in turn, cause a change in the currently recognized demographic patterns, seasonality, and incidence of TBDs. (1) (p61) For example, the range of the Gulf Coast tick (*Amblyomma maculatum*) has historically been along the Gulf of Mexico and

southern Atlantic coast as far north as South Carolina, and extending approximately 100-150 miles inland. However, resident populations of these ticks are now established in Arkansas, Oklahoma, and Kansas, (6) and they have been collected on the east coast as far north as Delaware and Maryland. (7) Another example is the lone star tick (*A. americanum*) which has moved northward as far as Maine and westward into central Texas and Oklahoma. (8) Incidental introductions of these ticks, and the diseases they carry beyond endemic regions, occur with increasing frequency. This is likely due to the feeding of immature ticks on migrating birds, and the transportation of tick-infested livestock and wildlife into new areas. (6) These introductions may also come from pets belonging to people who move from one area to another. In addition, suburbanization has contributed to the increase in TBD transmission in North America by bringing people and their pets close to ticks and by creating new tick habitat. (9) In the northeastern United States, the highest risk for Lyme disease occurs around the homes of those who have been infected. (10) As communities continue to expand into tick habitat, and people are encouraged to enjoy outdoor recreation and pursue activities such as urban farming, the risk for peridomestic exposure to ticks and TBDs may increase. The National Notifiable Disease Surveillance System (NNDSS) of the Centers for Disease Control and Prevention (CDC) maintains a list of diseases that are considered to be of public interest by reason of their contagiousness, severity, or frequency. The 7 TBDs on the NNDSS list are shown in the Table. Many of these diseases, which are caused by closely related tick-borne pathogens, can also be acquired internationally. There are also many TBDs that can be acquired abroad that do not occur in the continental United States. In addition to transmitting disease, ticks can cause irritation, pain, and swelling at attachment sites, otoacariasis (invasion of the auditory canal), paralysis, allergic reactions, and anaphylactic reactions. (11) Heavy infestations of ticks on animals can cause debilitation due to blood loss. Direct effects from TBDs include troop and MWD morbidity and mortality. There are also many indirect effects, such as illness of dependents or Department of Defense (DoD) civilian personnel, and related healthcare costs. Both types of effects can be mitigated through aggressive surveillance, public education, and prevention/control programs, together with prompt diagnosis and treatment. (2) (p6) **TICK BIOLOGY AND DISEASE TRANSMISSION** Ticks are grouped into 2 separate families. Family Ixodidae, also called hard ticks, have 4 developmental stages: egg, larva, nymph, and adult. The latter 3 each take one large blood meal and then molt to the next stage, or lay eggs in the case of the adult. Hard ticks have mouthparts with recurved teeth that allow them to firmly anchor themselves to hosts while feeding with the assistance of a cement-like substance secreted by the salivary glands. This allows them to feed for extended periods of time that can vary from 2 to 12 days or longer, depending on species, life stage, and gender. Family Argasidae, also called soft ticks, have the same 4 developmental stages, but most have multiple nymph stages. Soft ticks have mouthparts that allow them to hold fast to their host, as hard ticks do, but they do not secrete cement. Although some soft ticks can remain attached to the host for several days, (11) (p501) others can complete a meal within minutes to hours. (12) This is still much longer than other bloodsucking arthropods such as mosquitoes, and is one of the factors that contribute to their high vector potential because it increases the likelihood of pathogen ingestion and allows them to secrete large amounts of host-derived fluid and salivary secretions, which contain pathogens, back into the host. Other factors that make ticks efficient disease vectors include a highly sclerotized body that protects them from environmental stresses, high reproductive potential, and a long life span (compared to other blood feeding arthropods). Although the majority of TBDs are transmitted during normal feeding activity, they can be transmitted by other routes as well, including through regurgitation and feces. Argasid ticks can also release pathogens through excess liquid excreted from the coxal glands located adjacent to the first segment (coxa) of the front legs. (11) (p512) Adding to their efficiency as vectors, the larvae and nymphs are very small. The presence of an immature tick on a host often goes unnoticed, enabling the tick to feed to repletion and drop off without detection, which increases the likelihood of pathogen transmission. Ticks can also transmit more than one pathogen at a time. For example, Ixodes ticks can simultaneously or sequentially infect their hosts with *Borrelia burgdorferi*, *Anaplasma phagocytophilum*, and *Babesia microti*. (1) (p61) Co-infections with these pathogens have been reported from wild and domestic animals, including dogs, as well as humans. These infections can result in more severe and longer illnesses and can complicate diagnoses. (1) (p493) Ticks are also effective disease reservoirs. In some species, pathogens can be transmitted from the adult female to its offspring (transovarial transmission) and from one developmental stage to the next (transstadial transmission). Infected ticks can also transmit viruses to uninfected ticks while feeding simultaneously on an uninfected host. (11) (p512) Therefore, they can maintain and transmit infections even if they have not fed on an infected host. **SURVEILLANCE** Surveillance is the process of determining the presence of vectors and pests, estimating their general population levels, and determining if pathogens of concern are present in the population. It gives quantifiable data on which to base control and education programs and is the starting point in the prevention of any arthropod-borne disease. The analysis and interpretation of information gained from surveillance is the basis for developing quantitative and qualitative risk assessments that can be used to predict the occurrence of pest outbreaks or vector-borne diseases. (13) (p7) Various methods can be used to describe disease risk. One commonly used index is called the Entomologic Risk Index (ERI), an indicator of the number of infected ticks that a person might come into contact with over a set distance. The ERI is calculated as the number of infected ticks collected over a 1,000-meter drag (described below). Accurate ERIs are obtained by testing ticks for pathogens to determine tick infection rate. Public health officials can use indices like the ERI in public education efforts and to determine if, when, and what control measures should be implemented. (13) (p7)

That collapses military readiness

Peterson et al, masters in entomology qualifications of other authors: Medical Entomologist/epidemiologists, **2015** (Wade, “Tick-borne disease surveillance”, published in U.S. Army Medical Department Journal, jan-march edition, Academic OneFile)//roetlin

Ticks are one of the major vectors of disease that threatens **military personnel**, families, and civilian employees on US military installations. (25) The presence of tickborne disease in military personnel, including our military working animals, **may result in the loss of training days, decreased force strength, and may adversely affect unit **readiness and effectiveness.**** Tick-borne disease also affects **DoD civilians and the families** of our troops. **Soldier and unit readiness may be affected when family members and companion animals are sickened by TBDs.** The **information gained from tick surveillance regarding tick vectors, disease incidence, and pathogen prevalence is invaluable.** It allows medical personnel to educate personnel regarding tick-bite and TBD **recognition and prevention.** Tick surveillance information also enables leaders to make decisions regarding the application of safety and control measures during training and operations to prevent TBDs. As with any disease, prevention of TBDs is highly preferable to treating the short- and long-term consequences once they occur. (1(p155))

Readiness solves lashout

Jack **Spencer, 2k**, Research Fellow in Nuclear Energy Policy at The Heritage Foundation's Roe Institute for Economic Policy Studies. “The Facts About Military Readiness” Sep. 15, 2k. accessed July 31, 2010 <http://www.heritage.org/Research/Reports/2000/09/BG1394-The-Facts-About-Military-Readiness/>

Military readiness is vital because declines in America's military readiness **signal to the rest of the world that the United States is not prepared to defend its interests.** Therefore, potentially hostile nations will be more likely to **lash out** against American allies and interests, inevitably leading to U.S. involvement in combat. **A high state of military readiness is more likely to deter potentially hostile nations** from acting aggressively in regions of vital national interest, thereby preserving peace.

Disease Turn – A2 Privacy

Aggregated data is good – doesn't hurt privacy and facilitates effective treatment

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut for med Informationsverarbeitung, “Medical registries represent vital patient interests and should not be dismantled by stricter regulation,” July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

Development of **medical registries with sharing of data is intrinsic for the protection of patient benefits and patient safety.** If, linked to the medical record, and used also for clinical decision making in dialogue with the patient the benefit and legitimacy of clinical registries might increase even more. **The patient** in our view **should have the right to quality assured medical treatment** and care and the clinicians and hospitals should have a corresponding duty to document relevant quality

measures for long term follow up of treatment. There is a well-recognized duty to document at the individual patient level but today there is a lack of systematic collection and analysis of aggregated registry data. It was objected by one reviewer that registries for quality assurance are seldom considered a problem from a data inspection point of view, because the exact use of data is clearly specified at outset and the registries are used for the same, usually repetitive quality assurance analyses while research implies that new questions are being raised as science develops. However, there is an increasing awareness of the need for aggregated data for quality assessments and drug efficacy/safety assessments. Recent developments in genomics in fact blur the traditional line between quality assurance and research through the rapidly increasing possibilities to identify genotypes as well as environmental factors regulating the treatment benefit/risk scenarios. It is actually strange that the demand of mandatory quality assurance that is common in so many other areas in society is not implemented as rigorously in health care where lives are at stake each day. Furthermore, in order to assure the patient the best medical treatment available at each time research based on those registries is necessary and should in principle be approved and supported. From the patient's perspective there is no conflict between the interest of documentation in a medical record, the interest of follow-up and long-term assessment through medical registries (whether local, national or collaborative on a global level) and the interest of receiving the at each moment best available treatment based on research. This, we believe, holds not only for rare diseases like CML but also for all medical treatment.

Registries don't hurt privacy and are key to solve diseases – empirics prove
Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut for med Informationsverarbeitung, “Medical registries represent vital patient interests and should not be dismantled by stricter regulation,” July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

The EUTOS for CML Registry clearly illustrates the benefits of aggregated, long-term clinical data for the assessment of drug effectiveness, in particular for orphan diseases but the same logic applies to all diseases, i.e. the more standardized, relevant and validated data available in quality registries, the better. Although values such as autonomy and privacy are important and should be safeguarded, it must be kept in mind that these registries exist for the good of patients and therefore it seems inconsistent and even unethical to hinder their optimal utilization. Transparency and safeguarding personal integrity are necessary to preserve trust but rules and legislations to protect integrity should not prevent the development of registries and performance of clinical trials in both national and transnational collaborations. That would be detrimental to vital patient interest of reaping the benefits of collaborating with others.

Systemic data collection over a wide range of health issues is inevitable and required for a wide range of issues --- the plans reversal is bad --- it's a linear case turn

Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, 2001 – (Lawrence, “Health Information: Reconciling Personal Privacy with the Public Good of Human Health”, published in Healthcare Analysis vol 9,

A health care system supported by data on almost any relevant subject, accessible to a diverse and significant number of users, is an integral part of the vision for the health care system. Plans for

the systematic collection, storage, use, and dissemination of a huge volume of uniform data sets in electronic form are already under way and have an **aura of inevitability**. This new health information infrastructure is the subject of reports published by the Congressional Office of Technology Assessment (Congressional Office of Technology Assessment, 1993, 1988, 1986), the General Accounting Office (Information Management and Technology Division, General Accounting Office, 1993a, 1993b, 1991), the National Academy of Sciences (Donaldson and Lohr, 1994), the Department of Health and Human Services (Task Force on Privacy, U.S. Dep't of Health and Human Servs., 1993; Task Force on the Privacy of Private Sector Health Records, U.S. Dep't of Health and Human Servs., 1995), the Physician Payment Review Commission (Physician Payment Review Comm'n, Annual Report to Congress, 1994, 1993, 1992) 322 and the Centers for Disease Control and Prevention.¹ The U.S. Department of Health and Human Services issued final regulations on health information privacy in 2001 (Gostin, 2001). Contrary to the assertions of some privacy advocates, **powerful reasons exist for the broad collection and use of health data**. High quality data are needed to help consumers make informed choices among health plans and providers, to provide more effective clinical care, to assess the quality and cost effectiveness of health services, to monitor fraud and abuse, to track and evaluate access to health services and patterns of morbidity and mortality among underserved populations, and to research the determinants, prevention, and treatment of disease.

Surveillance is key to solve economy—saves money, resources, and labor

Mirza et al 13 (Nabila, Tera Reynolds, Michael Coletta, Katie Suda, Ireneous Soyiri, Ariana Markle, Henry Leopold, Leslie Lenert, Erika Samoff, Alan Siniscalchi, and Laura Streichert researchers and analysts for OJPHI, “Steps to a Sustainable Public Health Surveillance Enterprise A Commentary from the International Society for Disease Surveillance” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3733763/> July 2013 JM)

Recognize systematic and ongoing public health surveillance as a core public health function that is essential for population health, economic stability, and national security. Public health surveillance data is the foundation of public health programs and is required for a number of purposes, including: to demonstrate the size and impact of the public health problem being addressed by a program; to identify the population groups to which additional prevention efforts should be directed; to determine whether the problem is growing in size or abating; to provide feedback to data providers; and as part of an overall program evaluation strategy. The significant health impacts and economic costs of disease outbreaks illustrate the critical importance of effective public health surveillance and rapid response, as well as the cost of inaction [11]. Table 1 provides examples of the health and financial burdens posed by some naturally occurring and intentional infectious disease outbreaks. The values reported in Table 1 do not fully reflect additional indirect costs of diseases and their potentially crippling effects on a community, nor do they address costs that are underreported/ unreported due to lack of data. Higher rates of illness, for example, can lead to lower worker productivity [11], while premature mortality can reduce the size of the labor force, both of which have economic ramifications. There is growing evidence that these **economic and societal costs can be mitigated by surveillance systems that are stable**; a stable system provides the best foundation for identifying whether the problem being addressed is getting bigger or smaller or disproportionately affecting a section of the population, etc., while still allowing flexibility to provide useful information quickly about emerging issues. The optimum mix of stability and flexibility will depend on the purpose(s) of surveillance and the particular health condition under surveillance. For example, in the case of SARS, an effective surveillance system has the potential to decrease the size of an epidemic by one-third and the duration by 4 weeks, with significant cost savings [25]. Another study found that the early detection of an outbreak of highly infectious bacterial meningitis saved approximately \$2 for every dollar invested in infectious disease surveillance [26]. Yet another evaluation of surveillance practice found that technological improvements in a sentinel influenza-like illness (ILI) surveillance system in Virginia saved over \$9,500 (1,992 hours) in staff-time during the 2007-2008 influenza seasons [27]. Ongoing surveillance can also inform the design and evaluation of prevention and intervention programs in order to control the escalating costs associated with chronic diseases in the U.S. and abroad [28]. Some experts forecast that chronic disease prevention programs could save up to \$48.9 billion per year by 2030 [29], while others predict applying electronic medical record implementation and networking to the prevention and management of chronic disease will exceed the currently projected \$81 billion in annual savings [30].

Bioterror Links

More surveillance is key to solve the aff impacts

White House 12 (The White House, from the President of the United States Barak Obama, “NATIONAL STRATEGY FOR BIOSURVEILLANCE”

https://www.whitehouse.gov/sites/default/files/National_Strategy_for_Biosurveillance_July_2012.pdf July 31 2012 JM)

A well-integrated, national biosurveillance enterprise is a national security imperative. Our ability to detect quickly and characterize a potential incident of national significance that affects human, animal, or plant health is of paramount importance. Rapid detection and enhanced situational awareness are critical to saving lives and improving incident outcomes, whether the result of a bioterror attack or other weapons of mass destruction (WMD) threat, an emerging infectious disease, pandemic, environmental disaster, or a food-borne illness. Beyond our need to protect domestic interests, and because health threats transcend national borders, the United States also plays a vital role within an international network of biosurveillance centers across the globe. For years, there have been dedicated efforts to promote and strengthen biosurveillance capabilities. There exists a strong foundation of capacity arrayed in a tiered architecture of Federal, State, local, tribal, territorial, and private capabilities. We can strengthen the approach with focused attention on a few core functions and an increased integration of effort across the Nation. In these fiscally challenging times, we seek to leverage distributed capabilities and to add value to independent, individual efforts to protect the health and safety of the Nation through an effective national biosurveillance enterprise. A key to improving all-hazards incident management is to focus efforts on collecting, analyzing, and disseminating information to facilitate timely decisionmaking, whether a health incident is a naturally occurring phenomenon, accidental, or deliberate in nature. From the individual, to primary care providers, to hospital practitioners, to state and local health officers, to Federal entities responsible for health emergency response, to the President of the United States, there exists an imperative to identify incidents early and to make decisions swiftly to save lives, even amidst great uncertainty. The goal is to achieve a well-integrated national biosurveillance enterprise that saves lives by providing essential information for better decisionmaking at all levels. Our Strategy is to integrate and enhance national biosurveillance efforts to answer specific key questions that guide decisionmaking in times of crisis: enable more rapid detection and foster improved situational awareness by further extending a dynamic, distributed national network of expertise and capabilities; and put into practice new thinking to facilitate decisionmaking processes in conditions of significant ambiguity. This enhanced national biosurveillance capability will be applied broadly to identify and understand potential human, animal, or plant health impacts resulting from chemical, biological, radiological, and nuclear (CBRN) and environmental incidents, as well as influenza and other public health trends, all of which may also be leveraged in the service of global health efforts. We must be resolved to strengthen life-saving biosurveillance capabilities within our existing resources. We can do this by leveraging more effectively our existing national network of expertise and capabilities, and through targeted enhancements that provide benefits across the enterprise. There are no higher priorities than the health, well being, and security of the American people.

Outbreak reaction plans require the necessary data in real time to work effectively

[Lindsey **Thomas**, Professor @ UC Santa Barbara “Pandemics of the future: Disease surveillance in real time” 2014]

In 2013, the World Health Organization (WHO) published a document on the 2009 H1N1 influenza pandemic entitled Evolution of a Pandemic. This document traces the disease outbreak from April 2009 to August 2010 and documents how the WHO responded to the crisis. The document particularly emphasizes the importance of preparedness plans to mitigating the effects of the pandemic: it claims that investment “in developing national and regional pandemic preparedness plans” by WHO member nations had “paid major dividends” and that these plans “helped make the world better prepared to cope with public health emergencies” (WHO 2013a: 9, 43). Such plans involved the “active surveillance of diseases and public health events” and rapid response to “unexpected, internationally-spreading events” (WHO 2013c). Active surveillance and rapid response are important features of what’s known as global health security, which emphasizes preparing for pandemics before they occur through the adoption of international frameworks for pandemic response. These frameworks, or preparedness plans, allow public health officials to react quickly, in real time, to mitigate the effects of pandemics when they occur (Lakoff 2007). Global health security can be seen as part of a

larger program of preparedness, a security paradigm that emphasizes planning for future catastrophic events in the present. Preparedness, which moved to the center of United States national security policy after September 11, 2001, has also been adopted by international organizations like the WHO in order to secure against potentially catastrophic pandemics. It is one among several modes of what Ben Anderson has called “anticipatory action”: these modes, which also include precaution and preemption, are all security paradigms that focus on making possible futures available in the present (Anderson 2010; also see Grusin 2010). Preparedness emphasizes institutional readiness and emergency management, treating a variety of potential catastrophic threats—terrorist attacks, hurricanes, pandemics—under the same rubric. Because the probability and severity of such catastrophes cannot be calculated, preparedness focuses not on trying to prevent such events but rather on preparing officials and experts for their eventual emergence. A variety of techniques and technologies make such preparation possible. For global health security, this has involved not only the creation of international preparedness plans, but also of international disease surveillance systems that monitor emerging infectious disease outbreaks. These systems allow public health officials to collect and manage huge amounts of data on disease outbreaks as they occur. Such systems attempt to harness the power of big data to get ahead of the catastrophic pandemic that is coming, not necessarily in order to prevent it from happening (because we can’t), but rather to better deal with its effects (de Goede and Randalls 2009; Lakoff and Collier 2010).

Health surveillance exists for a reason --- terror results in unique risks to public health that this surveillance remedies --- specifically checks against bioterror

Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public’s Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

The balance between individual interests and common goods needs to be recalibrated in an age of terrorism. Public health agencies should have a robust infrastructure to conduct essential public health services at a level of performance that matches evolving threats to the health of the public.

This includes a well-trained workforce, electronic information, surveillance, and laboratory capacity. This paper explains modern efforts at public health law reform: a Model Public Health Statute and the Model State Emergency Health Powers Act (MSEHPA), which has been enacted wholly or in part by nineteen states and the District of Columbia. Next, the paper shows why existing public health laws provide a weak foundation for public health practice. Finally, the paper offers a systematic defense of MSEHPA, which has galvanized the public debate around the appropriate balance between public goods and individual rights.

PROLOGUE: Following the 2001 anthrax attacks, an outbreak of concern about the inadequacies of the public health infrastructure caught the nation in the grip of a profound ambivalence about what we expect from government. For the past twenty years distrust of public institutions has severely dampened public health spending and so dominated the political landscape that even the Institute of Medicine’s stern warning about deterioration of the infrastructure in 1988 did not generate renewed investment. Then, in the wake of the anthrax scare, the refrain suddenly became, “Why aren’t we better prepared?” The following essay by legal scholar Lawrence Gostin suggests that our collective confusion about public health goes deeper than dollars. To perform its essential functions, the public health system needs legal authority to act. Yet most of its statutory foundations, which lie primarily in the domain of state government, have not been updated for half a century. Even before last fall’s terrorist attacks, efforts were under way to develop new model laws for the states. The focus of the model legislation is to confer enough authority that public health agencies can mount adequate preparations, obtain information, and act in an emergency to protect those who are threatened. But some sacrifice of personal rights and freedoms is necessary to achieve this end, and these legal initiatives have been controversial. “In a country so tied to rights rhetoric..., any proposal that has the appearance of strengthening governmental authority was bound to travel in tumultuous political waters,” Gostin concludes. Three Perspectives that follow Gostin’s paper highlight the extent of the disagreement that still exists, nearly a year after the model law was last revised. Gostin is ideally suited to clarify the difficult issues involved. He is a professor of law at Georgetown University; a professor of public health at the Johns Hopkins University; and director of the Center for Law and the Public’s Health, which drafted the Model State Emergency Health Powers Act at the request of the Centers for Disease Control and Prevention. In defense of a model act that was written to bring public health law into the modern age. Public and scholarly discourse in the late twentieth century became highly oriented toward “rights.” The political community stressed the importance of individual freedoms rather than the health, security, and well-being of the community. The salience of individualism could be seen on both sides of the political spectrum. The ideological left favored a set of personal interests,

principally autonomy, privacy, and liberty. This meant that individuals should be free to make choices, restrict the flow of health information, and have unfettered movement, without regard to the needs and desires of the wider community. The ideological right favored a set of proprietary interests, principally the freedom to contract, conduct business, use and develop property, and pursue a profession. This meant that entrepreneurs should be permitted to engage in free enterprise without the fetters of, for example, occupational health and safety regulations, inspections and products liability, zoning and nuisance abatements, and licenses. In this civil and property rights society, the tone has been distinctly antigovernment. The State has been perceived as inefficient, bureaucratic, and burdensome. Citizens have opposed taxation and broad health and welfare spending as well as oppressive regulation. From a funding perspective, this has meant that health dollars have been allocated primarily to advanced biotechnology and health care, which serve the needs of individual patients, particularly those who can afford private health insurance. Funding for traditional prevention and population-based services represents only a small fraction of health spending, estimated at around 1 percent at the state level and less than 5 percent at the federal level.¹ As a result of chronic underspending, the public health infrastructure is badly deteriorated.² Public health agencies lack the capacity to conduct essential public health services at a level of performance that matches the constantly evolving threats to the health of the public. Critical components of that infrastructure include a well-trained workforce, electronic information and communications systems, rapid disease surveillance and reporting, laboratory capacity, and emergency response capability.³ The public health law infrastructure is equally deficient. The law establishes the mission, functions, and powers of public health agencies. Yet public health laws are highly antiquated, after many decades of neglect. Very little consideration has been given to modernizing these laws to reflect advances in public health practice and constitutional law. Reform of public health law is essential to ensure that public health agencies have clear missions and functions, stable sources of financing, adequate powers to avert or manage health threats, and restraints on powers to maintain respect for personal rights and liberties. The balance between individual interests and common goods needs to be recalibrated in an age of terrorism. The attacks on the World Trade Center and Pentagon on 11 September 2001 and the subsequent dispersal of anthrax spores through the U.S. postal system reawakened the public to the importance of public health, safety, and security.⁴ The president's 2003 budget reflects changing priorities, with an influx of funding to prevent and respond to bioterrorism.⁵ However, even in this budget, disproportionate funding is devoted to biotechnology rather than to basic prevention and population-based services.⁶

Bioterrorism – Link Uniqueness

Current electronic system effective—economy, disease prevention and treatment

Freudenheim 12(Milt, reporter for the NY times, “Fast Access to Records Helps Fight Epidemics”

http://www.nytimes.com/2012/06/19/health/states-using-electronic-medical-records-to-track-epidemics.html?_r=0 6/19/12 JM)

Public health departments around the country have long scrutinized data from local hospitals for indications that diseases like influenza, tuberculosis, AIDS, syphilis and asthma might be on the rise, and to monitor the health consequences of heat waves, frigid weather or other natural phenomena. In the years since 9/11, this scrutiny has come to include signs of possible bioterrorism. When medical records were maintained mainly on paper, it could take weeks to find out that an infection was becoming more common or that tainted greens had appeared on grocery shelves. But the growing prevalence of electronic medical records has had an unexpected benefit: By combing through the data now received almost continuously from hospitals and other medical facilities, some health departments are spotting and combating outbreaks with unprecedented speed. More than one-third of the nation's 5,000 acute care hospitals now use electronic medical records, and the share of primary care doctors using them has doubled to 40 percent in the last two years, said Dr. Farzad Mostashari, the Obama administration's national coordinator for health information technology. The technology's spread is helping “officials faced with events of public health significance to know sooner, act faster and manage better,” said Dr. Seth Foldy, a senior adviser to the Centers for Disease Control and Prevention. In February, public health officials in Michigan noted an increase in electronic reports from clinical laboratories indicating E. coli cases in several counties. Eleven patients were identified, including six who were hospitalized. In less than a week, officials had enough evidence to warn the public that the infection appeared to be linked to clover sprouts in food at the Jimmy John's sandwich chain, said James Collins, director of the communicable diseases division at the state's Department of Community Health. The chain quickly removed the sprouts, and by April, the 11-state outbreak was over. “You can see it happen in real time and zero in on the cause faster,” said David A. Ross, director of the Public Health Informatics Institute, a nonprofit organization that helps write digital standards. “That can save both lives and money.” In Massachusetts, the data are being used to prevent hepatitis infections. Medical labs transmit more than 100,000 electronic reports annually to the state health department. Names are confidential, though available to certain medical personnel. The agency's software sorts through the reports and every year identifies more than 1,500 cases of hepatitis B for follow-up. Infected women ages 14 to 44 get special attention. Health officials alert their medical providers to infections; they in turn identify

anyone who is pregnant or recently gave birth. Their newborns are vaccinated and then monitored. Without that prompt protection, those babies risk lifelong infection with hepatitis B and its consequences, liver disease, cirrhosis and cancer. With paper records, locating at-risk babies would take weeks or months, said Kevin Cranston, director of the infectious disease bureau at the Massachusetts Department of Public Health. "That would be too late to be of benefit to the newborn," he said. Although the C.D.C. recommends prompt hepatitis B vaccination for all newborns, nationally, four in 10 did not get that protection, according to an agency report last year.

When the H1N1 flu pandemic broke out in 2009, Wisconsin laboratories generated thousands of positive H1N1 test results, said Dr. Foldy, who was then chief medical officer of the Wisconsin Health Information Exchange. "We were able to route this electronically into our case management system to alert public health nurses," Dr. Foldy said. "Because we were getting near real-time information from hospitals, we could see that even with the large numbers of emergency room visits for flulike symptoms, very few were being admitted as inpatients," he added.

This provided an early glimpse of how the pandemic was rising and then declining. Public health officials in Marion County, Ind., were among the first to sound the all-clear in the flu outbreak by tracking the drop in cases from electronic reports from hospitals and laboratories, forwarded by the Indiana Health Information Exchange. More than 150 health information exchanges are now operating or being set up across the country. (These differ from the insurance exchanges mandated under the Affordable Care Act.) Each exchange receives electronic medical data from clinical laboratories, hospital admissions offices and emergency rooms and relays it to relevant public health agencies. Health care providers are required to provide pertinent data electronically to local and state public health officials, who feed into a national digital network coordinated by the C.D.C. in Atlanta. Using an electronic records registry, the Urban Health Plan, a network of clinics in the South Bronx and Queens, was able to triple its caseload of mostly young, low-income asthma patients to 8,100. "We are in the heart of asthma country," said Dr. Samuel De Leon, a lung specialist who is Urban Health's chief medical officer. His group compared spending per patient with a Medicaid managed care plan in the city that did not then have electronic monitoring. Using its record system to keep tabs on its patients, Dr. De Leon said, Urban Health was able to reduce emergency room visits and hospital admissions. "For children, we saved about 39 percent of the cost of care. For adults, savings were in the 25 percent range," he said. New York City health officials began using electronic medical records six years ago. After reviewing the incoming medical data, city health department officials recently discovered that smoking rates are a little higher in Staten Island than in the other boroughs. Now, instead of sending trainers on routine visits to every primary care doctor to help them learn to use electronic records to improve care, the visits are concentrated to help those physicians whose patients need it most. "We can identify and monitor trends in high-priority diseases and health problems by geography and groups," said Dr. Amanda Parsons, a deputy commissioner at the city's Department of Health and Mental Hygiene. "We can tell where things are improving or getting worse.

Bioterrorism – Impact Uniqueness

Synthetic biology makes bioterror inevitable- creates means and motive

Rose, 14 -- PhD, recognized international biodefense expert

[Patrick, Center for Health & Homeland Security senior policy analyst & biosecurity expert, National Defense University lecturer, and Adam Bernier, expert in counter-terrorism, "DIY Bioterrorism Part II: The proliferation of bioterrorism through synthetic biology," CBRNePortal, 2-24-14, www.cbrneportal.com/diy-bioterrorism-part-ii-the-proliferation-of-bioterrorism-through-synthetic-biology/, accessed 8-16-14]

In Part I of this series, we examined how the advancement of **synthetic biology has made bio-engineering accessible to the mainstream biological community.** **Non-state actors** who wish to employ biological agents for ill intent **are sure to be aware of how tangible bio-weapons are becoming as applications of synthetic biology become more affordable** and the probability of success increases with each scientific breakthrough. The willingness of non-state actors to engage in biological attacks is not a new concept; however, the past biological threat environment has been subdued compared to that of conventional or even chemical terrorism. The frequency and deadliness of biological attacks has, thankfully, been limited; much of which can be attributed to the technical complexity or apparent ineptitude of the perpetrators developing biological weapons. **Despite the infrequency and ineffectiveness of biological attacks in the last four decades, the threat may be changing with the continued advancement of synthetic biology applications.** **Coupled with the ease of information sharing and a rapidly growing do-it-yourself-biology (DIYbio) movement** (discussed in Part I), **the chances of not only more attacks, but potentially more deadly ones will inevitably increase.** During the last half century **terrorist organizations have consistently had an interest in using biological weapons** as a means of attacking their targets, but only few have actually made a weapon and used it. The attraction is that terrorist activities with biological weapons are difficult to detect and even more difficult to attribute without a specific perpetrator claiming responsibility. Since 1971 there have been more than 113,113 terrorist attacks globally and 33 of them have been biological. The majority of bio-terrorism incidents recorded during the year 2001 (17 of the 33); before 2001 there were 10 incidents and since 2001 there were 6 (not counting the most recent Ricin attacks). The lack of a discernable trend in use of bio-terrorism does not negate the clear intent of extremist organizations to use biological weapons. In fact, the capacity to harness biological weapons

more effectively today only increases the risk that they will successfully be employed.¶ **The landscape is changing**: previously the instances where biological attacks had the potential to do the most harm (e.g., Rajneeshees cult's Salmonella attacks in 1984, Aum Shinri Kyo's Botulinum toxin, and Anthrax attacks in the early 90's) included non-state actors with access to large amounts of funding and scientists. Funding and a cadre of willing scientists does not guarantee success though. **The assertion was thus made that biological weapons are not only expensive, they require advanced technical training to make and are even more difficult to effectively perpetrate** acts of terrorism with. While it is difficult to determine with certainty whether the expense and expertise needed to create biological weapons has acted as a major deterrent for groups thinking of obtaining them, many experts would argue that the cost/expertise barrier makes the threat from biological attacks extremely small. This assertion is supported by the evidence that the vast majority of attacks have taken place in Western countries and was performed by Western citizens with advanced training in scientific research.¶ **In the past decade the cost/expertise assertion has become less accurate.** Despite the lack of biological attacks, **there are a number of very dangerous and motivated organizations that have or are actively pursuing biological weapons.** The largest and most outspoken organization has been the global Al Qaeda network, whose leaders have frequently and passionately called for the development (or purchase) of Weapons of Mass Destruction (WMD). The principal message from Al Qaeda Central and Al Qaeda in the Arabian Peninsula (AQAP) has included the call to use biological WMDs to terrorize Western nations. Al Qaeda has had a particular focus on biological and nuclear weapons because of their potential for greatest harm. Osama Bin Laden, Ayman al-Zawahiri and Anwar al-Awlaki have all called for attacks using biological weapons, going so far as to say that Muslims everywhere should seek to kill Westerners wherever possible and that obtaining WMDs is the responsibility of all Muslims. Before the US-led invasion of Afghanistan, Al Qaeda had spent significant funds on building a bio-laboratory and had begun collecting scientists from around the world; however, the Afghanistan invasion and subsequent global War on Terrorism is thought to have disrupted their capabilities and killed or captured many of their assets. Despite the physical setbacks, this **disruption does not appear to have changed the aggressive attitude towards obtaining WMDs** (e.g., more **recently U.S. Intelligence has been concerned about AQAP attempting to make Ricin**).¶ **The emergence of synthetic biology and DIYbio has increased the likelihood that Al Qaeda will succeed in developing biological WMDs. The low cost and significantly reduced level of necessary expertise may change how many non-state actors view biological weapons as a worthwhile investment.** This is not to say that suddenly anyone can make a weapon or that it is easy. To the contrary making an effective biological weapon will still be difficult, only much easier and cheaper than it has been in the past.¶ **The rapid advancements of synthetic biology could be a game changer, giving organizations currently pursuing biological weapons more options, and encouraging other organizations to reconsider their worth.** Because **the bar for attaining biological weapons has been lowered and is likely to continue to be lowered** as more advances in biological technology are made, it is important that the international community begin to formulate policy that protects advances in science that acts to prevent the intentional misuse of synthetic biology. **Disregard for this consideration will be costly. A successful attack with a potent biological weapon, where no pharmaceutical interventions might exist, will be deadly and the impact of such an attack will reverberate around the globe because biological weapons are not bound by international borders.**

Doctor-Patient Trust - Data Breach Inevitable

Patient-Doctor relations low now

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, "Information security and privacy in healthcare: current state of research," Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf>)/IB

Healthcare information systems are largely viewed as the single most important factor in improving US healthcare quality and reducing related costs. According to a recent RAND study, the USA could potentially save \$81B annually by moving to a universal Electronic Health Record (EHR) system (Hillestad et al., 2005). Not surprisingly, recent government initiatives have pushed for wide-scale adoption of universal EHR by 2014 (Goldschmidt, 2005). Yet, IT spending in healthcare sector trails that of many other industries, typically 3–5% of revenue, far behind industries like financial services where closer to 10% is the norm (Bartels, 2006). Anecdotal evidences from recent years suggest that a lack of adequate security measures has resulted in numerous data breaches, leaving patients

exposed to economic threats, mental anguish and possible social stigma (Health Privacy Project, 2007). A recent survey in the USA suggests that 75% of patients are concerned about health websites sharing information without their permission (Raman, 2007). Possibly, this patient perception is fuelled by the fact that medical data disclosures are the second highest reported breach (Hasan and Yurcik, 2006). In response to these increasing threats to health information and privacy, new regulations at both the state and the federal level have been proposed in the USA, e.g., Health Insurance Portability and Accountability Act (HIPAA).

Medical identity theft is an expanding issue that current legal protections fail to prevent

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 8-10 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

With a legislative requirement to notify a data subject of a data breach, the data custodian’s duty is triggered upon loss of control of the data, making a breach notification rule the definitive downstream protective model. Breach notification laws proliferated because of the dramatic increase in identity theft.²⁷ Although all federal agencies are subject to a robust breach notification policy,²⁸ federal legislation to cover private parties has been proposed but not yet passed.²⁹ In contrast, and in the decade following California’s 2002 example, forty-six states and the District of Columbia have enacted breach notification laws.³¹ **More recently attention has turned to medical identity theft.**³² It has been argued that medical identities are highly valued by criminals because of the comprehensive data that are contained in, for example, a stolen electronic medical record (EMR).³³ A 2006 report from The World Privacy Forum focused attention on the issue,³⁴ and in 2009 the Office of the National Coordinator for Health Information Technology (ONC) commissioned a study on the subject from Booz Allen Hamilton.³⁵ Today both HHS’s Office of Inspector General³⁶ and the Federal Trade Commission ³⁷ web sites have information pages concerning medical identity theft. According to a 2012 Ponemon Institute study, 52% of health care organizations experienced one or more incidents of medical identity theft. The 2013 Survey on Medical Identity Theft (also conducted by the Ponemon Institute) **estimated a 19 per cent increase in medical identity theft victims year-to-year.**³⁹ Relatively few states include health data within their definition of the personal information subject to breach notification. Others, true to the US sector-based approach to privacy regulation, exclude data covered by, say, HIPAA or the Gramm-Leach-Bliley Act of 1999 (GLBA).⁴¹ HITECH introduced two closely related breach notification regimes. The first, introduced by section 13402, requires HIPAA covered entities and HIPAA BAs to provide notification following a breach of “unsecured protected health information.”⁴⁴ The second, courtesy of section 13407, imposes a similar duty on vendors of personal health records (PHR) ⁴⁵ and their third party service providers ⁴⁶ with regard to “Unsecured PHR Identifiable Health Information.”⁴⁷ Rulemaking authority and enforcement are vested in the HHS regarding the former and the (Federal Trade Commission) FTC regarding the latter. **The regulation of PHRs is a limited (but ultimately unsuccessful) attempt to expand health data protection** from a narrow sector provider based model (e.g., information held by a covered entity) to a data-type based model. Unfortunately it stopped short of a broad datatype model (e.g., by protecting the data itself held by any data custodian), limiting the custodian cohort to PHR providers.⁴⁹ It is an interesting question why HITECH added a breach notification data protection model. Certainly medical identity theft was being raised as an issue.⁵⁰ As likely this rethinking of the approach to data protection may have been triggered by the expansion of personal health records services offered by non-health companies such as Google Inc.⁵¹ Maybe the HITECH architects could not agree on a way to open up the broader and established HIPAA model to apply to nontraditional

custodians of health data (BAs aside) and so had to settle on a new but limited data protection model as the legislative alternative. Notwithstanding, the result was that HITECH authorized regulatory activity by the FTC that would mirror the work of HHS in the more narrowly defined, traditional health space. Ironically, however, by the time HITECH was passed the PHR business was slowing and Google Health, the PHR poster-child, soon would be closed.⁵²

Healthcare data breaches are inevitable

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf>)/IB

These attackers may have resources ranging from modest financial backing and computing skills to a well-funded infrastructure. Additionally, the nature of the threats typically depends on the technical capability of the attackers. Moreover, with the growing underground cyber economy (Knapp and Boulton, 2006), an individual possessing adequate financial resources and with the intent to acquire data may be able to buy the services of sophisticated hackers to breach healthcare data.

Government Access to records greatly expands the risk of data disclosure

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf>)/IB

Although health information privacy has been widely discussed in the social science and business press (Etzioni, 1999), the academic literature lacks systematic investigation to identify and classify various sources of threats to information privacy and security. Recent policy-based studies (such as NRC, 1997; Rindfleisch, 1997) broadly categorise privacy threats, or source of information security, into two areas: 1 organisational threats that arise from inappropriate access of patient data by either internal agents abusing their privileges or external agents exploiting a vulnerability of the information systems 2 systemic threats that arise from an agent in the information flow chain exploiting the disclosed data beyond its intended use (NRC, 1997). Organisational Threats: These threats assume different forms, such as an employee who accesses data without any legitimate need or an outside attacker (hacker) that infiltrates an organisation’s information infrastructure to steal data or render it inoperable. At the outset, these organisational threats could be characterised by four components: motives, resources, accessibility and technical capability (NRC, 1997).

Government will leak private data

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf>)/IB

Recent studies suggest that the broad spectrum of organisational threats could be categorised into five levels, listed in increasing order of sophistication (NRC, 1997): • Accidental disclosure: Healthcare personnel unintentionally disclose patient information to others (e.g., e-mail message sent to wrong address or inadvertent web-posting of sensitive data). • Insider curiosity: An insider with data-access privilege pries upon a patient’s records out of curiosity or for their own purpose (e.g., a nurse accessing information about a fellow employee to determine possibility of a sexually transmitted disease or medical personnel accessing potentially embarrassing health information about a celebrity and transmitting it to the media). • Data breach by insider: Insiders access patient information and transmit it to outsiders for profit or revenge. • Data breach by outsider with physical intrusion: An outsider enters the physical facility either by coercion or forced entry and gains access to the system. • Unauthorised intrusion of network system: An outsider, including former employees, patients, or hackers, intrudes into an organisation’s network from

the outside to gain access to patient information or render the system inoperable. Systemic Threats: Etzioni (1999), in discussing the 'limits to privacy', observed that a major threat to patient privacy occurs, not from outside of the information flow chain, but from insiders who are legally privileged to access patient information. For example, insurance firms may deny life insurance to patients based on their medical conditions, or an employer having access to employees' medical records may deny promotion or terminate employment. Patients or payer organisations may incur financial losses from fraud including upcoding of diagnoses or for rendering medically unnecessary services.

They cant solve --- technological advances make illegal dissemination unpreventable
Ruebner and Reis, professor former professor of law at The *John Marshall* Law School, 1/1/2004 – (Ralph, Leslie, "Hippocrates to HIPAA: A Foundation for a Federal Physician-Patient Privilege, 77 Temp. L. Rev. 505 (2004)", published in the Temple Law Review at The *John Marshall* Law School)//roetlin

HHS commented on the inherent conflict between technology and privacy, in particular, the connection between the increasing use of interconnected electronic information systems in the health care context and the loss of health information privacy. 6 3 In doing so, HHS emphasized the fact that advances in technologies used to collect and disseminate patient health information have "reduced or eliminated many of the financial and logistical obstacles that previously served to protect the confidentiality of health information and the privacy interests of individuals." 6 4 Simply, the pervasiveness of and access to medical information in electronic form creates the likelihood that such information will be wrongfully disclosed or used in a manner that may harm the patient. 6 5 Technological advancements in information systems "may provide a reason for institutionalizing privacy protections in situations where the risk of harm did not previously justify writing such protections into law." 6 6

Health information data breaches inevitable now – triggers all aff links

New York Times April 2015 "Patients' Medical Records Under Threat From Data Breaches"
<http://www.nytimes.com/aponline/2015/04/14/health/ap-us-med-breached-health-records-.html>

Your private medical information is under threat. That's according to a study that found almost 30 million health records nationwide were involved in criminal theft, malicious hacking or other data breaches over four years. The incidents seem to be increasing. Compromised information included patients' names, home addresses, ages, illnesses, test results or Social Security numbers. Most involved electronic data and theft, including stolen laptops and computer thumb drives. The study didn't examine motives behind criminal breaches, or how stolen data might have been used, but cyber-security experts say thieves may try to use patients' personal information to fraudulently obtain medical services. Cases that didn't involve malicious intent included private health information being inadvertently mailed to the wrong patient. Hackings doubled during the study, from almost 5 percent of incidents in 2010 to almost 9 percent in 2013. Hackings are particularly dangerous because they can involve a high number of records, said Dr. Vincent Liu, the lead author and a scientist at Kaiser Permanente's research division in Oakland, California. "Our study demonstrates that data breaches have been and will continue to be a persistent threat to patients, clinicians, and health care systems," Liu said. The study appears in Tuesday's Journal of the American Medical Association. A JAMA editorial says there's evidence that the incidents are leading some patients to avoid giving doctors sensitive information about their health, including substance abuse, mental health problems, and HIV status. "Loss of trust in an electronic

health information system could seriously undermine efforts to improve health and health care in the United States," the editorial said. Patients should be alert to cyber threats, including "phishing" emails from hackers posing as doctors, hospitals or health insurance companies, said Lisa Gallagher, a cybersecurity expert at the Healthcare Information and Management Systems Society. Those messages require clicking on a link to get information, and patients should instead should call the purported sender to verify whether the email is legitimate, she said Patients should also double check doctor bills and other insurance company information. "Don't throw away your explanation of benefits. Take a look at them," Gallagher said. "If you see care that wasn't provided to you, or dates and names of providers that don't make sense, go to the provider and report that." For the study, Liu and colleagues analyzed an online database regulated by the U.S. Department of Health and Human Services and containing mandated reports of breaches in health information protected by federal privacy law. Over the four years, 949 data breaches were reported across the country. The numbers climbed annually, from 214 in 2010 to 265 in 2013. Nearly 60 percent involved theft.

Doctor-Patient Turst – Privacy Not Key

Patients don't actually expect privacy

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, "Information security and privacy in healthcare: current state of research," Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf>)/IB

Bansal et al. (2007) developed a set of constructs based on utility theory and prospect theory as antecedents of trust formation and privacy concern that impact users' personal disposition to disclose their health information to online health websites. In particular, they reported that users' current health status, personality traits, culture, and prior experience with websites and online privacy invasions play a major role in users' trust_in the health website and their degree of privacy concerns. On the other hand, in a mail-based survey with adult patients in England, Campbell et al. (2007) found that about 28–35% of patients are neutral to their health information – such as age, gender, ethnicity, reason for treatment, medical history, personal habits impacting health, type of treatment obtained, side effects of treatment – being used by physicians for other purpose. Only about 5–21% of patients, however, expected to be asked for permission to use their information by their physicians. Similarly, only about 10% of the patients expected to be asked for permission if their doctors used their health information for a wide variety of purposes, including combining data with other patients' data to provide better information to future patients, sharing treatment outcomes with other physicians, teaching medical professionals and writing research articles about diseases and treatments.

No internal link – patients don't care

McCarthy 15 (Kevin McCarthy covers healthcare tech and policy regulations, "Why EHRs do not harm the doctor-patient relationship" 6/3/15 <http://www.nuemd.com/news/2015/06/03/ehrs-do-not-harm-doctor-patient-relationship>)

It's no secret that the road to widespread implementation of electronic health records has been a difficult one for some clinicians. While large providers may have had the capital to throw at a problem like staff training and new equipment purchases, small practices were faced with financial and operational issues that, while challenging, proved not to be as unsolvable as some critics had predicted. According to the U.S. Centers for Medicare and Medicaid Services, over 447,000 providers have implemented and been compensated for EHR systems in their offices.¶ Now that EHR software has become a large part of the medical industry, experts have turned their gazes back to an issue that dominated the discussion when federal agencies first started pushing the platform as reform alternative. The question of how EHRs affect the physician-patient relationship can seem simple at times - more screens separating clinicians from their patients can only seem wrong - but, as EHR Intelligence explained, the underlying factors may point to a different and more positive interpretation for EHRs in the workplace.¶ Office manners¶ The doctor-patient relationship goes all the way back to the days when house calls and personal physicians were only the domain of the super wealthy. Today, every patient has a right to expect their doctors to be open, polite, informative, and, most of all, confidential. Such a natural relationship fosters trust between both

parties, and when outpatient treatments are the only ones possible, this level of mutual respect is necessary for both sides to move toward a positive care outcome.¶ However, with the rise of EHRs, especially on mobile devices, creating a meaningful doctor-patient relationship isn't as easy as it used to be. In an interview with EHR Intelligence, James Avallone, director of physician research for Manhattan Research, explained that EHR use is most certainly up, but its impact on the personal dynamics between patients and doctors is much less clear.¶ "Whether it is too much or too little, it is difficult for us to say from our perspective," Avallone said. "In the past four to five years, we have seen a fair share of complaints in terms of the efficiency of EHRs and how [they are] changing bedside manners for physicians overall. I do think we are starting to see some efficiencies come about in terms of efficient use of these platforms and that includes at the point of care. It is certainly something that physicians are getting used to as it becomes more ingrained in their day-to-day behaviors. They have had more time to streamline workflow and that is something that we are seeing in terms of how these devices are being used at the point of care."¶ Avallone noted that research from a recent Manhattan study found that 66 percent of physicians self-reported as being more efficient with their EHRs than in the past. While part of this may be due to a greater sense of familiarity with the product and how to fit it into workflows, EHR vendors have also caught up with the trends of the day by developing software that intuitively meshes with physicians' daily tasks.¶ A minor annoyance¶ While EHRs may be an easy target for opponents of the technology, studies show that EHRs are not a top concern among physicians who are worried about losing the trust and goodwill of their patients.¶ According to a 2013 study published in Health Affairs, only 25.8 percent of physicians reported that EHRs were threatening the doctor-patient relationship. Administrative burdens like the ICD-10 transition and HIPAA compliance regulations, on the other hand, were noted by more than 41 percent of those surveyed. ¶ If industry experts are truly concerned about protecting the quality of the doctor-patient relationship, then EHR software should not be the primary focus. Instead, it should be highlighted during discussions with patients to show them just how powerful it can be. From there, patients may not care so much about the time doctors spend inputting their information into a piece of software that could save their lives.

Healthcare privacy is not key to trust

Dan **Munro** (Writer for Forbes and Quora specializing in healthcare related topics) November **2014** "Trust Trumps Privacy In Battle For Patient Health Data"

<http://www.forbes.com/sites/danmunro/2014/11/09/trust-trumps-privacy-in-battle-for-patient-health-data/>

There's no shortage of advocates on behalf of the "free your health data" movement. The keywords, of course, are "your," "health data" and "free" (as in donating your health data for the global benefit of clinical research). The latest demand was an article that appeared last week in Wired – You Should Share Your Health Data: Its Value Outweighs The Privacy Risk by Beth Seidenberg, MD (a partner at the venture firm Kleiner Perkins Caufield & Byers). Dr. Seidenberg's medical credentials are definitely compelling (including Chief Medical Officer of Amgen AMGN -0.82%), but it's always a red flag to me when a total stranger (especially one with medical credentials) boldly demands that I "should" do anything online – with my health – which includes my health data. While Dr. Seidenberg's demand is noble in the conclusion that we can all benefit from the clinical research, her argument is based squarely on the false premise that privacy is the largest gating factor in the reluctance of consumers (or patients) to share their health data. I'm sure that privacy is a reason for many, but it's certainly not for me. I know just how easy all health data can be breached – and wrote about it earlier this year when I logged onto the network of a 300+ bed hospital using just a browser and my desktop PC (here). It's not that the electronic door to the hospital was unlocked – or even open. There was simply no door at all. The only thing missing was a banner ad saying "Click here for free health data." The larger trend for health data breaches (including this year's 2nd largest ever – 4.5 million by CHS) is alarming. But risk of data breach – cloaked as 'privacy' – is not the issue. At least it's not mine. The issue I see is much larger – trust. Given the importance of getting this priority right, it's really tone deaf for anyone anywhere to demand that we do anything with our personal health data. Dr. Seidenberg's demand makes sense, of course, because the interests of venture capitalists are well aligned with many commercial interests in healthcare – much of which has been optimized around revenue and profits – not safety and quality. The lack of trust I see is clearly evident in

countless stories of courageous patients, battling openly (almost entirely at their own expense) for access to their health data. Privacy issues (and HIPAA) are often cited as the legal reason for prohibiting access, of course, but that's just an excuse. Absent data security (clearly evident) there is no privacy and the real reason masquerading behind these false claims isn't privacy protection – it's revenue protection. This isn't just hospitals. The data battle for many patients encompasses medical device manufacturers, pharmaceutical companies and electronic health record vendors too. Our collective rights as patients are entirely secondary – if at all. Here's one example that appeared just yesterday in the New York Times – Medical Records: Top Secret (by Elisabeth Rosenthal). The story outlines the continuing case of Mr. Drier – a patient Ms. Rosenthal wrote about previously who was billed \$117,000 after a 3-hour neck surgery. Mr. Drier's efforts to get his health record (for ongoing management of his health condition) resulted in this summary: The six-week ordeal included requests that needed to be made via regular mail, numerous phone calls, consent forms and an estimate for copying fees that totaled \$100. This was topped off by an actual visit to the hospital by Mr. Drier, who sat in an office until he had paper documents in hand. The problem is enormous – and longstanding. The above example is simply one case that highlights what little progress we've made in the course of 5 years. I reference that timeframe because this last September marked the 5-year anniversary of Dave deBronkart's battle cry at the Medicine 2.0 event in Toronto. He opened his keynote with this slide. Working with his physician – Dr. Danny Sands – he was finally able to download his health record electronically. The data that came into view, however, was largely based on billing records and loaded with inaccuracies (including the fact that an x-ray from 2003 identified him as a 53 year-old woman). He summarized his experience with transferring his health data into Google GOOGL +1.71% Health (now defunct) this way: In other words, the data that arrived in Google Health was essentially unusable. Dave deBronkart – Imagine someone had been managing your data, and then you looked – April, 2009 Hugo Campos is another example. Hugo continues to work tirelessly on getting access to the data from the cardiac defibrillator inside his own chest. His TEDxCambridge talk highlights his dilemma and his ongoing battle with Medtronic MDT - 0.73% for access to the data his own heart generates – again to manage his own health. Like other device manufacturers, Medtronic believes they should own the data – and patients who actually generate the data have no legal rights. The ICD device collects a lot of data about its own function and about the patient's clinical status. It's a pretty complex little computer, but unfortunately, none of this very valuable data is made available to the patient who originates it. The best we can do is get a print-out or a hardcopy of an interrogation report (typically at 6 or 12 month intervals). These reports are designed for doctors – not really for patients – so a lot of patients are discouraged from even getting this information. It's hard to read.” Hugo Campos – TEDxCambridge 2011 Earlier this year, I wrote about Anna McCollister-Slipp and her battle with the data that she needs to manage her Type 1 diabetes. So I have all of this incredible information literally 24/7 – not just from my prescription medical devices – but also from my Fitbit, from a Bluetooth blood pressure monitor, from my digital scale and from a variety of different iPhone apps that are used for nutrition tracking etc. None of it connects. They're all in completely different data streams, and even though each of them provides something that would be an incredibly vital element for me to truly understand how to manage my disease, how to predict when I need to change insulin in response to exercise, or stress, or schedule changes, or whatever the case may be – I can't get that information all in one place. Even though it's electronic – even though it's all downloadable in one form or another – it's all on different platforms, different computing systems and it doesn't work together. Anna McCollister-Slipp – The View Of Digital Health From An Engaged Patient These are just a few examples – there are

millions more – most of which will remain forever silent for reasons of personal privacy (or embarrassment) and they all exist because the business models don't support sharing data with the people who create it in the first place – patients. Venture capitalists are notably absent when it comes to funding any patient-centered solutions because there's simply no way to avoid the first question – who pays? Healthcare needs our clinical (and genetic) data for the purpose of advancing diagnosis and treatment of disease. I get that. What's hard to believe is the misaligned priority of demanding our health data in advance of important efforts to break down the impenetrable barriers of our own access – to our own data. Tone deaf may be a harsh characterization, but if it doesn't apply here – where does it? There is no question that all this data has enormous value, but getting the priority right makes all the difference in establishing trust. As Dr. Peter Diamandis suggested in his keynote at CHIME earlier this month, “privacy is dead.” Whether he's right or not is immaterial. Trust most certainly isn't dead – and that trumps privacy everywhere. Especially in healthcare.

Beth **Seidenberg** (M.D. general partner with Kleiner Perkins Caufield & Byers) November **2014** “You Should Share Your Health Data: Its Value Outweighs the Privacy Risk”
<http://www.wired.com/2014/11/on-sharing-your-medical-info/>

Single issue focus under patient-physician trust is flawed - key issues constantly shift

Steven **Pearson** and Lisa **Raeke** (Center for Ethics in Managed Care, Harvard Medical School and Harvard Pilgrim Health Care, Boston, Mass) **2000** “Patients' Trust in Physicians: Many Theories, Few Measures, and Little Data”
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1495476/>

The importance of trust in patient-physician relationships is not questioned, but our understanding of it has depended largely on the passionate thoughts and anecdotes of physicians who cherish the special bond they feel with their patients. For practicing clinicians and for those who teach medical students and residents, the elements of physician behavior that foster trust can continue to reflect the instincts of physician-theorists: competence, compassion, reliability, integrity, and open communication. A widely accepted empirical conceptualization and understanding of trust is yet to come. In recent years, other complex and once believed intangible concepts, those of “satisfaction”^{24,25} and “health status,”^{26,27} have yielded to rigorous qualitative and quantitative research, and investigators and policy leaders now have standardized instruments with which to measure these concepts in a wide variety of health care settings. Although attempts to operationalize patient-physician trust are in their infancy, with models emerging recently through the effort of investigators such as Kao and Safran, a refinement and convergence of techniques may soon allow trust to be measured and discussed as routinely and rigorously as many other elements of health care. For patient-physician trust to be strengthened, our ability to measure the mediators and outcomes of trust must mature. However, a single measure of patient trust is unlikely to achieve long-lasting predominance, nor should it. The evolving nature of the health care system will continue to cast new light on patient-physician relationships. There will be new

threats to trust that appear on the horizon, while other threats will be perceived to fade in importance. Much as the threat of overly paternalistic physicians provided the chief concern in the 1970s, researchers are now more interested in measuring patients' concerns about physicians' conflict of interest in the setting of strong financial incentives. As the focus of measures of trust have evolved, from the earliest measure of Dedrick and Anderson to the latest measure of Kao et al., measures of patient-physician trust must also continue to evolve to address changes in the health care system and in how our society views the key elements of trust.

Doctor-Patient Trust - Uniqueness

Doctor-Patient trust high now

Gregory **Giroux** (writer for Bloomberg Business News) July 14, **2014** “Doctors Running for Congress Ditch Suits for White Coats” www.bloomberg.com/news/2014-07-14/doctors-running-for-congress-ditch-suits-for-white-coats.html

It's no accident: polls show nurses and doctors are among the most trusted people in America. Politicians are among the least trusted. All three commercials for Monica Wehby, an Oregon Republican seeking to unseat Democratic Senator Jeff Merkley, have shown her in a hospital setting. “As a pediatric neurosurgeon, I know firsthand how devastating Obamacare is for Oregon families and patients,” Wehby said in one of her ads, which was interspersed with footage of the candidate in surgical scrubs. The “Grey’s Anatomy” backdrop comes as Republicans seek to gain control of the U.S. Senate and, with their House majority counterparts, pass a law repealing 2010’s Affordable Care Act. The quest is gaining urgency as Americans become more accepting of the law. Republicans need a net gain of six seats for a Senate majority. Fifty-three percent of Americans oppose the law, though just 32 percent say it should be repealed, according to a Bloomberg National Poll last month. Fifty-six percent say they want to keep Obamacare with “small modifications.” Wardrobe Messaging The latest wardrobe preferences for political ads also put distance between some candidates and the unpopular Congress they are seeking to join. About 82 percent of Americans say nurses have a “high or very high level” of honesty and ethical standards, the top spot among 22 professions rated in a December Gallup survey. Pharmacists were tied for second at 70 percent, and medical doctors were tied with military veterans for fourth at 69 percent. Medical professionals have high approval ratings because people view them as “primary care-givers,” said Frank Newport, Gallup’s editor-in-chief.

Doctor-Patient Trust – Uniqueness o/w Link

Doctor-Patient trust is at an all-time low – suspicion is deep-rooted and privacy doesn’t solve Fiaz **Fazili** (M.D., King Fahad Hospital Medina La Munawarah Kingdom Of Saudi Arabia, Surgery; Minimal invasive and acute care) June 16, **2015** “A Lost Trust” <http://www.greaterkashmir.com/news/opinion/story/189486.html>

Medicine still is a noble profession. To most of us, medicine is more than a job of care providing- putting patients' interest first. Unfortunately, in quest of big business, nobility of noble this profession is vanishing, and the doctor-patient trust is running all time low. Sadly, there is a general perception in public that the ethics of medical profession have degenerated, Doctors are accused of not attending to patients with same zeal and compassion as it used to be. Contrarily, in their own private clinic attitudes often are different. There is a conflicts of Interest. Is your doctor

paid to promote a drug or device? Are doctors prescribing what is best for you? Today, patients, or their relatives carry a lot of prejudice and preconceived notions when they enter a doctor's chamber for consultation; a mindset of suspicions that doctors also behave like businessmen. Recognition and avoidance of conflicts of interest represent a core issue of professionalism, and are well covered in State and Indian medical council bye-laws of, as most of our doctors are honest, follow the rules, avoiding situations in which the interest of the doctor is placed above that of the patient. Honesty is a major concern in medical ethics and carries an important value for a medical practitioner where doctor is perceived as a messiah – a healer. Quality of care varies dramatically between individual doctors and hospitals, but those differences are invisible to patients. Whether it is a systemic failure, lack of uniformity in standards of care, organizational disarray, trust deficit or attitude problem. A number of common problems arise within the 'expectation zone', environment, and circumstances. Valley medicos often cry insecurity, seek action and protection from concerned authorities. Isn't it time to lift the veil on this sad reality for finding some important remedial measures to restore the dignity, honor and trust of overwhelming majority of the doctors who don't succumb to kickbacks or other lucrative incentives from pharmaceutical companies, who are unwilling to prescribe a drug, or implant a device, refusing facilitation for conferences, symposiums and research? Generalizing a statement, doctors fleecing patients in their private clinics or nursing home, is a myth in our valley when you compare similar circumstances outside the state. Agreeably, there might be a few even in our state who disgrace the profession, as there are in any profession but factually majority of doctors are altruistic. I don't say that all doctors are like priests, not driven by a greed. Some among us do resort to practices that are unethical practices to make money. This menace once limited to corporate hospitals is now infiltrating the state administered hospitals through these dishonest elements who need to be identified and let the writ of law take its course. My humble appeal goes to public and patients for change in perception, don't look through tainted glasses on this profession. Our dedicated, intelligent health care staff need recognition of for the hard work they do.

Doctor-Patient Trust – A2 Disease Impacts

Status quo solves – antifolates – breakthroughs have already happened and are going to trials
Colin **Poitras** (writer for the UConn Today) July 23, **2014** “Possible Breakthrough in Battle Against Drug-Resistant Diseases” <http://today.uconn.edu/blog/2014/07/possible-breakthrough-in-battle-against-drug-resistant-diseases/>

In the war against drug-resistant diseases and so-called “superbugs”, the family of bacteria known as CREs are a particularly nasty bunch. The bacteria, whose scientific name is carbapenem-resistant Enterobacteriaceae – include notorious strains of E. coli and Klebsiella and are a constant health concern in hospitals and nursing homes, where the germs breed in ventilators, catheters, and intravenous lines. CREs have been flagged as an “urgent threat” by the Centers for Disease Control and Prevention because of their strong resistance to antibiotics and easy transmission between humans. Some CRE bacteria are resistant to all known antibiotics. The mortality rate is high. As many as 50 percent of patients infected with CRE bacteria die because

there is no drug to fight them. But two UConn scientists may be gaining new ground against the public health threat. Professors Amy Anderson and Dennis Wright, along with their students in the School of Pharmacy, have developed a group of drug compounds that appear to be particularly effective against CREs in early tests. A lead is a preliminary molecule that shows promise and is poised for further development. The potent compounds – part of a group of drugs known as antifolates – were a long time coming for the two, who have been searching for effective treatments for drug-resistant diseases like MRSA, E. coli, and Klebsiella pneumoniae for more than 10 years. Working with drug-resistant strains is particularly challenging for researchers, as the diseases constantly morph and evolve to fend off attacks to kill them. “It has been a **holy grail** to kill these types of CREs,” says Anderson, a professor of medicinal chemistry and interim head of the Department of Pharmaceutical Sciences. “These (CRE) bacteria have an extra thick, tight membrane meshed with proteins that makes it very hard for drugs to penetrate. We’ve spent years trying.” After testing hundreds of different compounds, delicately altering each one’s chemical structure with the hope of finding the magic recipe that would serve as a CRE knockout blow, Anderson and Wright recently started seeing positive results in one particular group. ‘Our goal was to inhibit a certain enzyme in the bacteria so it can’t function and the bacteria can’t survive,’ Anderson says. “When we finally got a very potent inhibition of the enzyme, that was definitely a eureka moment.” The pair recently received a five-year, \$2.7 million grant from the National Institutes of Health to further study these compounds and prepare them for clinical trials. Together, Anderson’s and Wright’s labs have received more than \$10 million in federal research support since they began working on the project. Wright, a professor of medicinal chemistry, synthesizes the new drugs; Anderson evaluates them and determines the atomic details of how they interact with their intended target. “We want to make compounds that are potent inhibitors of the growth of the bacteria and at the same time are safe, with good drug properties, so down the line they will be effective when used at a clinic,” says Wright. At this stage in the research, Anderson and Wright are trying to learn more about the physical and chemical processes that allow their compounds to penetrate the armor-like coating around CREs when so many others have failed. Understanding why their compounds are working may allow them to apply the same biological chemistry to different compounds that could be used to fight other persistent infections. Associate professor of pharmacy practice Jeffrey Aeschlimann from UConn Health is helping with the CRE drug characterizations. University of Montana professor of chemistry Nigel Priestley is assisting with testing in early animal pre-clinical trials. “Right now, what makes our compounds attractive is that they seem to have a very low rate of resistance.” says Wright. “We’ve made compounds that are very hard for these CREs to fend off.”

Recently discovered fungus

Catholic Online July 2014 “How one fungus may stop superbugs”

<http://www.catholic.org/news/health/story.php?id=56093>

Scientists at McMaster University in Ontario discovered a compound that instantly turned off a gene in several harmful bacteria that made them highly resistant to treatment with a class of antibiotics used to fight so-called superbug infections. There are still thousands of children who need just one light in the darkness. Aspergillomarasmine A (AMA), was the compound that was found in a soil sample extracted from a common fungus found in soil and mold. Antibiotic resistance is a growing public-health threat. Common germs such as Escherichia coli (E. coli) are becoming harder to treat because of increasing immunities to common antibiotics. In the United

States alone, some two million people are infected with antibiotic-resistant diseases, and around 23,000 die as a result, according to information released from the Centers for Disease Control and Prevention (CDC). The World Health Organization (WHO) has called antibiotic resistant a threat to global public health. Using the compound, the Canadian team was able to disarm a gene-New Delhi Metallo-beta-Lactamase-1 (NDM-1) that has become the WHO's number one enemy since it was discovered in 2009. , "Discovery of a fungus capable of rendering these multidrug-resistant organisms incapable of further infection is huge " said Irena Kenneley, a microbiologist and infectious disease specialist at Frances Payne Bolton School of Nursing at Cleveland's Case Western Reserve University. "The availability of more treatment options will ultimately save many more lives."

Squo solves

Anne **Trafton** (writer for the MIT News Office) September 21, **2014** "Battling superbugs"
<http://newsoffice.mit.edu/2014/fighting-drug-resistant-bacteria-0921>

In recent years, new strains of bacteria have emerged that resist even the most powerful antibiotics. Each year, these superbugs, including drug-resistant forms of tuberculosis and staphylococcus, infect more than 2 million people nationwide, and kill at least 23,000. Despite the urgent need for new treatments, scientists have discovered very few new classes of antibiotics in the past decade. MIT engineers have now turned a powerful new weapon on these superbugs. Using a gene-editing system that can disable any target gene, they have shown that they can selectively kill bacteria carrying harmful genes that confer antibiotic resistance or cause disease. Led by Timothy Lu, an associate professor of biological engineering and electrical engineering and computer science, the researchers described their findings in the Sept. 21 issue of Nature Biotechnology. Last month, Lu's lab reported a different approach to combating resistant bacteria by identifying combinations of genes that work together to make bacteria more susceptible to antibiotics. Lu hopes that both technologies will lead to new drugs to help fight the growing crisis posed by drug-resistant bacteria. "This is a pretty crucial moment when there are fewer and fewer new antibiotics available, but more and more antibiotic resistance evolving," he says. "We've been interested in finding new ways to combat antibiotic resistance, and these papers offer two different strategies for doing that." Cutting out resistance Most antibiotics work by interfering with crucial functions such as cell division or protein synthesis. However, some bacteria, including the formidable MRSA (methicillin-resistant Staphylococcus aureus) and CRE (carbapenem-resistant Enterobacteriaceae) organisms, have evolved to become virtually untreatable with existing drugs. In the new Nature Biotechnology study, graduate students Robert Citorik and Mark Mimee worked with Lu to target specific genes that allow bacteria to survive antibiotic treatment. The CRISPR genome-editing system presented the perfect strategy to go after those genes. CRISPR, originally discovered by biologists studying the bacterial immune system, involves a set of proteins that bacteria use to defend themselves against bacteriophages (viruses that infect bacteria). One of these proteins, a DNA-cutting enzyme called Cas9, binds to short RNA guide strands that target specific sequences, telling Cas9 where to make its cuts. Lu and colleagues decided to turn bacteria's own weapons against them. They designed their RNA guide strands to target genes for antibiotic resistance, including the enzyme NDM-1, which allows bacteria to resist a broad range of beta-lactam antibiotics, including carbapenems. The genes encoding NDM-1 and other antibiotic resistance factors are usually carried on plasmids — circular strands of DNA separate from the bacterial genome — making it easier for them to spread through populations. When the researchers turned the CRISPR system against NDM-1,

they were able to specifically kill more than 99 percent of NDM-1-carrying bacteria, while antibiotics to which the bacteria were resistant did not induce any significant killing. They also successfully targeted another antibiotic resistance gene encoding SHV-18, a mutation in the bacterial chromosome providing resistance to quinolone antibiotics, and a virulence factor in enterohemorrhagic E. coli. In addition, the researchers showed that the CRISPR system could be used to selectively remove specific bacteria from diverse bacterial communities based on their genetic signatures, thus opening up the potential for “microbiome editing” beyond antimicrobial applications. To get the CRISPR components into bacteria, the researchers created two delivery vehicles — engineered bacteria that carry CRISPR genes on plasmids, and bacteriophage particles that bind to the bacteria and inject the genes. Both of these carriers successfully spread the CRISPR genes through the population of drug-resistant bacteria. Delivery of the CRISPR system into waxworm larvae infected with a harmful form of E. coli resulted in increased survival of the larvae. The researchers are now testing this approach in mice, and they envision that eventually the technology could be adapted to deliver the CRISPR components to treat infections or remove other unwanted bacteria in human patients. “This work represents a very interesting genetic method for killing antibiotic-resistant bacteria in a directed fashion, which in principle could help to combat the spread of antibiotic resistance fueled by excessive broad-spectrum treatment,” says Ahmad Khalil, an assistant professor of biomedical engineering at Boston University who was not part of the research team. High-speed genetic screens Another tool Lu has developed to fight antibiotic resistance is a technology called CombiGEM. This system, described in the Proceedings of the National Academy of Sciences the week of Aug. 11, allows scientists to rapidly and systematically search for genetic combinations that sensitize bacteria to different antibiotics. To test the system, Lu and his graduate student, Allen Cheng, created a library of 34,000 pairs of bacterial genes. All of these genes code for transcription factors, which are proteins that control the expression of other genes. Each gene pair is contained on a single piece of DNA that also includes a six-base-pair barcode for each gene. These barcodes allow the researchers to rapidly identify the genes in each pair without having to sequence the entire strand of DNA. “You can take advantage of really high-throughput sequencing technologies that allow you, in a single shot, to assess millions of genetic combinations simultaneously and pick out the ones that are successful,” Lu says. The researchers then delivered the gene pairs into drug-resistant bacteria and treated them with different antibiotics. For each antibiotic, they identified gene combinations that enhanced the killing of target bacteria by 10,000- to 1,000,000-fold. The researchers are now investigating how these genes exert their effects. “This platform allows you to discover the combinations that are really interesting, but it doesn’t necessarily tell you why they work well,” Lu says. “This is a high-throughput technology for uncovering genetic combinations that look really interesting, and then you have to go downstream and figure out the mechanisms.” Once scientists understand how these genes influence antibiotic resistance, they could try to design new drugs that mimic the effects, Lu says. It is also possible that the genes themselves could be used as a treatment, if researchers can find a safe and effective way to deliver them. CombiGEM also enables the generation of combinations of three or four genes in a more powerful way than previously existing methods. “We’re excited about the application of CombiGEM to probe complex multifactorial phenotypes, such as stem cell differentiation, cancer biology, and synthetic circuits,” Lu says.

Its already got a patent – will be scaled up for commercial and national needs now

Kenneth **Ma** (Lawrence Livermore National Laboratory) October 7, **2014** “Bio researchers receive patent to fight superbugs” <https://www.llnl.gov/news/newsreleases/2014/Oct/NR-14-10-3.html>

Superbugs, or antibiotic-resistant bacteria, have been on the rise since antibiotics were first introduced 80 years ago. That's because these germ-fighting agents have lost their punch from being overprescribed and misused, allowing bacteria pathogens to develop immunities against them. As a result, superbugs sicken nearly 2 million Americans each year and roughly 23,000 people die annually from these infections, according to the Centers for Disease Control and Prevention. Many more people die from other conditions that are complicated by antibiotic-resistant infections. Lawrence Livermore National Laboratory scientists have figured out a way to reverse this trend by developing novel antibiotics that effectively kill superbugs. They were recently issued a patent for producing antimicrobial compounds that degrade and destroy antibiotic-resistant bacteria by using the pathogen's own genes against it. Their approach can be used to fight superbugs such as antibiotic-resistant E. coli, Salmonella, Campylobacter, Methicillin-resistant Staphylococcus aureus (MRSA), Bacillus anthracis and many others. Antimicrobial compounds available today are designed to treat a host of bacteria, not target specific ones. While this is effective in the short term, bacteria are able to modify themselves over time to prevent a number of antibiotics from inhibiting their growth, rendering the antibiotics useless. To prevent this, the LLNL team created a process to discover new antibiotics designed to eradicate targeted bacterium responsible for a specific infection. Their technique uses computational tools and genome sequencing to identify which genes inside a bacterium encode for lytic proteins that can be used to kill it. Lytic proteins are enzymes that normally produce nicks in cell walls that allow cells to divide and multiply. But used in high concentrations, these enzymes cause rapid cell-wall degradation and cell rupture, a process known as lysis. Lytic proteins circumvent any defenses that bacteria have developed against today's broadly focused antimicrobials. Once genes encoding lytic proteins are identified in a bacterium, Lab researchers synthesize those genes and produce the lytic proteins in a laboratory setting. They are then experimentally introduced to the cell walls of targeted pathogens to destroy them. "We knew about these proteins because they were primarily coded and identified in bacteriophages, virus particles that attack bacterium and make copies of themselves," said Matthew Coleman, a member of the LLNL research team. "Bacteriophages need a way to get out of the bacteria once they make enough copies. So they encode a lytic protein, called an endolysin that breaks down the cell wall, causing the cell to die. The wall is what gives the cell its strength." The team's unique discovery was the existence of lytic proteins that are not associated with bacteriophages. They learned that bacteria themselves encode their own versions of these lytic proteins, which they use under tight regulatory control to remodel their cell wall during cell division. Tight regulatory production means that lytic protein is not overproduced because too much of it will kill the cells. The team conducted lab experiments that show lytic protein produced by bacteria killed pathogens more effectively than lytic protein produced by bacteriophages. LLNL's resources allowed the team to sequence genomes within a few weeks to obtain information on new pathogens, unknown bacteria species and even species yet to be sequenced. This data helps the team determine which genes encode lytic proteins and reproduce those proteins in large quantities to eliminate targeted pathogens. So far, the team's novel approach has been extremely effective in lab testing. In CDC experiments, the LLNL-produced lytic protein killed 100 percent of Bacillus

anthracis cells, the bacterium that causes anthrax. "We can isolate these genes to support the development of effective antimicrobial agents for commercial and national needs," Coleman said.

Multi-drug resistance is unlikely- Combination therapy

Cobey et al. 15, (Gabriel G. Perron, R. Fredrik Inglis, Pleuni S. Pennings and Sarah Cobey, Evolutionary Applications, "Fighting microbial drug resistance: a primer on the role of evolutionary biology in public health," 23 MAR 2015, <http://onlinelibrary.wiley.com/doi/10.1111/eva.12254/full//IB>)

The shortage of new antibiotics motivated the search for novel strategies to manage resistance evolution. For example, combination therapy showed that some antibiotics have nonlinear inhibitory activities when used together (King et al. 1981; Yeh et al. 2009). Extensive phenotypic screens revealed that many classes of antibiotics could inhibit the effects of other antibiotics given their modes of activity (Yeh et al. 2006), often caused by regulatory conflicts in the expression of the antibiotics' cellular targets (Bollenbach and Kishony 2011) or by reductions in bacterial growth rates (Ocampo et al. 2014). Subsequent studies have shown that such interactions could modulate resistance evolution (Yeh et al. 2009): Multidrug resistance is unlikely to evolve against sets of antibiotics that inhibit each other's activity, as resistance evolution to one antibiotic would expose the bacterium to the full efficiency of the second antibiotic (Michel et al. 2008). However, additional clinical trials are required to see whether this finding can be put into practice.

Alt Cause – Laundry List

Series of factors affect the doctor-patient relationship and trust

Goold and Lipkin 99 (Susan Dorr Goold, MD, MHSA, MA, Received from the Division of General Medicine, University of Michigan Medical Center, Ann Arbor, Mich. AND Mack Lipkin, Jr., MD, New York University Medical Center, New York)("The Doctor–Patient Relationship: Challenges, Opportunities, and Strategies", J Gen Intern Med. 1999 Jan; 14(Suppl 1): S26–S33. doi: 10.1046/j.1525-1497.1999.00267.x)//ASMITH

A series of organizational or system factors also affect the doctor–patient relationship. The accessibility of personnel, both administrative and clinical, and their courtesy level, provide a sense that patients are important and respected, as do reasonable waiting times and attention to personal comfort. The availability of covering nurses and doctors contributes to a sense of security. Reminders and user-friendly educational materials create an atmosphere of caring and concern. Organizations can promote a patient-centered culture,²⁹ or one that is profit- or physician-centered, with consequences for individual doctor–patient relationships. Organizations (as well as whole health care systems) can promote continuity in clinical relationships, which in turn affects the strength of in those relationships. For instance, a market-based system with health insurance linked to employers' whims, with competitive provider networks and frequent mergers and acquisitions, thwarts long-term relationships. A health plan that includes the spectrum of outpatient and inpatient, acute and chronic services has an opportunity to promote continuity across care settings. The competition to enroll patients is often characterized by a combination of exaggerated promises and efforts to deliver less. Patients may arrive at the doctor's office expecting all their needs to be met in the way they themselves expect and define. They discover instead that the employer's negotiator defines their needs and the managed care company has communicated them in very fine or incomprehensible print. Primary care doctors thus become the bearers of the bad news, and are seen as closing gates to the patient's wishes and needs. When this

happens, an immediate and enduring barrier to a trust-based patient-doctor relationship is created. The doctor–patient relationship is critical for vulnerable patients as they experience a heightened reliance on the physician's competence, skills, and good will. The relationship need not involve a difference in power but usually does,³⁰ especially to the degree the patient is vulnerable or the physician is autocratic. United States law considers the relationship fiduciary; i.e., physicians are expected and required to act in their patient's interests, even when those interests may conflict with their own.⁹ In addition, the doctor–patient relationship is remarkable for its centrality during life-altering and meaningful times in persons' lives, times of birth, death, severe illness, and healing. Thus, providing health care, and being a doctor, is a moral enterprise. An incompetent doctor is judged not merely to be a poor businessperson, but also morally blameworthy, as having not lived up to the expectations of patients, and having violated the trust that is an essential and moral feature of the doctor–patient relationship.³¹ Trust is a fragile state. Deception or other, even minor, betrayals are given weight disproportional to their occurrence, probably because of the vulnerability of the trusting party (R.L. Jackson, unpublished manuscript).

Alt Cause – Staff/Expertise

Budget cuts and staff shortages short-circuit all health surveillance

Edward **Richards** (Harvey A. Peltier Professor of Law and Director, Program in Law, Science, and Public Health at the Paul M. Herbert Law Center, Louisiana State University) **2009**

“DANGEROUS PEOPLE ,UNSAFE CONDITIONS T HE CONSTITUTIONAL BASIS FOR PUBLIC HEALTH SURVEILLANCE” The Journal of Legal Medicine, 30:27–50, http://biotech.law.lsu.edu/Articles/ULGM_A_369622_O.pdf

The Constitution grants broad authority for public health surveillance. As long as public health authorities do not use administrative searches as a subterfuge for criminal law searches, the courts will uphold these searches when they are conducted either pursuant to an area warrant or through the reg- ulated industries exception to a warrant requirement. Surveillance, however, is just the first step in protecting the public health and safety. Surveillance data must be combined with good epidemiologic analysis, and then become the basis for public health interventions. There have been few abuses of public health administrative searches. Public health authorities, if anything, have been too reticent to use proper surveillance techniques. Although some of this reticence is because of con- cerns about being seen as violating individual rights, most of it stems from lack of staff and other resources. ¹¹³ Despite the push on public health preparedness since the terrorist attacks on September 11, 2001, health departments around the United States continue to suffer budget and staff cuts. The impacts of these cuts are exacerbated by legislatures pushing ever-increasing responsi- bilities on health departments without providing the budgets or staff to carry out these new tasks. ¹¹⁴ The hardest issue for public health policy makers is to avoid pressures to transform public health agencies into extensions of the Department of Homeland Security. As we have seen from the adoption of Draconian emergency powers laws, it is more

difficult to maintain a balance between individual rights and community protection than to attempt to satisfy political pressures by swinging wildly between extreme positions.

Staff and expertise shortages take out the aff

Bernard **Choi** (Injury Prevention Research Centre, Medical College of Shantou University, Shantou, China and Department of Epidemiology and Community Medicine, University of Ottawa, Ottawa, Canada) 2012 “The Past, Present, and Future of Public Health Surveillance” *Scientifica* Volume **2012** (2012), Article ID 875253, 26 pages
<http://dx.doi.org/10.6064/2012/875253>

To avoid fragmentation in national surveillance efforts [107, 144], there is a need for federal agencies to provide national facilitation to foster interstate and intercounty collaboration. Central guidance can lead to coordination across states and counties, interstate technology transfer, and opportunity to learn from the successes and failures of other localities. Needless expense, unnecessary development time, and failure to rapidly share information on innovative systems can be avoided [205]. No attempt to meet the current challenges in public health surveillance will succeed unless it recognizes the fundamental importance of providing and maintaining a cadre of highly trained and motivated public health professionals in every local health agency in the country [5]. To use surveillance information to better prioritize, plan, deliver, and evaluate programming, public health staff must possess the required knowledge and skills. While it is neither feasible nor necessary for all staff to receive postgraduate academic training, a greater proportion of the public health workforce will need to acquire the knowledge and skills necessary to effectively understand and use surveillance concepts and techniques. Public health surveillance systems must be strengthened by (1) allocating resources, including human resources, for the effective use of health surveillance data and tools and (2) recognizing the need for existing staff to acquire new skills [77].

Alt Cause – Commercialization/Pharma

Alt causes – commercialization of health and Ebola

Collins 14 (Sam P.K. Collins is a health reporter for ThinkProgress. He previously provided general news coverage of the D.C. metropolitan area for the Washington Informer, and wrote reports of President Barack Obama’s activities as a White House press pool reporter for American Urban Radio Networks. Sam holds a master’s degree in public policy, and a bachelor’s degree in journalism and mass communication from George Washington University. “American’s Don’t Trust The Medical Profession” 10/23/14 <http://thinkprogress.org/health/2014/10/23/3583625/americans-skeptical-doctors///CW>

Americans count among the least trusting of the medical profession, according to an international health care survey. The findings, which appeared in a recent issue of the New England Journal of Medicine, show significant levels of suspicion of doctors, especially among those who make less than \$30,000 annually.¶ Researchers studied public health polls dating back four decades, including one conducted by a consortium of universities between 2011 and 2013 during which people in 29 countries answered survey questions. In that poll, 58 percent of Americans said they trust the medical profession, placing the United States in 24th place with Croatia.¶ “It fits with decades of data on the American public’s trust in institutions, in general,” Michael Gusmano, a scholar at the Hastings Center, a Garrison, N.Y.-based research institute that focuses on health care, told WebMD.¶ Skepticism of the medical profession hasn’t happened without any reason. Experts point to unequal access to health care and the “commercialization” of American medicine as key factors at play in that damaged relationship. Some people say that members of the medical field often seem more concerned about protecting their financial interests than caring for patients, especially those from less affluent backgrounds.¶ Big Pharma has historically tried to influence the advice that doctors give patients, something that may make Americans wary of the field in general. In exchange for their endorsement of prescription medications, physicians receive free samples and gifts that include coffee mugs emblazoned with the drug company’s logo, tickets to sporting events, expensive dinners, and trips to exotic

destinations. At the peak of Big Pharma's profitable relationship with the medical industry in 2007, more than 100,000 representatives made visits to more than 650,000 physicians across the country.¶ This can sometimes have a direct effect on patients. A Centers for Disease Control and Prevention (CDC) study in August, for example, found that doctors in hospitals with a strong black patient base encouraged breastfeeding to expectant mothers at a rate 15 percentage points less than that of their white counterparts, due in part to a relationship between the facility and manufacturers of baby formula.¶ Americans' mistrust of the medical industry has been on full display in the weeks since American Ebola patient zero Thomas Eric Duncan died in a Dallas hospital.¶ Days after CDC officials assured Americans that the disease would spread no further, two nurses who treated Duncan tested positive for Ebola. Many of the nurses who had direct contact with patient zero before he succumbed criticized the medical establishment, saying nurses at Presbyterian Hospital in Dallas treated Duncan for days in an open space in the emergency room under constantly changing protocols and without sufficient protective gear.¶ The controversy has discouraged some Americans from trusting what CDC officials are saying about the United States' ability to contain the virus. According to one recent poll, nearly half of Americans don't think their local hospital could safely treat an Ebola case.¶ That has facilitated the spread of panic about Ebola — anxiety that may pose a bigger threat to Americans than the virus itself. Instead of listening to federal health officials, many Americans have looked to sensationalized media reports and reckless words of commentators and politicians as indicators of Ebola's impact in the United States.¶ There are other examples of how some Americans' mistrust of the medical profession undermines public health. An increasing number of parents are skipping or delaying their children's recommended vaccination, due in part to a belief that the injections cause autism and other sicknesses. Members of the scientific community beg to differ, especially since vaccinations in the last two decades have prevented nearly 700,000 deaths. But the parents who choose to delay their kids' vaccines don't trust scientists' opinions on the subject.¶ The study recently published in the New England Journal of Medicine does have another significant finding: Even when Americans are skeptical of the medical industry as a whole, they do trust their own doctor. So information about things like Ebola and vaccinations might need to come from those immediate sources rather than national spokespeople.

Genetics Surveillance – Data Leaks Inevitable

Impossible to keep genetic data anonymous – data leaks inevitable

Gina **Kolata** (Medical reporter for the New York Times) June **2013** “Poking Holes in Genetic Privacy” http://www.nytimes.com/2013/06/18/science/poking-holes-in-the-privacy-of-dna.html?pagewanted=all&_r=0

For years now, a steady stream of research has eroded scientists' faith that DNA can be held anonymously. The first shock came in 2008, when David W. Craig, a geneticist at TGen, a research institute in Phoenix, and his colleagues imagined a theoretical problem. Suppose you are trying to learn what percentage of intravenous drug users are infected with hepatitis, and you collect DNA from discarded needles and amass it in a database to look for signs of the virus in the genetic material. Is there any way, they wondered, to find a particular person's DNA is in this soup of genes? Most researchers would have said the task was impossible, worse than looking for a needle in a haystack. But Dr. Craig and his colleagues found a way to do it, exploiting the four million or so tiny, and usually inconsequential, differences in DNA letters between one individual and another. With their method, using the combinations of hundreds of thousands of DNA markers, the researchers could find a person even if his or her DNA constituted just 0.1 percent of the total in the mix. So explosive was the finding that Dr. Craig deliberately chose to write about it only very technically. The N.I.H. understood what he had accomplished, though, and quickly responded, moving all genetic data from the studies it financed behind Internet firewalls to prevent the public or anyone not authorized from using the data and, it was hoped, to protect the identities of research subjects. But another sort of genetic data — so-called RNA expression profiles that show patterns of gene activity — were still public. Such data could not be used to identify people, or so it was thought. Then Eric E. Schadt of Mount Sinai School of Medicine discovered that RNA expression data could be used not only to identify someone but also to learn a great deal about that person. “We can create a profile that reflects your weight, whether you are diabetic, how old you are,” Dr. Schadt said. He and a colleague also were able to tell if a person is

infected with viruses, like HPV or H.I.V., that change the activity of genes. Moreover, they were able to make what they called a genetic bar code that could be used to identify a person in a number of DNA databases. Then, this year, in perhaps the most disturbing exercise, Yaniv Erlich, a genetics researcher at the Whitehead Institute, used a new computational tool he had invented to identify by name five people from their DNA, which he had randomly selected from a research database containing the genes of one thousand people. Experts were startled by what Dr. Erlich had done. “We are in what I call an awareness moment,” said Eric D. Green, director of the National Human Genome Research Institute at the National Institutes of Health. Research subjects who share their DNA may risk a loss of not just their own privacy but also that of their children and grandchildren, who will inherit many of the same genes, said Mark B. Gerstein, a Yale professor who studies large genetic databases. Even fragments of genetic information can compromise privacy. James Watson, a discoverer of DNA’s double helix shape, had his genes sequenced and made the information public — except for one, the sequence for ApoE, a gene that has a variant linked to an increased risk of Alzheimer’s disease. Researchers noticed, though, that they could still figure out if Dr. Watson had that variant by examining the DNA on either side of the gene he had removed. They did not reveal whether he had it. With so many questions about the privacy and security of genetic data, researchers wonder what research subjects should be told. Leaks and identification of study subjects will never be completely avoidable, said George Church, a Harvard geneticist. And as much as investigators might like to find a way to keep genetic data secure and private, he does not think there is an exclusively technical solution. “If you believe you can just encrypt terabytes of data or anonymize them, there will always be people who hack through that.” Dr. Church said. He believes that people who provide genetic information should be informed that a loss of privacy is likely, rather than unlikely, and agree to provide DNA with that understanding. Other researchers say the idea is not far-fetched, and some suggest that scientists be licensed before they are given access to genetic databases, with severe penalties for those who breach privacy. “My fear is not so much that someone will take everyone’s genomes and put them on the Web,” Dr. Gerstein said. “It is that a graduate student in some lab somewhere will naïvely post bits of genomes on his Facebook page. The idea is that before he could get access to genomes, he would be taught he can’t do that. And if he did he would lose his license.” The amount of genetic data that has been gathered so far is minuscule compared with what will be coming in the next few years, Dr. Altshuler noted, making it important to address the problems before the data deluge makes them worse. “We see substantial issues,” he said. “We want to have serious discussions now.”

Genomic data breaches happen all the time- the health system does not have enough protections in place to secure private genetic information

McEwen et al 13 (Jean E. McEwen, Ethical, Legal, and Social Implications Program, Division of Genomics and Society, National Human Genome Research Institute, National Institutes of Health, Ethical, Legal, and Social Implications Program, Division of Genomics and Society, National Human Genome Research Institute, National Institutes of Health. Joy T. Boyer, Senior Program Analyst, and Kathie Y. Sun, Program Analyst. “Evolving Approaches to the Ethical Management of Genomic Data.” February 28, 2013. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3665610/>)/EMerz

The genetic studies and test protocols that dominated the field 15–20 years ago were generally highly targeted, and tended to view the risks to participants or patients (apart from the physical

risks associated with blood drawing) as straightforwardly informational [17–19]. Thus, consent materials in use prior to the mid-2000s, if they mentioned non-physical risks at all, tended to focus on the potential for breach of privacy, with insurance and employment usually listed as the two areas of main concern [20–22]. Data security measures of the time were, by today's standards, remarkably "low tech," often consisting of little more than coding samples and data and storing samples and data in locked freezers and cabinets. Still, consent forms, if they addressed the issue at all, typically described the risk of a security breach as low; at the time that assessment seemed reasonably accurate, predating as it did the development of massive, web-accessible genomic databases and expanded data sharing norms. Early consent forms rarely addressed the issue of whether individual findings from studies would be returned to participants [20, 21]. The usual default presumption was that they would not be [23], because most findings emanating from studies of the time interrogated only limited regions of the genome, so the likelihood of generating incidental findings (apart from occasional evidence of undisclosed adoption or misattributed paternity [24]) was relatively low. Another feature of early consent forms was their characteristically narrow scientific scope [8, 20, 21]. Most described only the immediate study for which samples were being collected or the specific disease being analyzed; although the possibility of sharing with close collaborators working on the same disease was sometimes mentioned, obtaining broad consent to an unspecified range of future uses was the exception, not the norm. **Often, consent documents were simply silent about plans for any future sharing,** and in such cases, the **absence of an explicit prohibition against sharing was generally interpreted** (or, at least over time came to be interpreted) **as tacit permission to share** [23]. In 1994, long-percolating concerns among bioethicists about the practice of using stored, linkable samples without obtaining new consent from those from whom they had been obtained culminated in the publication of a highly influential paper that recommended against continuing this practice [25]. Following this recommendation, consent documents gradually began to be written with greater specificity about whether, with whom, and for what purposes, samples and data would be shared. In practice, however, the recommendation was often interpreted as applying only to prospectively collected samples. Thus, as was recently called to public attention in a best-selling book, archived samples collected under widely varying and sometimes questionable consent conditions – and cell lines derived from such samples - are often still being used today.

Genetic Surveillance – No Impact

There's no impact to genetic discrimination- their evidence is just rhetoric

Begley 4 (Sharon Begley. Senior health & science correspondent at Reuters. "Bill Seeking to Ban DNA Discrimination Isn't Really Necessary." February 6, 2004. <http://www.wsj.com/articles/SB107595572756521572>)/EMerz

When it comes to genetic discrimination, there is a yawning chasm between rhetoric and reality. As law professor Henry Greely of Stanford University puts it, "Genetic discrimination is a much greater threat in people's fears than it is in reality, today or in the foreseeable future....Failure to ban [it] will not make the sky fall, [or] the employment markets crumble." Genetic discrimination means being denied employment or health insurance (or being charged more for it) as a result of testing positive for a gene that raises your risk of developing a disease such as cancer or Alzheimer's. Since at least 1990, it has been cast as the dark underbelly of the human genome project, which dutifully set aside 3% to 5% -- almost \$100 million -- of its annual budget to study such ethical, legal and social issues. Francis Collins, director of the project, has called genetic

discrimination "a vexing problem" and praised the Senate's "important" bill. The emperor, however, is wearing skivvies. Just as genome enthusiasts, and much of the media, have hyped the medical benefits of decoding humankind's double helix, so they (and we) have grossly overstated the threat and the reality of genetic discrimination. If you probe beneath the anecdotes, evidence of genetic discrimination melts away. Bioethicists and genetic counselors, for instance, say they've heard of people being fired or denied health coverage after testing positive for a risk gene, but concede they know of no such patients firsthand. When they do offer an actual case, it turns out that the discrimination was based not on a predictive genetic test (finding a genetic variant that raises the risk of cancer, perhaps) but on family history or actual symptoms of, say, the blood disorder hereditary hemochromatosis. That may be medical discrimination, but it isn't genetic discrimination as usually understood. In an effort to get beyond anecdote, a 2000 study examined the effect of state laws barring genetic discrimination in health insurance. To their surprise, Mark Hall and Stephen Rich of Wake Forest University in Winston-Salem, N.C., found that states with such laws had no fewer cases of genetic discrimination than states without them. Why? Because you can't have fewer cases than zero, and zero is about how much genetic discrimination the study turned up. "We found almost no cases of health insurers asking for or using the results of predictive genetic tests," Prof. Hall says. "The laws have so little impact because almost no genetic discrimination is occurring," as more-recent studies confirm. Dawn Allain, president of the National Society of Genetic Counselors, agrees: "We haven't seen any real cases of genetic discrimination." Health insurers have little financial incentive to set rates based on predictive genetic tests, Prof. Hall explains. For group coverage, it's much simpler to tote up last year's costs and factor in inflation. For individual coverage, people change carriers so frequently that even if they develop a disease 15 years down the road, as a genetic test might predict, it will likely be on another insurer's dime. Although the warnings of bioethicists (including, Prof. Greely sheepishly admits, "an earlier version of myself") haven't come true, some now argue that we need federal legislation for symbolic reasons, to protect people from even the theoretical risk of genetic discrimination. This "what harm does it do?" argument is OK, says William Nowlan, chief medical officer of the National Life Insurance Co., Montpelier, Vt., who has written widely on the myth of genetic discrimination. But then let's admit that the Senate bill addresses a problem that exists solely in the public's imagination. As far as I can tell, the bill's only real benefit would be to allay the fears of people who reject genetic tests in the belief that a positive result could make them uninsurable and unemployable. That's a worthwhile goal. But it comes at a cost. **By enshrining genetic status in federal law, we reinforce the widespread and pernicious belief that DNA is destiny.** It isn't. Risk genes for common diseases aren't like those for the exceedingly rare Huntington's or Tay-Sachs, where carrying the gene means you definitely will get the disease. Instead, risk genes are low in what biologists call "penetrance:" They increase your chance of developing the disease, but to nothing like 100%. In one fascinating 2000 study, Swedish scientists calculated that genes account for less than half of the risk of developing 11 common cancers. The cancers with the highest genetic component, the study found, are prostate (42%) and colorectal (35%). A woman's risk of getting breast cancer if her identical twin does is only 13%. Supporters of the genetic discrimination bill should make clear that what they want to guard against is no more than a theoretical risk. They should make equally clear that the risk genes they're so worried about are not all they're cracked up to be.

Even if genetic surveillance contains invasive information, it doesn't require much protection-few people are qualified to read DNA

Lauss et al 13 (Georg Lauss, Arndt Bialobrzeski, Matthias Korkhaus, Karoliina Snell, Johannes Starkbaum, Andréa E. Vermeer, Jukka Weigel, Herbert Gottweis, Ilpo Helén, Jochen Taupitz, Peter Dabrock. "BEYOND GENETIC PRIVACY PAST, PRESENT AND FUTURE OF BIOINFORMATION CONTROL REGIMES." 2013. http://private-gen.eu/uploads/media/PRIVATE_Gen_FINAL-REPORT_2013_01.pdf//EMerz

Ultimately, some genetic information might merit special treatment because it has a number of characteristics which, although they may be individually present in respect of other forms of information, are present to a high degree in the case of genetic information and combine to give it a special status in some contexts. [p.31] The report emphasizes the importance of context. Genetic information might not always be sensitive in itself. What makes genetic information – and arguably information in general – sensitive is its context and the way a piece of information is combined with other information. Since information about a person or a state of affairs takes on meaning only if it is put into a social context and if it is combined with other information, it was even be argued that genetic information is even better protected from widespread third-party misuse than other types of (medical) information because it requires a high level of expert knowledge and expert resources to “read” it and interpret it in meaningful ways. In a certain sense, it has a comparably high legibility threshold [24]. Moreover, empirical research has shown the likelihood that genetic information and its related research may be seen as problematic, but it appears that people perceive other types of information as being sensitive, as well, and that their concerns revolve around the concrete context in which data and materials are used and the intention behind a particular inquiry

Genetic Surveillance Good - Crime

Genetic research base is key to solving violent crimes and exonerating criminals

[David H. **Kaye**, Penn State Law “Trawling DNA Databases for Partial Matches: What is the FBI Afraid of?” 2009]

Across the globe, many countries have established DNA databases-collections of computer-searchable records of the DNA profiles of suspected or convicted offenders.¹ England started the first national criminal DNA database in 1995.² In the United States, the state and federal databases as combined in the National DNA Index System (NDIS) hold over seven million short tandem repeat (STR) profiles from convicted offenders as well as a growing number of people who were merely arrested or detained.³ When investigators recover a DNA sample from the scene of a crime, they can search these databases to discover if any of the recorded profiles match. Such "cold hits" from these database trawls have led police to serial rapists and murderers who have long eluded detection.⁴ Indeed, even dead men have been "accused" through this technology.⁵ In addition, database trawls have considerable potential to solve common property crimes.⁶ In one case, an observant police inspector in Finland noticed a dead mosquito in a stolen vehicle.⁷ The mosquito's body contained human blood from its last meal. Testing the blood against Finland's database yielded a DNA profile match, giving the police a likely suspect.⁸

At least 10,000 people are wrongfully convicted annually for crimes they didn't commit – the plan stop the exoneration process and is a helping hand in human rights abuse
[Shaun King “An exoneration happens every three days in America. What this really says about our justice system” March 24th 2015]

According to the National Registry of Exonerations at the University of Michigan, 1,569 men and women in the United States, most of them African American, have been completely exonerated after being wrongfully convicted and sent to prison. The number of people exonerated for wrongful convictions actually broke a record high in 2014 with 125 exonerations, including six people who were actually on death row awaiting execution. Less than every three days in our country, some man or woman is released back into society after spending a tragic portion of their life behind bars for a crime they never committed. Few injustices can compare to the horror of spending one hour in prison for something you didn't do. Ricky Jackson of Ohio spent 341,640 hours, or 39 years, behind bars before he was exonerated. Just a teenager when he was convicted, he was nearly a senior citizen when he was released. Jonathan Fleming was serving the 25th year of a 25-year sentence when he was finally exonerated after a wrongful conviction. Glenn Ford, on death row for 30 years in Louisiana, was 64 years old when he was released and was exonerated. Stricken with lung cancer, he was only expected to live a few more months. One study determined that nearly 10,000 people are likely to be wrongfully convicted for serious crimes annually. Another study estimates that as many as 340 people are likely to have been executed in the United States before they were properly exonerated. This is a travesty. Anyone who says otherwise is sick. Jump below the fold for more. But the conversation should not end at our conclusion that these wrongful convictions are a travesty. It appears, though, that an entire section of America refuses to believe that police or prosecutors can ever do any wrong at all. Except they do. Often. Detective Louis Scarcella of the NYPD is accused of framing suspects, forcing fake confessions, and using the same single eyewitness for multiple murders. Many men who were wrongfully convicted under his watch have recently been exonerated and 50 of his cases are under review. Chicago has now been called the "false confession capital" as more and more details are uncovered on how the city's police officers are torturing men and women to confess to crimes they didn't commit. They were so good at it, in fact, that Detective Richard Zuley was brought from Chicago to Guantanamo Bay to directly oversee one of the most brutal torturing operation in modern history. The prosecutor of Glenn Ford, shipped off to death row at Angola State Prison in Louisiana in 1984, now openly admits that he was "sick ... arrogant, judgemental, narcissistic and very full of myself" when he sought the wrongful conviction of Ford, who spent 30 years of his life in one of the most brutal prisons in the world. Four police officers in Fort Lauderdale, Florida, were just caught sending texts to one another about "killing nigg*rs" and giving them the "early death penalty." This is not okay. It's wrong. Our justice system is altogether broken. This brokenness, though, must not be understood in some abstract way. It's broken because the people leading it are often sick, disturbed racists who care very little for those on the receiving end of their sickness. It's not good enough to simply give wrongfully convicted men an insufficient check and an apology. **We must repair the broken system so these instances go away for good.**

Genetic surveillance stops crime

Lindley 11 (Brooke, reporter for CTV news Vancouver, “Could a new technique catch a serial rapist in B.C.?” <http://bc.ctvnews.ca/could-a-new-technique-catch-a-serial-rapist-in-b-c-1.597435> 1/18/11 JM)

A contentious DNA analysis that helped snag one of America's most notorious suspected murderers could be used in the hunt for a serial rapist in Vancouver, according to a lawyer who pushed to have it approved south of the border. DNA evidence has linked a single unknown man to three sex assaults in Vancouver, and police say he could be responsible for five more unsolved cases. But the genetic evidence taken at the scene of the assaults doesn't match anyone in the national DNA databank, and police have been left to plead with the public for tips. Vancouver police made a public appeal for help on Thursday, but five days later, there are no new **leads. In the U.K. and some parts of the U.S., police would have had one more option before hitting a dead end.** That's because laws in those places allow investigators to search for partial matches in the offender DNA databank and identify possible family members of unknown criminals. "Using familial DNA searching, you can continue to try and solve a case when those other steps have failed," said Rockne Harmon, a retired California deputy district attorney and one of the technique's biggest proponents. "We do know that crime seems to run in families for complicated

reasons." Privacy advocates have lobbied against allowing the new technique in Canada, arguing that it submits relatives of convicted offenders to unfair genetic surveillance. But thanks to familial DNA searching, Los Angeles police were able to identify Lonnie Franklin Jr. as a suspect in the brutal "Grim Sleeper" killings -- the murders of at least 10 people over 25 years. When investigators compared genetic samples taken from the scenes of the Grim Sleeper murders with California's offender DNA database, there were no exact hits, but investigators were able to create a list of about 150 close matches -- potential family members of the vicious murderer. Analysts then compared the Y sex chromosomes from those 150 people with the Grim Sleeper's, and found a match so close, the offender had to be either the father or the son of the serial killer. As it turns out, Franklin's son had recently been arrested, and swabbed for DNA. When police followed the elder Franklin to a restaurant, they were able to take a sample from his cup, and found a perfect match for the Grim Sleeper's DNA. Familial DNA searching is currently not permitted in Canada, and in the U.S., only California and Colorado allow it, although Virginia appears to be on the brink of approval. Harmon was the driving force behind California's decision to allow the unique searching technique, and he says that Canada should consider it, too. **"Why would you have a law that would keep you from something that can solve crimes?" he told ctvbc.ca. "It'll help make the world a safer place."**

Solvency – Circumvention

Federal oversight can't minimize health surveillance- the biggest offenders are private businesses that use big data

Terry 14 (Nicolas P. Terry. "Big Data Proxies and Health Privacy Exceptionalism." 2014. P. 13-16 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

Big data is so named because of its unprecedented volume and for its "complexity, diversity, and timeliness." Big data refers not only to the collection and storage of extremely large data sets but also the data mining and predictive analytic routines that process the data, the latter being understood as "[t]echnology that learns from experience (data) to predict the future behavior of individuals in order to drive better decisions."⁷⁴ Essentially big data is the latest type of business intelligence (BI), or, to frame it slightly differently, the latest BI analytics are what extract value from big data. ⁷⁵ Not surprisingly, MBA-speak business jargon dominates the space. Thus, according to Gartner, Inc., "'Big data' is high-volume, -velocity and -variety information assets (sic) that demand (sic) cost-effective, innovative forms of information processing for enhanced insight and decision making."⁷⁶ It is important not to underestimate one of these three properties—high-variety. Big data does not use structured databases (or at least is not as reliant on them as previous generation systems such as credit reporting) but is capable of absorbing high-variety data. Data sources (or data pools) continually change and expand; yet big data is seems adept at digesting them. As described in a recent report by the Centre For Information Policy Leadership, While traditionally analytics has been used to find answers to predetermined questions, its application to big data enables exploration of information to see what knowledge may be derived from it, and to identify connections and relationships that are unexpected or were previously unknowable. When organisations employ analytics to explore data's potential for one use, other possible uses that may not have been previously considered often are revealed. Big

data's potential to yield unanticipated insights, the dramatically low cost of information storage and the rapidly advancing power of algorithms have shifted organisations' priorities to collecting and harnessing as much data as possible and then attempting to make sense of it.⁷⁷ The analytics of big data seek to predict the behavior not only of populations or cohorts but also of individuals. In Predictive Analytics: The Power to Predict Who Will Click, Buy, Lie, or Die, computer scientist Eric Siegel explained the distinction as follows: Forecasting makes aggregate predictions on a macroscopic level. How will the economy fare? Which presidential candidate will win more votes in Ohio? Whereas forecasting estimates the total number of ice cream cones to be purchased next month in Nebraska, predictive technology tells you which individual Nebraskans are most likely to be seen with cone in hand.⁷⁸ In the context of health information the business intelligence grail is to identify and exploit a patient's differential health status. According to Neil Biehn with such segmentation "organizations can more easily identify anomalous buying behavior and make intelligent product and offer recommendations that are statistically more likely to be purchased. Biehn continues, "If two customers are alike but not buying the same products, the data analysis can advise which opportunities the sales team might be missing," concluding "[t]his is the type of Big Data viability that moves the needle in the real world."⁷⁹ The privacy implications of individuated big data analysis are profound. Beyond the expropriation or "using" objections to such data collection and processing, such as Commissioner Brill's critique quoted at the beginning of this article,⁸⁰ **the computer modeling of predictive analytics predicts a world of dehumanizing "data determinism,"** described by FTC Chairwoman Edith Ramirez as the judgment of persons "not because of what they've done, or what they will do in the future, but because inferences or correlations drawn by algorithms suggest they may behave in ways that make them poor credit or insurance risks, unsuitable candidates for employment or admission to schools or other institutions, or unlikely to carry out certain functions."⁸¹ Finally, there is the "Doomsday" scenario—a big data breach. The industrial scale data-warehousing model is the antithesis of the "silo" model of data storage used in the pre-information age. The lack of data liquidity (with all of its informational disadvantages) inherent in that model meant that there was little profit or harm in an isolated security breach. The opposite is true with big data storage. However, there are reports that big data brokers are not immune from the same security breaches that are plaguing other businesses.⁸²

Individuals willingly give up their health records by using non-protected mediums- means state legislation can't solve

Terry 14 (Nicolas P. Terry. "Big Data Proxies and Health Privacy Exceptionalism." 2014. P. 19-21 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

Ironically **one of the greatest threats to an individual's health privacy is . . . the individual.** One of the first examples of theretofore HIPAA-protected data migrating to HIPAA-free space was during President George W. Bush's administration at a time when the slowing of the administration's provider-curated EMR program coincided with the launching of PHR platforms by Google and Microsoft.⁹⁶ As a result the HITECH Act architects attempted to protect for the first time health data that migrated from a protected to an unprotected (or marginally protected) zone. However, they chose to do so with a swiftly outmoded, downstream breach notification model.⁹⁷ In the interim different (and unregulated) **technologies have emerged that encourage patient rather than provider curation of health data.** The most obvious example is the federal government's "Blue Button" technology that allows patients to download their records to their

own devices. The “Blue Button” approach to patient access and hence control of their health data has become a rallying cry for many (if not all) patient privacy advocates and has been encouraged by President Obama’s administration. 101 Indeed, then ONC National Coordinator Farzad Mostashari announced a Blue Button Mash-Up challenge to build software for patients designed to combine their downloaded Blue Button information with other data sources.¹⁰² At root such patient curation of health data bespeaks autonomy and is symbolic of patient ownership of the data. However, it fails to take into account one practical limitation—the canonical version of the record will remain in the provider’s control – and one legal limitation— that only the provider-curated copy is protected by HIPAA-HITECH. In contrast, the patient-curated “copy” attracts little meaningful privacy protection. Well-meaning privacy advocates should think carefully before promoting this autonomy-friendly “control” model until data protection laws (not to mention patient education as to good data practices) catch up with patient curated data. A similarly dichotomous result is likely as the medically quantified self develops. The quantified-self movement concentrates on personal collection and curation of inputs and performance. 103 Obviously, health, wellness and medically inflected data will likely comprise a large proportion of such data. A similar, if less formal, scenario is emerging around health and wellness apps on smartphones and connected domestic appliances such as scales and blood pressure cuffs. 104 Smartphones are crammed with sensors for location, orientation, sound and pictures that add richness to data collection.¹⁰⁵ And there is ongoing and explosive growth in the medical apps space that seeks to leverage such sensors. **More and more we are going to demand control of information about ourselves and generate medically inflected and core health data about ourselves.** These processes will in most cases lead to medically inflected data that exists outside of the HIPAA-HITECH protected zone.

Circumvention inevitable- police legally collect DNA all the time

Scherr 13 (Albert E. Scherr. Professor of Law, University of New Hampshire. “Genetic Privacy & the Fourth Amendment: Unregulated Surreptitious DNA Harvesting.” 2013. P. 448-449. <http://georgialawreview.org/wp-content/uploads/2015/02/Download-PDF-V47-I2-Scherr.pdf>)/EMerz

So why does the law regard genetic privacy issues in criminal and civil contexts differently? Why do surreptitious-DNA harvesting practices by private parties get appreciably more legal scrutiny than such practices by police? One broad-brush answer is that society places more value on the public-safety goal of solving crimes than on the needs of amateur genealogists, divorce lawyers, and genetic researchers. That broad-brush answer is unsatisfactory. Current Fourth Amendment jurisprudence on surreptitious harvesting creates an all-or-nothing dynamic. If a putative suspect—one for whom the police have some reasonable suspicion but not enough for a search warrant—abandons his DNA in a public place, the police can do with the sample what they will, without limitation. The police can do the same for a suspect for whom they have only a hunch. They can also do the same for someone for whom they have no suspicion, including a victim or a witness. They can do so without a suspect’s, a witness’s, or a victim’s consent or knowledge. If surreptitious DNA harvesting is not a “search” under the Fourth Amendment, the police can do whatever they want with anyone’s DNA.

Solvency - Alt Causes

Too many alt causes

Outdated legal codes

THEIR AUTHOR Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

The public health law infrastructure is equally deficient. The law establishes the mission, functions, and powers of public health agencies. Yet public health laws are highly antiquated, after many decades of neglect. Very little consideration has been given to modernizing these laws to reflect advances in public health practice and constitutional law. Reform of public health law is essential to ensure that public health agencies have clear missions and functions, stable sources of financing, adequate powers to avert or manage health threats, and restraints on powers to maintain respect for personal rights and liberties.

Underfunding and infrastructure

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As a result of chronic underspending, the public health infrastructure is badly deteriorated.² Public health agencies lack the capacity to conduct essential public health services at a level of performance that matches the constantly evolving threats to the health of the public. Critical components of that infrastructure include a well-trained workforce, electronic information and communications systems, rapid disease surveillance and reporting, laboratory capacity, and emergency response capability.

Faulty allocations and income inequality

THEIR AUTHOR Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

In this civil and property rights society, the tone has been distinctly antigovernment. The State has been perceived as inefficient, bureaucratic, and burdensome. Citizens have opposed taxation and broad health and welfare spending as well as oppressive regulation. From a funding perspective, this has meant that health dollars have been allocated primarily to advanced biotechnology and health care, which serve the needs of individual patients, particularly those who can afford private health insurance. Funding

for traditional prevention and population-based services represents only a small fraction of health spending, estimated at around 1 percent at the state level and less than 5 percent at the federal level.¹

Solvency – A2 Judicial Modelling

No court influence now

Liptac 08, (Adam, New York Times US, “U.S. Court Is Now Guiding Fewer Nations,” September 17, 2008, <http://www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all>)/IB

But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem to pay attention to the writings of American justices. “One of our great exports used to be constitutional law,” said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. “We are losing one of the greatest bully pulpits we have ever had.” From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate has fallen by half, to about six. Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72. The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, “they tend not to look to the rulings of the U.S. Supreme Court.” The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court’s fading influence, legal experts said. The new courts are, moreover, generally more liberal than the Rehnquist and Roberts courts and for that reason more inclined to cite one another. Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration’s unpopularity around the world. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience. “It’s not surprising, given our foreign policy in the last decade or so, that American influence should be declining,” said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago. Aversion to Foreign Law The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role, some foreign judges say. “Most justices of the United States Supreme Court do not cite foreign case law in their judgments,” Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. “They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems.”

Surveillance K Links

Trying to curtail the medical surveillance state starts from the wrong position—ignoring the interaction between the self and the collective body leads to reinforcing the biopolitics of the state and recreates the impacts of the 1AC through risk calculations

Baur and Olsen 9 (Susanne, professor at the University of Copenhagen, and Jan, professor at University of Copenhagen, “Observing the Others, Watching Over Oneself: themes of medical surveillance in society” file:///C:/Users/Jessi/Downloads/3252-5562-2-PB.pdf 2009 JM)

This paper is an attempt to explore the reconfiguration of space, body and gaze in recent biomedicine. The constellations of the body and the medical gaze and their location in space were closely intertwined with specific epistemologies of medical science and practice at different historical periods. Michel Foucault localized the birth of the clinic in the spatialization of disease and bodies, which took place with the structuring of hospitals according to nosological categories (Foucault 1963). Inspired by Foucault’s analyses of the clinical space, David Armstrong coined the **term ‘surveillance medicine’ as ‘a significant alternative model to hospital medicine and pathology,** which emerged during the 20th century **around the observation of seemingly healthy populations’** (Armstrong 1995: 393). Medical thinking in terms of surveillance embraces probabilistic rationality and prediction, which have continuously proliferated in medical research and in public health, for instance in early diagnostics or decision-making in the clinic and in preventive medicine. Drawing on examples from clinical diagnostics on the one hand and population health surveillance on the other hand, we explore recent reconfigurations of the clinical gaze in western biomedicine. In these recent forms of diagnostic monitoring an augmented space of digital visualization and statistical data, an abundance of numbers and images is created and the clinical gaze is being delocalized. In large-scale epidemiological studies, **health data from whole populations are used for risk calculations that inform policy making.** Both the body and society are governed by data analyses and numerical profiling; interventions are made in a rationality of prevention at ever earlier stages. This paper thus refers to developments that take place within western biomedicine and are products of the latter; in a global perspective, however, there remains a digital divide in terms of access and availability of information technologies. Our themes – **monitoring the patient-body and population surveillance** – can be read as **representing** both poles of **biopower,** in the sense the term has been introduced by Foucault: **the gaze is directed both upon the individual body and the self as well as upon the collective ‘population body’.** Taking up these two poles of biopower, we explore the digitized and transparent individual patient body of the clinic on the one hand and the epidemiological databases originating through public health surveillance practices on a population scale on the other hand. In doing so, we pay particular attention to the more distributed forms of contemporary surveillance, which go beyond the classic spatialization of the body in the clinic and the accounts of Jeremy Bentham’s panopticon (Foucault 1975). Drawing on surveillance studies, we take inspiration in the concept of panopticism and synopticism, as proposed by Thomas Mathieson (1997). In other words, **we are asking about who is observing and who is being watched.** What constellations between individuals, bodies and data do we encounter in the worlds of biomedicine and epidemiology? Which specific modes of knowing do such digital assemblages bring about? What is the location of the body and knowledge on the body – is it still in the macroanatomic body or rather on the hard drive or in population databases? How do imaging and visualization techniques mediate medical procedures, clinical and political decision-making? What kinds of

body and control practices do we face with the data avalanches of imaging techniques and databasing in the health sector? In exploring these questions, we will examine selected biomedical sites and contexts in which surveillance is at work – often as taken-for granted and widely accepted if not desired practice. By exploring the effects of surveillance from perspectives situated in the cultural studies of medicine, this article attempts to expose the digital reconfiguration of the body as object of medical monitoring and intervention.

Health monitoring relies on statistics that are informed by the biopolitical state—their evidence is predicated off of skewed data epistemes have constructed to support themselves

Baur and Olsen 9 (Susanne, professor at the University of Copenhagen, and Jan, professor at University of Copenhagen, “Observing the Others, Watching Over Oneself: themes of medical surveillance in society” file:///C:/Users/Jessi/Downloads/3252-5562-2-PB.pdf 2009 JM)

Monitoring population health has a long tradition in demography, government statistics and social policy; in 18th century political arithmetic, population thinking, probability theory and the field of political economy were closely entangled (Desrosières 1998). The production of population data has long been intertwined with biopolitical frameworks, e.g. of central state governance, life insurance and actuary reasoning. The panoptic constellation of monitoring and managing a collective ‘population body’ continues to play a central role in contemporary concepts and practices of evaluation and governance. In public health, surveillance, as defined by Alexander Langmuir, means ‘the continued watchfulness over the distribution and trends of incidence through the systematic collection, consolidation and evaluation of morbidity and mortality reports and other relevant data’ for purposes of prevention of disease or injury’ (Langmuir 1992). Epidemiologist Alfredo Morabia described surveillance as the ‘bedrock of public health’ (Morabia 2000: 22); securing generation and access to valid data is critical in epidemiologic research. Survey and monitoring techniques bring about statistical entities and make them perceptible; subsequent data visualization works as a tool for inspection of multiple aspects ‘at a glance’, similar to techniques of mapping. A survey is an act of viewing, examining and inspecting; the term ‘survey’ originated in 19th century land surveys and geology (Converse 1987). Different from land surveys for the mapping of geographical space, the data patterns visualized in epidemiology refer to multiple levels and diverse contexts. The extent and modalities in which data are collected has differed between countries; often so-called ‘routine data’ such as demographic data on births and deaths (‘vital statistics’) are collected for the entire population. The Nordic countries maintain central population registries which allow record linkage between different sectors (for example population registries, social services and health care data). Health research relies heavily on data from these routine administrative monitoring techniques as well as on the data recording systems of health-related registries. Registry research has become a sub-discipline in epidemiologic research in the Nordic countries (Mortensen 2004). Further, specific epidemiological studies are usually conducted for representative samples of the population, for example longitudinal follow-up studies or cross-sectional surveys. Health surveys among representative or random samples of the population are used to gain quick ‘comparative snapshots’ of the population’s health. Not only has the anatomic atlas of the macroanatomical body been replaced by a statistical and digitized body; at a population level health and disease are documented for instance in national cancer atlases, as done for example in Denmark since the 1970s. Visual mapping as part of descriptive epidemiology creates new epistemological infrastructures; the surveillant gaze takes up these new data patterns as grids of orientation, in

which one is able to navigate. More than a metaphor the visual episteme plays is key to design and display of health statistics. Alluding to the objectivity effects of photography, Catherine Waldby has described epidemiological surveillance as an imaging process that is conceived to provide ‘accurate photographs of population health’ (Waldby 1996: 99). Graphs, charts and tables visualise and spatialize data; they mediate research design and risk communication. While as part of state administrative procedures, routine data are recorded and stored to evaluate health and disease at the population level, it is also new forms of accountability that drive the implementation of monitoring and evidence-based decision-making; these in turn nurture the need for documentation, visibility and transparency. This **data hunger of quality management has contributed to the vast bureaucracies that accompany medical practice and health care systems.**

The plan fails – only questioning broader surveillance structures solves

Whetton 13 (Suzanne, Lecturer at University of Tasmania, “Health informatics discourses and the use of personal health information: Which piper, which tune, who pays?”, July 2013, University of Tasmania, <http://eprints.utas.edu.au/17110/2/whole-Whetton-thesis.pdf>)/JL

The health informatics community has the option of continuing to participate in discussions within the parameters established by the privacy framework, or it may go beyond these parameters to challenge the dominant approach to personal health information management and, in doing so, address issues beyond a private trouble/public interest level. To adopt this form of critique would mean exploring alternative approaches to conceptualizing information management issues. It would mean challenging the representation of the privacy framework as neutral. It would also mean identifying links between the collection of personal health information and broader social practices and power relations in Australia. Such a challenge would ‘invoke broader questions of social control and warn of the dangers of the creeping surveillance society’ (Bennett, 2011, p. 485). It would explain this creeping surveillance society in terms of disciplinary power and control not only of some individuals and groups but of the population as a whole. The willingness to critique is increasingly imperative as the Australian Government progresses its plans for an Individual Health Identifier (IHI) and a Personally Controlled Electronic Health Record (PCEHR). As health information networks expand to intersect with other personal information networks, creating the potential for new, more widespread and more intrusive forms of surveillance, it becomes even more imperative that the health informatics community participate in the critical debate.

Biopolitical disease surveillance sets the stage for the militarization of health and society – culminates in authoritarianism

Youde 10 (Jeremy Youde is a professor of Political Science at the University of Minnesota Duluth, “BIOPOLITICAL SURVEILLANCE AND PUBLIC HEALTH IN INTERNATIONAL POLITICS” p. 31-34)/CW

The other major concern about the increased surveillance associated with biopolitics focuses on overly militarized responses. As we redefine infectious disease as a security threat, critics have warned that governments may inappropriately rely on traditional security apparatuses to address the problem. Deudney raised a similar concern with the environment. If environmental degradation is deemed a security threat that concerns national and international stability, it may lead political leaders to call on military forces to confront the threat. Militaries may be useful for traditional threats,

but they may be poorly equipped to respond to environmental degradation or infectious disease.⁷³ **Militaries can and do play a role in biopolitical surveillance.** Some of this is concentrated on the members of the armed forces. **Military commanders have an obvious interest in ensuring that their forces are healthy** and able to respond to situations as they arise. The military often creates its own parallel public health infrastructure specifically for its members. Like any other public health system, the **military** seeks to monitor, treat, and prevent illnesses. However, those same **capabilities can be extended to monitor civilian populations.** Militaries may have laboratory and diagnostic capabilities beyond those of traditional public health organizations. They may also have the logistical and organizational capabilities to facilitate rapid deployment in epidemic regions and the communication technologies to communicate with WHO officials in a timely manner.⁷⁴ Indeed, in developing countries, the military may be the only organization with these capabilities. **Such an extension of military capabilities into decidedly nonmilitary realms raises fears of the militarization of society.** Chretien et al. suggest that some **governments have essentially turned the provision of public health services and disease surveillance over to military forces** “by providing health services for civilians in remote areas and reporting military surveillance data to the ministry of health.”⁷⁵ **This extends the role of the military into a more prominent place within the domestic arena.** The connections between military forces and public health are not limited to developing countries. **Within the United States,** much of the global infectious disease surveillance system is linked to the Department of Defense (DoD). In the 1990s, the U.S. government established the Global Emerging Infectious Surveillance and Response System (GEIS). The system set up mobile laboratories that could quickly respond to disease outbreaks around the world. Interestingly, GEIS comes under the administrative aegis of the DoD, not one of the diplomatic or humanitarian bureaucracies in the government. “Their location in the DoD, as opposed to the United States Agency for International Development (USAID) or Center for Disease Control (CDC) demonstrates how seriously the United States views the response to infectious disease as a key national security strategy.”⁷⁶ **Surveillance becomes inextricably linked with the military and the deployment of military personnel in foreign countries.** Fears arise that **this could cloud the state’s response, leading to rely too heavily on military, as opposed to health, means.** It also could potentially place the military in a strong position for ensuring and regulating the population’s health. Pandemic influenza preparations have further stoked fears about the links between biopolitical surveillance and the role of the military. In 2005, U.S. President Bush released the document National Strategy for Pandemic Influenza. The document focuses on preparedness, surveillance, and containment. This strategy calls upon government officials at the local, state, and federal government to develop mitigation strategies, build greater lines of communication between officials, and collaborate with international partners. To contain an outbreak, the strategy acknowledges that military capabilities may be used domestically to provide additional medical facilities and to engage in “infrastructure-sustainment activities.”⁷⁷ Bush expanded upon the military’s potential role during a press conference. He remarked: “If we had an outbreak somewhere in the United States, do we not then quarantine that part of the country, and how do you then enforce a quarantine? When—it’s one thing to shut down airplanes; it’s another thing to prevent people from coming in to get exposed to the avian flu. And who best to be able to effect a quarantine? One option is the use of a military that’s able to plan and move.”⁷⁸ Some have seized upon this potential role for the military as proof that **governments are using the threat of an infectious disease outbreak to introduce an overly militaristic response that could border on martial law.** The United States’ pandemic influenza program specifically carves out a special role for the military in providing medical services, enforcing quarantines, and ensuring continuity of government and economy. Some critics of this program have argued that it essentially allows for the declaration of martial law.⁷⁹ Greger argues that using the **military** to institute some sort of **quarantine,** as he suggests the National Strategy for Pandemic Influenza allows, **would** serve only to **increase stigmatization and discrimination. This would drive people further away from medical attention** and exacerbate an epidemic.⁸⁰ Irwin Redlener, the dean of Columbia University’s Mailman School of Public Health, called the militarized aspect of the government’s response “extraordinarily draconian” and equated it with martial law.⁸¹ More bombastically, Michael Osterholm, an advisor to the U.S. government on its pandemic flu preparations, paints the following doomsday scenario: “Border security would be made a priority, especially to protect potential supplies of pandemic-specific vaccines from nearby desperate countries. Military leaders would have to develop strategies to defend the country and also protect against domestic insurgency with armed forces that would likely be compromised by the disease.”⁸² He goes on to discuss the fallout from the government’s failure to properly securitize pandemic influenza: “Someday, after the next pandemic has come and gone, a commission much like the 9/11 Commission will be charged with determining how well government, business, and public health leaders prepared the world for the catastrophe when they had clear warning. What will be the verdict?”⁸³ Osterholm’s prognostication envisions widespread looting and the need for roaming militias to ensure access to drug supplies as he envisions millions of people dying. He speaks strongly about the need to protect our borders to prevent people from coming to the United States to get America’s drugs. This also suggests that pharmaceutical manufacturing capabilities may become a national security issue, as could access to antiretroviral drugs in developing countries. Garrett notes that pharmaceutical patent protections are stoking anti-Western sentiments in some countries, threatening to create greater problems.⁸⁴ These **concerns about the role of the military in responding to a disease outbreak get to the very heart of surveillance.** Fears have

arisen¶ about the potential for overt coercion going hand in hand with increased government surveillance in public health. Government officials¶ have linked increasing adherence with universal standards embodied¶ within increased health surveillance with a loss of sovereignty,¶ attempts to weaken the state, and domination by Western states.

*****Impact Framing*****

No War - General

No risk of global war – economic costs, democracy, treaties, interdependence and multiple other reasons check conflict escalation

[John **Aziz**, former economics and business editor @ The Week. “Don't worry: World War III will almost certainly never happen” **2014**]

Next year will be the seventieth anniversary of the end of the last global conflict. There have been points on that timeline — such as the Cuban missile crisis in 1962, and a Soviet computer malfunction in 1983 that erroneously suggested that the U.S. had attacked, and perhaps even the Kosovo War in 1999 — when a global conflict was a real possibility. Yet today — in the shadow of a flare up which some are calling a new Cold War between Russia and the U.S. — I believe the threat of World War III has almost faded into nothingness. That is, **the probability of a world war is the lowest it has been in decades**, and perhaps the lowest it has ever been since the dawn of modernity. This is certainly a view that current data supports. Steven Pinker's studies into the decline of violence reveal that deaths from war have fallen and fallen since World War II. But **WE should not just assume that the past is an accurate guide** to the future. Instead, we must look at the factors which have led to the reduction in war and try to conclude whether the decrease in war is sustainable. So what's changed? Well, the first big change after the last world war was **the arrival of mutually assured destruction**. It's no coincidence that the end of the last global war coincided with the invention of atomic weapons. The possibility of complete annihilation **provided a huge disincentive to launching and expanding total wars**. Instead, the great powers now fight proxy wars like Vietnam and Afghanistan (the 1980 version, that is), rather than letting their rivalries expand into full-on, globe-spanning struggles against each other. Sure, accidents could happen, but the possibility is incredibly remote. More importantly, **nobody in power wants to be the cause of Armageddon**. But what about a non-nuclear global war? Other changes — economic and social in nature — have made that highly unlikely too. **The world has become much more economically interconnected** since the last global war. Economic **cooperation treaties and free trade agreements have intertwined the economies** of countries around the world. This has meant there has been a huge rise in the volume of global trade since World War II, and especially since the 1980s. Today consumer goods like smartphones, laptops, cars, jewelery, food, cosmetics, and medicine are produced on a global level, with supply-chains criss-crossing the planet. An example: The laptop I am typing this on is the cumulative culmination of thousands of hours of work, as well as resources and manufacturing processes across the globe. It incorporates metals like tellurium, indium, cobalt, gallium, and manganese mined in Africa. Neodymium mined in China. Plastics forged out of oil, perhaps from Saudi Arabia, or Russia, or Venezuela. Aluminum from bauxite, perhaps mined in Brazil. Iron, perhaps mined in Australia. These raw materials are turned into components — memory manufactured in Korea, semiconductors forged in Germany, glass made in the United States. And it takes gallons and gallons of oil to ship all the resources and components back and forth around the world, until they are finally assembled in China, and shipped once again around the world to the consumer. **In a global war**, global trade becomes a nightmare. **Shipping becomes more expensive** due to higher insurance costs, and riskier because it's subject to seizures, blockades, ship sinkings. Many goods, intermediate components or resources — including energy supplies like coal and oil, components for military hardware, etc, may become temporarily unavailable in certain areas. Sometimes — such as occurred in the Siege of Leningrad during World War II — **the supply of food can be cut off**. This is why countries hold strategic reserves of things like helium, pork, rare earth metals and oil, coal, and gas. These kinds of breakdowns were troublesome enough in the economic landscape of the early and mid-20th century, when the last global wars occurred. But in today's ultra-globalized and ultra-specialized economy? The level of **economic adaptation — even for large countries** like Russia and the United States with lots of land and natural resources — required to adapt to a world war **would be crushing**, and huge numbers of business and livelihoods would be wiped out. In other words, global trade **interdependency has become**, to borrow a phrase from finance, **too big to fail**. It is easy to complain about the reality of **big business** influencing or **controlling politicians**. But big business has just about the most to lose from breakdowns in global trade. A practical example: If Russian oligarchs make their money from selling gas and natural resources to Western Europe, and send their children to schools in Britain and Germany, and lend and borrow money from the West's financial centers, are they going to be willing to tolerate Vladimir Putin starting a regional war in Eastern Europe (let alone a world war)? Would the Chinese financial industry be happy to see their multi-trillion dollar investments in dollars and U.S. treasury debt go up in smoke? Of course, world wars have been waged despite international business interests, but the world today is far more globalized than ever before and well-connected domestic interests are more dependent on access to global markets, components and resources, or the repayment of foreign debts. These are huge disincentives to global war. But what of the military-industrial complex? While other businesses might be hurt due to a breakdown in trade, surely military contractors and weapons manufacturers are happy with war? Not necessarily. As the last seventy years illustrates, it is perfectly possible for weapons contractors to enjoy the profits from huge military spending without a global war. And the uncertainty of a breakdown in global trade could hurt weapons contractors just as much as other industries in terms of losing access to global markets. That means weapons manufacturers may be just as uneasy about the prospects for large-scale war as other businesses. Other changes have been social in nature. Obviously, **democratic countries do not** tend to **go to war** with each other, and the spread of **liberal democracy is correlated against the decrease in war** around the world. But the spread of internet technology and social media has brought the world much closer together, too. As late as the last world war, populations were separated from each other by physical distance, by language barriers, and by lack of mass communication tools. This means that it was easy for war-mongering politicians to sell a population on the idea that the enemy is evil. It's

hard to empathize with people who you only see in slanted government propaganda reels. Today, people from enemy countries can come together in cyberspace and find out that the "enemy" is not so different, as occurred in the Iran-Israel solidarity movement of 2012. More importantly, violent incidents and deaths can be broadcast to the world much more easily. Public shock and disgust at the brutal reality of war broadcast over YouTube and Facebook makes it much more difficult for governments to carry out large scale military aggressions. For example, the Kremlin's own pollster today released a survey showing that 73 percent of Russians disapprove of Putin's handling of the Ukraine crisis, with only 15 percent of the nation supporting a response to the overthrow of the government in Kiev. There are, of course, a few countries like North Korea that deny their citizens access to information that might contradict the government's propaganda line. And sometimes countries ignore mass anti-war protests — as occurred prior to the Iraq invasion of 2003 — but generally a more connected, open, empathetic and democratic world has made it much harder for war-mongers to go to war. The greatest trend, though, may be that the world as a whole is getting richer. Fundamentally, wars arise out of one group of people deciding that they want whatever another group has — land, tools, resources, money, friends, sexual partners, empire, prestige — and deciding to take it by force. Or they arise as a result of grudges or hatreds from previous wars of the first kind. We don't quite live in a superabundant world yet, but the long march of human ingenuity is making basic human wants like clothing, water, food, shelter, warmth, entertainment, recreation, and medicine more ubiquitous throughout the world. This means that countries are less desperate to go to war to seize other people's stuff. But the tendency toward inertia is strong. It is clear at least that the incentives for world war are far lower than they were in previous decades, and the disincentives are growing. The apocalyptic visions of a new world war between nations or empires that three generations of children have been raised into continue to diminish.

Empirics prove that mutually assured destruction prevents war because all actors are rational and nuclear war is fundamentally unwinnable

Tepperman 9 (Jonathan Tepperman is an editor, writer, and analyst working on international affairs. He was appointed Managing Editor of Foreign Affairs—the magazine published by the New York-based Council on Foreign Relations—in February 2011. Tepperman has a BA in English Literature from Yale University and law degrees from Oxford and NYU. He is Vice Chairman of the Halifax International Security Forum and a Fellow of the New York Institute of Humanities. “How Nuclear Weapons Can Keep You Safe” 8/28/9 <http://www.newsweek.com/how-nuclear-weapons-can-keep-you-safe-78907>///CW

The argument that nuclear weapons can be agents of peace as well as destruction rests on two deceptively simple observations. First, nuclear weapons have not been used since 1945. Second, there's never been a nuclear, or even a nonnuclear, war between two states that possess them. Just stop for a second and think about that: it's hard to overstate how remarkable it is, especially given the singular viciousness of the 20th century. As Kenneth Waltz, the leading "nuclear optimist" and a professor emeritus of political science at UC Berkeley puts it, "We now have 64 years of experience since Hiroshima. It's striking and against all historical precedent that for that substantial period, there has not been any war among nuclear states."¶ To understand why—and why the next 64 years are likely to play out the same way—you need to start by recognizing that all states are rational on some basic level. Their leaders may be stupid, petty, venal, even evil, but they tend to do things only when they're pretty sure they can get away with them. Take war: a country will start a fight only when it's almost certain it can get what it wants at an acceptable price. Not even Hitler or Saddam waged wars they didn't think they could win. The problem historically has been that leaders often make the wrong gamble and underestimate the other side—and millions of innocents pay the price.¶ Nuclear weapons change all that by making the costs of war obvious, inevitable, and unacceptable. Suddenly, when both sides have the ability to turn the other to ashes with the push of a button—and everybody knows it—the basic math shifts. Even the craziest tin-pot dictator is forced to accept that war with a nuclear state is unwinnable and thus not worth the effort. As Waltz puts it, "Why fight if you can't win and might lose everything?"¶ Why indeed? The iron logic of deterrence and mutually assured destruction is so compelling, it's led to what's known as the nuclear peace: the virtually unprecedented stretch since the end of World War II in which all the world's major powers have avoided coming to blows. They did fight proxy wars, ranging from Korea to Vietnam to Angola to Latin America. But these never matched the furious destruction of full-on, great-power war (World War II alone was responsible for some 50 million to 70 million deaths). And since the end of the Cold War, such bloodshed has declined precipitously. Meanwhile, the nuclear powers have scrupulously avoided direct combat, and there's very good reason to think they always will. There have been some near misses, but a close look at these cases is fundamentally reassuring—because in each instance, very different leaders all came to the same safe conclusion.¶ Take the mother of all nuclear standoffs: the Cuban missile crisis. For 13 days in October 1962, the United States and the Soviet Union each threatened the other with destruction. But both countries soon stepped back from the brink when they recognized that a war would have meant curtains for everyone. As important as the fact that they did is the reason why: Soviet leader Nikita Khrushchev's aide Fyodor Burlatsky said later on, "It is impossible to win a nuclear war, and both sides realized that, maybe for the first time."¶ The record since then shows the same pattern repeating: nuclear-armed enemies slide toward war, then pull back, always for the same reasons. The best recent example is India and Pakistan, which fought three bloody wars after

independence before acquiring their own nukes in 1998. Getting their hands on weapons of mass destruction didn't do anything to lessen their animosity. But it did dramatically mellow their behavior. Since acquiring atomic weapons, the two sides have never fought another war, despite severe provocations (like Pakistani-based terrorist attacks on India in 2001 and 2008). They have skirmished once. But during that flare-up, in Kashmir in 1999, both countries were careful to keep the fighting limited and to avoid threatening the other's vital interests. Sumit Ganguly, an Indiana University professor and coauthor of the forthcoming *India, Pakistan, and the Bomb*, has found that on both sides, officials' thinking was strikingly similar to that of the Russians and Americans in 1962. The prospect of war brought Delhi and Islamabad face to face with a nuclear holocaust, and leaders in each country did what they had to do to avoid it.

No War – Nuclear Winter

Nuke war is unlikely – conventional weapons are prioritized and there is no impact to nuclear winter

Brian **Dunning** (co-founded and was chief technology officer for Buylink, technical editor for FileMaker Advisor Magazine, hosted and produced Skeptoid: Critical Analysis of Pop Phenomenon, winner of the 2010 Parsec Award for "Best Fact Behind the Fiction Podcast".[14] In August 2010 he received an award recognizing his contributions in the skeptical field from the Independent Investigations Group (IIG) during its 10th Anniversary Gala) **2011** “Nuclear War and Nuclear Winter” <http://skeptoid.com/episodes/4244>

Other cataclysmic events have proven that the nuclear winter scenario is not at all far-fetched. The eruption of Mt. Pinatubo in the Philippines, also in 1991, threw some 17 million tons of particulates into the upper atmosphere that caused global temperatures to drop by about a degree for several months. Sunlight dropped by 10%. This temperature drop did not, however, have any long-term effect on agriculture. Pinatubo was only a blip compared to the K-T extinction event of some 65 million years ago, when a theorized asteroid hit us with one hundred million megatons of destructive force, lighting virtually the entire world on fire. The evidence of this is called the K-T boundary, a layer of clay found all around the world. Sunlight was reduced by 10-20% for ten years, which caused a massive cascading extinction of species from plants to herbivores to carnivores. But we shouldn't expect anything like this to happen from a nuclear war. Times continue to change, including the nature of warfare. Nations no longer stockpile the megaton class weapons popular in the 1950s and 1960s; typical yields now are a fraction of a megaton. The United States' conventional capability is now SO GOOD that it can effectively destroy an entire nation's ability to wage large-scale war overnight, using only conventional weapons. But that doesn't mean the nuclear forces are no longer needed. Should a superpower strike first against the United States with nuclear weapons, the response would more than likely be nuclear, bringing Mutually Assured Destruction into play. But what about a small nation striking first? What about nukes in the trunks of cars parked in major cities? In the modern era, it's much less clear that any superpower would necessarily have anyone to shoot back at. And so, while the nuclear winter scenario is a good prediction of the effects of a worst-case scenario, when all the variables are at their least favorable, the strongest probabilities favor a much less catastrophic nuclear autumn; and even those effects depend strongly on variables like whether the war happens during the growing season. A bomb in Los Angeles might result in history's worst firestorm, while a bomb in the mountains of Pakistan might create no fires at all. The simple fact is that there are too many unpredictable variables to know what kind of climate effects the smoke following nuclear fires will produce, until it actually happens. Obviously we're all very mindful of the many terrible implications of nuclear combat, and if it ever happens, the prospect of a nuclear autumn will likely be among the least of our concerns. The physicist Freeman Dyson perhaps described it best when he said "(TTAPS is) an absolutely atrocious piece of science, but I quite despair of setting the public record straight... Who wants to be accused of being in favor of nuclear war?"

Nuclear winter can't be proven—their studies are politically biased

AIP (American Institute of Physics) **2011** “Wintry Doom”

<https://www.aip.org/history/climate/Winter.htm>

Atmospheric scientists were well-placed to take up the question of smoke from a nuclear war.

Measurements like Crutzen's of the effects of soot and the like had greatly advanced since the 1975 study. Richard Turco and others,

working on the dinosaur extinction problem, had developed a computer model of a haze-filled atmosphere, and it had occurred to them that dust lofted by the explosions of a nuclear world war might have effects comparable to the dust from an asteroid impact. Meanwhile the surprising observation that a giant dust storm was cooling the atmosphere of Mars had inspired two more scientists, James Pollack and Brian Toon, into new calculations of dust effects. This led them into work with Carl Sagan on how the aerosols emitted by volcanic eruptions could affect climate. Now these scattered scientists joined forces to calculate the consequences of an exchange of hydrogen bombs. Their ominous conclusion was that the sooty smoke from burning cities could bring on a "nuclear winter" — months or even years of cold so severe it would gravely endanger living creatures.⁽⁸⁾ The scientists did this work mainly for public consumption. When they announced their results in 1983, it was with the explicit aim of promoting international arms control. Surely the likelihood that all-out nuclear war was literally suicidal would persuade nations to reduce their arsenals? As a side effect, the studies helped to improve scientific understanding of how aerosols could affect climate.⁽⁹⁾ The computer models were so simplified, and the data on smoke and other aerosols were still so poor, that the scientists could say nothing for certain. Critics, mostly people opposed to nuclear disarmament, quickly pointed out the deficiencies. In the mid 1980s, detailed studies confirmed that a nuclear war would probably alter global climate temporarily. But as Schneider and a coauthor explained in a widely read article, it was not likely to bring an apocalyptic winter, but it would bring a damaging "nuclear fall." (According to more recent research, smoke following even a limited, regional war would probably dim sunlight enough to kill many more people through starvation than would die directly under the bombs.)⁽¹⁰⁾

No War - A2 Irrational Actors

Even the wildest leaders are deterrable – if Mao and Stalin didn't start a nuclear war then nobody will

Tepperman 9 (Jonathan Tepperman is an editor, writer, and analyst working on international affairs. He was appointed Managing Editor of Foreign Affairs—the magazine published by the New York-based Council on Foreign Relations—in February 2011. Tepperman has a BA in English Literature from Yale University and law degrees from Oxford and NYU. He is Vice Chairman of the Halifax International Security Forum and a Fellow of the New York Institute of Humanities. “How Nuclear Weapons Can Keep You Safe” 8/28/9 <http://www.newsweek.com/how-nuclear-weapons-can-keep-you-safe-78907>)/CW

Nuclear pessimists—and there are many—insist that even if this pattern has held in the past, it's crazy to rely on it in the future, for several reasons. The first is that today's nuclear wannabes are so completely unhinged, you'd be mad to trust them with a bomb. Take the sybaritic Kim Jong II, who's never missed a chance to demonstrate his battiness, or Mahmoud Ahmadinejad, who has denied the Holocaust and promised the destruction of Israel, and who, according to some respected Middle East scholars, runs a messianic martyrdom cult that would welcome nuclear obliteration. These regimes are the ultimate rogues, the thinking goes—and there's no deterring rogues. ¶ But are Kim and Ahmadinejad really scarier and crazier than were Stalin and Mao? It might look that way from Seoul or Tel Aviv, but history says otherwise. Khrushchev, remember, threatened to "bury" the United States, and in 1957, Mao blithely declared that a nuclear war with America wouldn't be so bad because even "if half of mankind died ... the whole world would become socialist." Pyongyang and Tehran support terrorism—but so did Moscow and Beijing. And as for seeming suicidal, Michael Desch of the University of Notre Dame points out that Stalin and Mao are the real record holders here: both were responsible for the deaths of some 20 million of their own citizens. ¶ Yet when push came to shove, their regimes balked at nuclear suicide, and so would today's international bogeymen. For all of Ahmadinejad's antics, his power is limited, and the clerical regime has always proved rational and pragmatic when its life is on the line. Revolutionary Iran has never started a war, has done deals with both Washington and Jerusalem, and sued for peace in its war with Iraq (which Saddam started) once it realized it couldn't win. North Korea, meanwhile, is a tiny, impoverished, family-run country with a history of being invaded; it's overwhelming preoccupation is survival, and every time it becomes more belligerent it reverses itself a few months later (witness last week, when Pyongyang told Seoul and Washington it was ready to return to the bargaining table). These countries may be brutally oppressive, but nothing in their behavior suggests they have a death wish.

Yes War - General

Nuclear war is possible – India, Pakistan, China, North Korea, and terrorism

Duz 14 (Sergei Duz is a writer for the Voice of Russia, “Nuclear war more likely than ever: threat comes from South Asia and nuke terrorists” 1/2/14 http://sputniknews.com/voiceofrussia/2014_01_02/Nuclear-war-more-likely-than-ever-threat-comes-from-South-Asia-and-nuke-terrorists-1915/)

The main reason for this is the ongoing erosion of the non-proliferation regime, experts say. The Non-Proliferation Treaty has been continuously bashed as “unfair,” but it is in fact the exclusive geopolitical environment and ensuing nuclear responsibility of a handful of states that has so far kept mankind away from the total wipeout. ¶ The theory of reciprocal deterrence wasn’t there all the time. A long two decades after the A-bomb was invented, the powers who had it in their arsenals thought of it as fair game, a weapon you could actually use in a conflict, rather than a deterrent. ¶ The Cuban Missile Crisis came as a wakeup call. It brought home the danger of nuclear weapons and led to the non-proliferation regime as conceived by the so-called “nuclear club,” which included the Soviet Union, the US, Britain, France and China. Under the NPT, only countries that made and set off a nuclear bomb prior to January 1, 1967 were granted the status of a nuclear power. Washington, London and Moscow were the first to sign the treaty in 1968, with Paris and Beijing committing themselves to it years later. But all of the signatories abided by the rules. ¶ Those times have passed. NPT controls have become so loose and new nuclear powers so numerous, there’s no counting them anymore. India, Pakistan, Israel and North Korea have never even applied for “nuclear club” membership. On the contrary, they created their own shadow club with no rules. The official club with all its nukes poses less threat to the human race than this bunch of neophytes. Volatility has spread, though South Asia plays a separate role in it. ¶ “Some South Asian countries have a full arsenal of nukes,” says Pyotr Topychkanov, a senior researcher at the International Security Center of the Institute of World Economy and International Relations at the Russian Academy of Sciences. “They have enough nuclear warheads and vehicles. They have only one equal in the Middle East, which is Israel. Iran has no nuclear weapons yet.” ¶ “The same is true of North Korea, which has weapon-grade fissile nuclear materials. They have built and tested explosive devices, but it’s still a long way to fully-fledged nukes for them.” ¶ The countries that really cause concern are India, Pakistan and China. China and Pakistan are longtime partners, including their nuclear agenda. India borders on China and Pakistan and is certainly aware of this partnership. It doesn’t have faith in either. Were a conflict to spark off, it would be trilateral and include not only India and Pakistan, but India, Pakistan and China.” ¶ About 30 to 40 countries are on their way towards nuclear status. Many of them are inches away, like Germany, Japan and Canada, who could have had an A-bomb long ago – but simply didn’t wish to. The Sunni Saudi Arabia has hinted it will make a bomb the moment the Shiite Iran lays its hands on one. ¶ The principle of uncontrolled nuclear proliferation was formulated back in 1965, when Pakistan’s foreign chief Zulfikar Ali Bhutto said: “There’s a Christian bomb, a Jewish bomb and now even a Hindu bomb. It’s high time we got a Muslim bomb.” ¶ Nuclear terrorism is yet another problem. Terrorists can’t make a nuke. But they do know how to pit countries and eventually provoke them to an inadequate response. There’s no lacking of short-sighted politicians who can take that last step, for instance Republican Senator Steve Buyer who nudged the government after 9/11 to nuke Tora Bora caves, instead of sending a task force to Afghanistan. ¶ In that sense, the threat of a full-scale nuclear war has transformed into the menace of a local nuclear conflict, or even a string of them. You shouldn’t be lulled by their seeming locality though, since a precise nuclear strike will be felt globally, says PIR Center Internet Project Director Andrei Baklitsky. ¶ A nuclear conflict will have dramatic consequences for all of us, because nuclear weapons are weapons of mass destruction. They are not selective. A nuclear attack in the Middle East would be most tragic, first of all, because of its huge oil fields, and a burning oil field is a big trouble. Secondly, any strike on the Middle East will skyrocket oil prices across the world and plunge the global economy back into an even worse economic crisis than before. ¶ The consequences of using an A-bomb in an Indo-Pakistani conflict would be just as grave for these densely populated countries, driving millions of refugees out of their homes and turning agriculture lands into barren wastes.” ¶ Unfortunately, the world is home to many paradoxes. Despite a drop in amounts of nuclear weapons worldwide, the collapse of the bipolar world has made the risk of a manmade apocalypse palpable.

Nuclear war is possible – accidents and poor risk calculation

Gobry 14 (Pascal-Emmanuel Gobry is a writer and fellow at the Ethics and Public Policy Center. His writing has appeared at Forbes, The Atlantic, First Things, Commentary Magazine, The Daily Beast, The Federalist, Quartz, and other places, “The end of nuclear deterrence” 12/12/14 <http://theweek.com/articles/441584/end-nuclear-deterrence>)//CW

Since the end of the Cold War, the public mind has pretty much forgotten about the existence of nuclear weapons, except in the Middle East. And yet, they still exist — thousands and thousands of them, ready to destroy all of human civilization several times over. In response, a new nuclear disarmament movement is getting underway.¶ This week, I attended the Vienna conference on the Humanitarian Impact of Nuclear Weapons. (Full disclosure: one of the sponsoring organizations, the Nuclear Threat Initiative, invited me all expenses paid.) The conference was striking in describing the utter, absolute destruction that can be caused by nuclear weapons.¶ I came in as a supporter of the doctrine of nuclear deterrence, which says that the world's major power-brokers should have nuclear weapons as a way of preventing a new world war. Advocates of this doctrine point to the Cold War, which never went hot, as a success for deterrence.¶ But supporters of disarmament — including the Red Cross, Pope Francis, and, believe it or not, Henry Kissinger — say that's wrong. These are serious, sober-minded people, not just pie-in-the-sky activists, and they say that deterrence doesn't work in a multipolar world. Instead, the presence of nuclear weapons just creates an incentive for more proliferation, as small countries try to one-up their regional adversaries.¶ What's more — and this was the most striking thing at the conference — they point to the risks inherent in the existence of nuclear weapons. History has recorded many close calls in which nuclear weapons were almost fired. (This, in turn, could have led to a nightmare scenario where an accidental strike is met with a riposte, triggering Armageddon.) For example, in 2007, six U.S. nuclear warheads went missing because of a bureaucratic mistake. Then there's the story of the U.S. nuclear missile launch officer with the drug problem.¶ If this stuff can happen in the U.S., which has the oldest, best-funded, and most sophisticated nuclear force, one shudders to think about what might be going on in Russia or Pakistan. Given the way human nature and technology works, advocates warn, it is not a matter of if, but when a catastrophic accident will occur. The only solution is simply to ban nuclear weapons for good.¶ This is where I started rethinking my position. A lot of research has shown that human brains are wired in such a way that it is very difficult for us to rationally process risks that have a very low probability but a very high cost. This is essentially what caused the 2008 financial crisis: a very low risk was treated as non-existent, so that when the event occurred, the system collapsed. This is exactly the kind of risk we are talking about with nuclear weapons.

Peace isn't inevitable – framing it as such increases the risk of conflict by altering threat perceptions

Jehangir 12 {Hamza, Research Associate on a National Priorities Research Project (Texas A&M – Qatar), Masters of Arts, International Relations and Globalization (University of Salford, UK) and Bachelor of Social Science, International Relations (SZABIST, Islamabad, Pakistan), “Realism, Liberalism and the Possibilities of Peace,” E-IR, 2/19, <http://www.e-ir.info/2012/02/19/realism-liberalism-and-the-possibilities-of-peace/>}

When Plato said that only the dead have seen the end of war, his remarks echoed the history of his time. War was all too often of an occurrence in ancient Greece, so much so that it might've been considered a necessity in some cases but a menace in others. From Plato's time to the contemporary period of political science and international relations theorizing, philosophers and theorists have been primarily concerned with discovering human nature, its role in social and political life as well as ways and means of giving meaning to human life. Peace has been central to this process of inquiry and thought which has led humanity to its present condition. Theories of peace and war have been central to this cognitive exercise. However, in the last three centuries, relations between nation-states have taken the central stage. Theories have come to light which illuminate our understanding of how nations interact, what causes them to go to war, what motivations might they have to establish peace and how these causes and motivations might be managed to reach a stage where peace is not “an armistice in a war” as Thucydides (431BCE) stated but “a virtue, a state of mind, a disposition for benevolence, confidence, justice” as Baruch Spinoza (1670) considered it to be. Nonetheless, there are still considerable obstacles that remain in the pursuit of peace. Theorists have outlined them and literature has shed light on these hurdles whereas in some cases the pre-occupation with peace has also led towards a more hostile state of international affairs amongst nations as well as peoples.

Yes great power war – realism, fear of worse alts, failed political processes, violent human nature – their evidence twists definitions to exclude our scenarios

Lyon 14 {Rod, director of the strategy and international program at the Australian Strategic Policy Institute, executive editor of The Strategist, “No, Great Power War Isn’t Obsolete,” The Diplomat, 8/22, <http://thediplomat.com/2014/08/no-great-power-war-isnt-obsolete/>}

August has seen a wave of reflection on major war. It’s a question we seem to revisit every time the key anniversaries of WWI and WWII roll around, but especially this year because it’s the 100th anniversary of the outbreak of WWI. Some pundits are keen to draw parallels between 1914 and 2014—though on its face it’s not apparent to me why 2014 should be more like 1914 than 2013. Academic strategists familiar with their disciplinary history will know that the issue of whether major war’s obsolete received a detailed coverage back in Survival magazine in the late 1990s. To save readers the trouble of digging through their archives, one contributor, John Mueller, argued that it was obsolete—gone the way of slavery and dueling—while others wrestled partly over how to define obsolescence and even more over how to define major war. Was the Vietnam War “major?” Was the Cold War a “war?” Michael Mandelbaum argued that perhaps major war was just a poor policy option nowadays—because of the steep rise in the costs and the thin rewards for success. It’s intriguing that the question about the obsolescence of war is typically qualified by the adjective “major.” No one seems particularly keen to claim that nasty little wars—in particular, nasty little wars in faraway places—are obsolete, perhaps because they patently aren’t. From memory, Mueller didn’t want to call those conflicts “wars,” though; he saw those more as “opportunistic predation” (That’s the reason the cover of his book, *The Remnants of War*, features an image—from the Balkan conflict in 1991—of a thug swigging from a bottle.) Then 9/11 came along and sideswiped that whole debate. The nasty little wars of the 1990s didn’t stay in faraway places. A superpower got up and marched off to war—albeit a war against al Qaeda, its supporters, and all its works. Somewhere along the line the mission became conflated with a host of other problems, and Washington ended up obsessing about the Global War on Terror for longer than it probably should have done. But Washington’s behavior at least answered one question related to the Big One: did great powers still go to war? Yes. Now, the question still unanswered—unanswered since 1945 if you think major war has to be hot; unanswered since 1991, if you think major war can be cold—is whether or not major powers still go to war with each other. Psychologist Steven Pinker has recently argued that the better angels of our nature are making us turn away from violence. I’m not wholly convinced by his argument—the better angels of our nature seem pretty militant to me, and always have been. (See Ephesians, 6:12.) But academic research from a few decades back suggests that great-power wars against each other aren’t common. Jack Levy in his research on war in the international system between 1495 and 1975 found only nine of what he would call “world wars”—wars where almost all great powers were involved. Much more commonly, he found “interstate wars”—113 of which engaged a great power. I cite those figures to underline two points. First, if world wars are rare, maybe we don’t need special explanations to say why there hasn’t been one since 1945 (hot) or 1991 (cold). Second, that definition of major war is still a problem. Let’s put aside the academic arguments and look straight at the case that most worries us. Is a great-power war between the U.S. and China possible? I think we could answer that question directly: possible, yes; likely, no. Great powers, especially nuclear-armed ones, don’t go to war with each other lightly. But sometimes wars happen. And they aren’t accidents. They’re about international order. They’re about, as Raymond Aron said, the life and death of states. And the principal reason for fighting them is that not doing so looks like a worse alternative. Moreover, the paths to war—including rare major-power war—are not reserved solely for conventionally-armed states. Where both powers are nuclear-armed we should expect a conflict, even one at the lower rungs of the escalation ladder, to be fought with a high degree of political control, and an understanding that the objectives of the conflict are limited. Naturally, it would help if both sides shared a common understanding of where the firebreaks were between conventional and nuclear conflict, and already had in place a set of crisis-management procedures, but it’s possible that neither of those conditions might exist. (Neither would prevent a war, but both would provide a better sense of the likely escalation dynamics of a particular conflict.) Indeed, it’s because major

war is possible that we retain such a keen interest in war termination. Unconstrained escalation doesn't lead to a happy place.

Yes War – A2 Interdependence

Trade doesn't solve war – empirics prove it only applies for two Western nations

Hafner-Burton and Montgomery 12 (Emilie M. Hafner-Burton PhD is a professor at the University of California, San Diego. Alexander H. Montgomery is Department Chair and Associate Professor of Political Science at Reed College. He has a B.A. 1996, Physics, University of Chicago. M.A. 1999, Energy and Resources, University of California at Berkeley. M.A. 2003, Sociology, Stanford University. Ph.D. 2006, Political Science, Stanford University. He has published articles on dismantling proliferation networks and on the effects of social networks of international organizations on interstate conflict. His research interests include political organizations, social networks, weapons of mass disruption and destruction, social studies of technology, and interstate social relations. “War, Trade, and Distrust: Why Trade Agreements Don't Always Keep the Peace”)//CW

Many before us have been skeptical of the claim that interdependence promotes peace among states. It is well understood that international institutions can have adverse effects on conflicts among member states, mismanaging crisis situations and worsening conflict intensity (Gallarotti, 1991), or producing rivalry among states due to their relative social positions (Hafner-Burton and Montgomery, 2006). We are nevertheless among the first to directly tackle the principal claims supporting the liberal thesis that trade institutions dampen conflict, and to propose an explanation for why conflict often characterizes outcomes. This is important because we observe significant instances of violent conflict between PTA members: the 1990s alone included border clashes between Armenia and Azerbaijan, members of the Commonwealth of Independent States (CIS); the outbreak of war in the Great Lakes, with foreign involvement in the Democratic Republic of Congo from Angola, Namibia, Rwanda, Uganda, and Zimbabwe, all members of the Common Market for Eastern and Southern Africa (COMESA); the Iraqi invasion of Kuwait and violent border clashes between Egypt and Sudan, all members of the Council of Arab Economic Unity (CAEU); and fighting between India and Pakistan, members of the South Asian Association for Regional Cooperation (SAARC). North and South Korea frequently are involved in violent incidents; both are members of the Global System of Trade Preferences Among Developing Countries (GSTP). A majority of these disputants are also members of the WTO. Powers contends that in Africa, 16% of all militarized international disputes registered by the Correlates of War data from 1950 to 1992 occurred between PTA members (Powers, 2003, 2004). These examples show clearly that members of the same trade institution can and do conflict, that conflict often breaks out into violence, and that commerce is frequently not enough to keep the peace. They stand in sharp contrast to the liberal expectation that trade institutions dampen conflict through an increase in trust. Trade institutions do increase repeated contact between members; however, contact does not necessarily build trust or a sense of community. The lessons of European integration theory suggest that building community through upgrading the common interest between PTA members requires a minimum level of homogeneity: a pluralist social structure, a high level of economic and industrial development, and ideological similarity (Haas, 1960). Security communities are also most likely to develop through economic relations among Western nations, as even the most institutionalized forms of integration in the developing world cannot be said to create the mutual identification at the core of the concept (Bearce, 2003). Although evidence suggests that economic integration has led to the formation of a collective identity and trust among member states of the European Union over time, it is well understood that “democratic features of liberal democracies enable the community in the first place” (Russett and Oneal, 2001: 166). The liberal argument that trade institutions dampen conflict by building trust among leaders to overcome commitment problems consequently chiefly applies to the Western world of advanced democratic nations. Yet the overwhelming majority of trade institutions manage trade between partners that include at least one developing or nondemocratic state, and there is no evidence to show that these institutions build trust over asymmetrical distribution of gains. Boehmer, Gartzke, and Nordstrom cogently argue that states that belong to many different international institutions may have a greater number of international interests to competitively defend and a greater array of opportunities to enact aggressive behavior in defense of those perceived interests (Boehmer et al., 2002). We extend this argument one step further; trade institutions create and shape states' interests, affecting not only the number of potential issues for dispute, but also establishing conditions that can lead to distrust. Institutions do this by placing states in social positions of power within international relations, which shape expectations for behavior by defining which issues are legitimate for contestation via military means and enable states to coerce, bribe, reward, or punish each other. We address this possibility in the next section.

Leaders value short-term benefits of aggression over long-term economic harms – economic MAD fails

Solomon 15 (Jon Solomon is a writer at Information Dissemination, a naval information blog. He is citing Eric Lorber and Jacquelyn Schneider. Eric Lorber is a PhD candidate in Political Science at Duke and a JD candidate at the University of Pennsylvania Law School. His research focuses on civil-military relations, the use of force against non-state actors, and the credibility of security guarantees. He has been a fellow at the Duke University American Grand Strategy Program, worked for the RAND Corporation, and is currently an adjunct staff member at the Institute for Defense Analyses. Jacquelyn Schneider is a PhD student in Political Science at George Washington University. Her research focuses on the intersection of national security, technology, and political psychology and covers a diverse range of topics from intelligence to unmanned technologies to cyber policy. She has won awards for Best Graduate Student Paper at both the International Studies Association Annual Meeting (Foreign Policy Section and International Security Studies Section) and the Southwestern Social Sciences Association Annual Meeting and is a two-time award winner of the AFCEA National Intelligence Writing Contest. She holds a B.A. in Economics and Political Science from Columbia University and a M.A. in Political Science from Arizona State University. “The Fallacy of “Mutually Assured Economic Destruction” 4/24/15 <http://www.informationdissemination.net/2015/04/the-fallacy-of-mutually-assured.html>///CW

In an excellent War on the Rocks article last week, Eric Lorber and Jacquelyn Schneider argued that economic sanctions cannot serve as standalone deterrents against aggression by another state. They noted in particular how prospect theory and credibility considerations affect the utility of threatened economic punishments as a deterrent within an opponent’s decision-making: ¶ “...while these new, sophisticated sanctions often cause medium- and long-term damage to a country’s economy, the prospect of such damage may not deter aggressive actors from taking immediate actions contrary to U.S. interests. For example, in the case of Russia, while the sanctions have certainly taken a toll, the Russian economy, when supported by capital reserves, is sufficiently resilient to put off the worst impacts of the sanctions for a few years. In the short-term, however, Russia has been able to annex Crimea and exercise significant influence in rebel-controlled areas deep in Eastern Ukraine. Thus, while the prospect of economic damage may loom down the road, this risk may be insufficient to deter an aggressive actor from pursuing short-term benefits... ¶ ...Likewise and in the Russia context, given the discord among European Union member states about how to respond to additional Russian aggression, Russia may not believe that the United States and the European Union will impose additional, extremely painful sanctions on the country, and therefore may not be deterred from engaging in additional destabilizing action in Ukraine.” ¶ They conclude that a defender must understand “the aggressive actor’s intentions and motivations” in order to determine whether deterrence by economic punishment is likely to succeed: ¶ “Policymakers in Washington need to do better than conclude that ‘these sanctions will cause economic pain, therefore they will deter.’ Rather, they must analyze whether the particular sanctions on the table will influence a malicious actor’s decision-making.” ¶ In other words, the opponent’s leaders’ political objectives and perceptions of the strategic circumstances (including pressures stemming from domestic popular passions) are central variables in determining a deterrence policy’s probable efficacy. ¶ While all deterrence policies face this challenge to some degree, it tends to especially impact deterrence by punishment. The amount of threatened pain must significantly exceed the opponent’s discomfort with continuing to honor the status quo. A threat of certain national economic catastrophe is not sufficient if opponent’s leaders value some other political objective more highly or suffer from exceptional ‘strategic desperation.’ Japanese leaders proved that exact point in their decision for war during the late summer and early fall of 1941. ¶ **This does not change if a threatened economic catastrophe would affect both the aggressor and the defender. This is the premise behind ‘mutually assured economic destruction,’ a concept rooted in the longstanding idea that the likelihood of war between competing states decreases as their economic interdependence increases.** In theory, two competing countries should be mutually restrained by the risk of devastating their entwined economies. One does not have to look that far back into history to see the fallacy in this thinking: the aggressors in both World Wars valued other objects more highly than the prospects of economic disaster (to the extent economics factored into their calculus at all).

Trade doesn’t solve war

Martin et. al. ‘8 (Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75, 2008)

Does globalization pacify international relations? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant’s *Essay on Perpetual Peace* (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.¹ Figure 1 suggests² however, that during the 1870–2001 period, the correlation between trade openness and military conflicts is not a clear cut one. The first era of globalization, at the end of the 19th century, was a period of rising trade openness and multiple military conflicts, culminating with World War I. Then, the interwar period was characterized by a simultaneous collapse of world trade and conflicts. After World War II, world trade increased rapidly, while the number of conflicts decreased (although the risk of a global conflict was obviously high). There is no clear evidence that the 1990s, during which trade flows increased dramatically, was a period of lower prevalence of military conflicts, even taking into account the increase in the number of sovereign states.

Yes War – A2 Deterrence

Deterrence fails – correlation isn’t causation and complex situations mean nuclear war is always possible – prefer magnitude to probability

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. He is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. “Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought” 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory>///*CW*

We cannot know for sure what caused the absence of great-power wars over the last seventy years.¹⁷ We are left with dueling counterfactuals and the need to bet and trust.¹⁸ The opponents of the goal of a world without nuclear weapons create a false dichotomy between what we know for a fact and what we hypothesize. On the one hand, they argue, is the hard fact of the nuclear peace; on the other hand are other hypotheses or counterfactual reasonings. But the nuclear peace is not a fact. It is a hypothesis, trying to link two observable facts: the existence of nuclear weapons in the world since 1945 and the absence of war between the United States and the Soviet Union during the same period. The fact is that the idea of the nuclear peace and competing explanations share the same status: all are hypotheses, requiring a rerun of the history of the last seventy years without nuclear weapons to see whether war would have broken out. The nuclear peace hypothesis is no less a counterfactual than its rivals.¹⁹ It faces the challenge of proving a negative. In these circumstances, faith in the nuclear peace becomes a bet or a matter of trust.²⁰ Moreover, we know that complex and tightly coupled systems like nuclear weapons are doomed to fail eventually, even if the frequency of failure is very low. This is because their complexity and tight coupling don’t allow for anticipating and testing of every possible failure.²¹ Given this epistemological challenge, which relies ultimately on the trust one puts in one potential cause of peace at the expense of the others and on the expected timing of nuclear versus non-nuclear disasters, at least one question arises: is seventy years a high enough standard of evidence for us to surrender our fate to nuclear weapons forever?²²

Multiple factors complicate nuclear deterrence

Lyon 15 (Dr Rod Lyon is a Fellow - International Strategy. Rod was most recently a Senior Analyst with ASPI. He has previously lectured in International Relations at the University of Queensland where he taught courses on conflict, international security, and civil-military relations. His research interests focus on a range of problems associated with global security, nuclear strategy and Australian security. He previously worked in the Strategic Analysis Branch of the Office of National Assessments between 1985 and 1996. As a Fulbright scholar in 2004, he was a visiting research fellow at Georgetown University in Washington DC, researching a project on the future of security partnerships in the post-September 11 environment. He was appointed to the National Consultative Committee on International Security Issues in April 2005. “The New Dilemmas of Nuclear Deterrence” 7/3/15 <http://thediplomat.com/2015/07/the-new-dilemmas-of-nuclear-deterrence/>///*CW*

With nuclear modernisation programs under way across a range of countries, Russia asserting its right to deploy nuclear weapons in the Crimea, NATO reviewing the role of nuclear weapons in the alliance, and a recent report in the US arguing for a more versatile arsenal of tactical nuclear weapons, it's clear the world's revisiting an old problem: how to build effective nuclear deterrence arrangements.¶ Since the end of the Cold War, thinking about deterrence issues has been mainly confined to the academic and think-tank world. But policymakers are now having to re-engage with those issues. And the problem has a new twist: we no longer enjoy the luxury of a bipolar world. Indeed, as Therese Delpech observed in her RAND monograph Nuclear deterrence in the 21st century, nowadays 'the actors are more diverse, more opaque, and sometimes more reckless'.¶ Done properly, deterrence is a contest in threats and nerve, or—to use Thomas Schelling's phraseology—'the manipulation of risk'. (The chapter so titled in Schelling's *Arms and Influence* is a great starting point for anyone wanting to think through the broader deterrence problem.) That helps explain why some thought the concept 'ugly'. It's hard to make a policy threatening massive damage to societies and civilians sound noble and aspirational. Still, the bad news is that the alternatives are worse. And if deterrence is going to remain the dominant approach in nuclear weapon strategy, we need to fit the strategy to the contemporary geopolitical environment.¶ Historical experience of the deterrence problem is greatest in relation to two competing superpowers, separated by intercontinental distances, endowed with the resources to manage challenges, and both knowing well the costs of major war. We've had relatively little experience of nuclear deterrence in contests between giants and midgets (US v North Korea), between established and fast-rising powers (US v China), and amongst players in a multipolar system. Even our understanding of the role nuclear deterrence plays in relations between regional rivals (think South Asia) remains under-developed. It's entirely possible that the old superpower deterrence model might not fit those new challenges well. Indeed, maybe the old model doesn't even fit the US–Russian strategic relationship well these days: Russia's no longer governed by a sclerotic CPSU.¶ Some years back INSS' Elaine Bunn (now a senior official in the Obama administration) wrote a paper unpacking the notion of 'tailored' deterrence introduced in the 2006 Quadrennial Defense Review. True, deterrence has always been characterized by particular strategic wrinkles, but Bunn's paper was an attempt to bring those wrinkles to the fore in relation to the possibility of a nuclear-armed North Korea, Iran, or transnational terrorist group. Her exploration of three different forms of tailoring—tailoring to specific actors and specific situations; tailoring capabilities; and tailoring communications—helps to illustrate the growing complexity of the deterrence challenge.¶ It now seems likely that we're headed back into a set of complicated deterrence debates. A strategy that might make sense in one strategic setting—for example, a degree of restraint by a giant engaged in a conflict with a midget—might well risk flagging unintended messages in another. In the giant–midget case, almost any crossing of the nuclear threshold by the giant risks imposing a set of desperate choices on the midget's leadership, and desperate choices tend not to be good ones.¶ Deterrence in the context of an established power versus a fast-rising power has a different wrinkle. One effect of a deterrence-dominated world is to reward passivity over initiative. As Schelling notes, in the world of the arthritic, passivity tends to be the default choice. But fast-rising powers aren't arthritic. Turning one aside from a revisionist agenda will probably be more challenging than deterring another established player.¶ Multipolarity brings its own wrinkles, including a more mixed set of adversarial relationships, asymmetrical contests, inadvertent signalling, and third-party exploitation of bilateral rivalries. Capability issues become more vexed: actors require the capabilities to deter and defend against another, but also the residual capabilities to remain a player in other contests. The pressure must surely be towards larger rather than smaller arsenals. And reputational issues become more dominant: just as Margaret Thatcher fought the Falklands War in part to show the Soviet Union that the West wouldn't buckle in the face of force, so too players in a multipolar nuclear world will want to show resolve in one contest because of its implications for others.¶ Finally, and perhaps most controversially, deterrence turns upon a credible threat to cross the nuclear threshold if push comes to shove. During the 1960s the US advocated a doctrine of flexible response, arguing for a model of deterrence that would fail in small packets rather than in one catastrophic breakdown. Notwithstanding the giant–midget problem outlined above, there's usually good sense behind such a doctrine: it makes deterrent threats more credible, avoids global annihilation in any initial crossing of the nuclear threshold, maintains a degree of 'intra-war deterrence' from the options still on the table, and optimizes prospects for negotiated war termination. But historically the doctrine invited questions about the relative balance between usability and credibility in US nuclear policy—questions buried rather than resolved by the end of the Cold War.¶ Tailoring, messaging, usability, credibility, and thresholds: I suspect policymakers will soon be thinking about all those questions again, across a range of deterrence relationships.¶

Asymmetry of multipolar world takes out deterrence theory

Goodby 15 (James E. Goodby has served in the US Foreign Service, achieving the rank of Career Minister, and was appointed to five ambassadorial-rank positions by Presidents Carter, Reagan, and Clinton, including ambassador to Finland. He taught at Georgetown, Syracuse, and Carnegie Mellon Universities and is Distinguished Service Professor Emeritus at Carnegie Mellon. Ambassador Goodby has worked with former Secretary of State George Shultz at Hoover since 2007. He is a research fellow at the Hoover Institution and a senior fellow with the Center for Northeast Asia Policy Studies at the Brookings Institution.¶ He was a

Distinguished Service Professor at Carnegie Mellon University from 1989 to 1999 and is now a professor emeritus. Selected for the US Foreign Service through competitive examinations in 1952, Goodby rose to the rank of career minister in the Senior Foreign Service and was given five presidential appointments to ambassadorial rank, including ambassador to Finland (1980–81). During his Foreign Service career he was involved as a negotiator or as a policy adviser in the creation of the International Atomic Energy Agency, the negotiation of the limited nuclear test ban treaty, START, the Conference on Disarmament in Europe, and cooperative threat reduction (the Nunn-Lugar program). Goodby's awards include the Presidential Distinguished Service Award, the State Department's Superior and Distinguished Honor Awards, and the Commander's Cross of the Order of Merit of Germany. He was named a Distinguished Fellow of the US Institute of Peace in 1992. He was the recipient of the inaugural Heinz Award in Public Policy in 1995. In 1996, he was awarded an honorary doctor of laws degree by the Stetson University College of Law. **"The New Dilemmas of Nuclear Deterrence" 7/3/15 <http://thediplomat.com/2015/07/the-new-dilemmas-of-nuclear-deterrence/>///CW**

During the Cold War, nuclear deterrence was essentially a US-Soviet calculation. After the Cold War, China began to loom larger in US planning, but the premise that deterrence was essentially a bilateral interaction remained. In the future, situations that are not demonstrably bilateral may become the norm. Even now, but especially in the event global nonproliferation efforts fail to meet current challenges, the nuclear deterrence calculations of the United States and other states armed with nuclear weapons will have to be based on a much more complex set of global and regional dynamics. In such a system, if nuclear weapons were used or even if their use were threatened, there would be an action-and-reaction effect that might involve several nations, not just two as in the Cold War paradigm. For example, the alert status of nuclear delivery systems probably would be changed to a higher level of readiness by several nations. There might be movements of air and naval forces equipped with nuclear weapons. A great deal of ambiguity can be expected in the event of a nuclear explosion as to which nation had detonated a nuclear weapon. Once nuclear weapons attacks occurred, terminating the war could be difficult. Conceivably, three or four nuclear-armed states could become engaged in hostilities that might have originated with just one nation initiating a nuclear attack. The dynamics of nuclear conflict in the Middle East, South Asia, or Northeast Asia would require qualitatively different deterrent calculations from those the five Non-Proliferation Treaty nuclear weapons states have been accustomed to making. "Catalytic" nuclear war was one of the worries of the Kennedy and Johnson administrations. It meant that the United States could become engaged in a nuclear war because a nuclear-armed US ally had used a nuclear weapon and their common adversary, the Soviet Union, had decided to use nuclear weapons in response. Those worries would also figure in a complex world of perhaps fifteen or so nuclear-armed states, which would also include the unknown capabilities of terrorist groups and the likelihood that cyber-mischief would accompany any nuclear attack. How does one measure strategic stability in such a situation?

Luck, not deterrence, accounts for nuclear peace

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. He is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. "Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought" 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory>///CW

Luck is too often taken as a confirmation that nuclear deterrence kept the peace.²⁸ But luck should not be misread as successful deterrence.²⁹ More accurately, as Thomas Schelling noted, leaders of nuclear-armed states can make threats that "leave something to chance"³⁰—recognizing that things could spiral out of control and nuclear weapons could be used even if they do not intend to use them—to make those threats more credible. But including luck in a successful deterrence strategy, as if you could control it, is both a conceptual confusion and a retrospective illusion.³¹ Luck was on our side this time, but this is not a consequence of purposeful action. For example, during the night of October 26–27, 1962, at the height of the Cuban missile crisis, an American U-2 spy plane strayed into Soviet airspace over the Arctic. Soviet fighter jets scrambled to intercept the U-2 while F-102 interceptors were sent to escort it home and prevent Soviet MIGs from freely entering US airspace. Given the circumstances, the F-102s conventional air-to-air missiles had been replaced with nuclear-tipped ones and their pilots could decide to use nuclear weapons. According to Scott Sagan in *The Limits of Safety*, "the interceptors at Galena were armed with the nuclear Falcon air-

to-air missiles and, under existing safety rules, were authorized to carry the weapons in full readiness condition in any 'active air defense' mission."³² Fortunately, the spy plane turned back and the Soviet jets held their fire.³³ There are many other instances in which deterrence cannot account for favorable outcomes.³⁴ Robert McNamara was direct about the role of luck during the Cuban missile crisis: According to former Soviet military leaders, at the height of the crisis, Soviet forces in Cuba possessed 162 nuclear warheads, including at least 90 tactical warheads. [And the United States was not aware of that at the time.] At about the same time, Cuban President Fidel Castro asked the Soviet ambassador to Cuba to send a cable to Soviet Premier Nikita Khrushchev stating that Castro urged him to counter a U.S. attack with a nuclear response. Clearly, there was a high risk that in the face of a U.S. attack, which many in the U.S. government were prepared to recommend to President Kennedy, the Soviet forces in Cuba would have decided to use their nuclear weapons rather than lose them. Only a few years ago did we learn that the four Soviet submarines trailing the U.S. Naval vessels near Cuba each carried torpedoes with nuclear warheads. Each of the sub commanders had the authority to launch his torpedoes. The situation was even more frightening because, as the lead commander recounted to me, the subs were out of communication with their Soviet bases, and they continued their patrols for four days after Khrushchev announced the withdrawal of the missiles from Cuba. The lesson, if it had not been clear before, was made so at a conference on the crisis held in Havana in 1992. . . . Near the end of that meeting, I asked Castro whether he would have recommended that Khrushchev use the weapons in the face of a U.S. invasion, and if so, how he thought the United States would respond. "We started from the assumption that if there was an invasion of Cuba, nuclear war would erupt," Castro replied. "We were certain of that. . . . [W]e would be forced to pay the price that we would disappear." He continued, "Would I have been ready to use nuclear weapons? Yes, I would have agreed to the use of nuclear weapons." And he added, "If Mr. McNamara or Mr. Kennedy had been in our place, and had their country been invaded, or their country was going to be occupied . . . I believe they would have used tactical nuclear weapons." I hope that President Kennedy and I would not have behaved as Castro suggested we would have. . . . Had we responded in a similar way the damage to the United States would have been unthinkable. But human beings are fallible [emphasis added].³⁵ This fascinating account shows how lack of information, misperception, and ideology could have led to disaster if we had not been lucky. But false information, lack of information, and misperceptions were not the only reason why luck was the decisive cause of the positive outcome of the Cuban missile crisis. Limits of safety, limits of command and control, and organizational problems also have to be taken into account. As Scott Sagan wrote: Many serious safety problems, which could have resulted in an accidental or unauthorized detonation or a serious provocation to the Soviet government, occurred during the crisis. None of these incidents led to inadvertent escalation or an accidental war. All of them, however, had the potential to do so. President Kennedy may well have been prudent. He did not, however, have unchallenged final control over U.S. nuclear weapons.³⁶ Most-recent studies show that sloppy practices in nuclear weapons management have occurred at all levels of decision-makers, leaders, nuclear safety and security teams, and top-level military personnel in most nuclear-weapon states. They also show the limits of learning from past sloppy practices. Confidence in perfect nuclear safety is still a matter of wishing for the best and relying on luck.³⁷ One telling example of this occurred at Minot Air Force Base in North Dakota in 2007. This offers a well-documented case of multiple sloppy practices and suggests the limits of learning after the incident was identified. On August 29–30, 2007, six US nuclear-armed cruise missile warheads were mistakenly flown to Barksdale Air Force Base in Louisiana. They had been placed by mistake under the wings of a B-52; the weapons had not been guarded appropriately during a thirty-six-hour period. Had the plane experienced any problems in flight, the crew would not have followed the proper emergency procedures.³⁸ After this widely publicized case of sloppy practices,³⁹ US Secretary of Defense Robert Gates emphasized the need for responsibility in handling nuclear weapons: "The problems were the result of a long-standing slide in the Service's nuclear stewardship. . . . For your part, you must never take your duties lightly. There is simply no room for error. Yours is the most sensitive mission in the entire US military."⁴⁰ Change and improvement were supposed to follow, but even on the base where the incident took place and where the Secretary of Defense came to give his speech, it was necessary to repeat the order to leave no room for error. In April 2013, one officer from the 91st Missile Wing at the same Air Force Base in North Dakota was punished for sleeping on the job while having the blast door open behind him. (Sleeping wasn't prohibited on a twenty-four-hour shift, but leaving the blast door open was.) He was one of two missile officers sanctioned that year for such a fault and he told his superiors that it wasn't the first time.⁴¹ Air Force officers told the Associated Press that such violations of the safety procedures had happened more often than just in the two documented cases.⁴² The limits of safety, the limits of command and control, and the persistence of sloppy practices even in the US nuclear forces suggest that the role of luck is likely to have been even more important than we can document here. (three different groups) of the payload installed in those cruise missiles, those procedures were not followed." The quotes for the account of this particular accident are taken from the unclassified account available in the February 2008 report from the Defense Science Board Permanent Task Force on Nuclear Weapons Surety, entitled Report on the Unauthorized Movement of Nuclear Weapons. There are no reliable records of nuclear weapons accidents or close calls in most nuclear-weapon states.

A2 Tepperman

Tepperman's thesis ignores complexities and accidents – expert consensus

Shaw 9 (Douglas B. Shaw serves as the Associate Dean for Planning, Research, and External Relations at the George Washington University's Elliott School of International Affairs with a concurrent appointment as an Assistant Professor of International Affairs. Doug previously served as Director of Policy Planning in the Office of the President at Georgetown University, on the U.S. Department of Energy's Nuclear Material Security Task Force, at the U.S. Arms Control and Disarmament Agency, and in leadership roles for a number of non-governmental organizations including Physicians for Social Responsibility, the Lawyers Alliance for World Security, and the Institute on Religion and Public Policy. Doug holds a Ph.D. in international relations from Georgetown University and has lectured on nuclear nonproliferation and disarmament on four continents. "Newsweek misrepresents nuclear weapons scholarship" 9/1/9
<http://nukesonablog.blogspot.com/2009/09/newsweek-misrepresents-nuclear-weapons.html>///CW

Jonathan Tepperman's thesis in his September 7th Newsweek article "Why Obama should Learn to Love the Bomb" that "a growing and compelling body of research suggests that nuclear weapons may not, in fact, make the world more dangerous" badly misrepresents the state of scholarship on this crucial topic.¶ First, Tepperman references a handful of scholars to make his argument while dismissing the majority who disagree with him. George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn opposed this view in two op-eds in the Wall Street Journal and other leading scholars and practitioners participated in a 2007 conference at Stanford University, now memorialized as a 500-page volume, Reykjavik Revisited. Scores of experts are summarily excluded from Tepperman's article.¶ Second, Tepperman suggests a robust understanding of how deterrence relates to today's challenges where none exists. Nuclear deterrence scholar Sir Lawrence Freedman observed a "lost generation" of nuclear weapons specialists in remarks at the Elliott School of International Affairs this spring and Commander of the U.S. Strategic Command, General Kevin Chilton, observed this summer "we have allowed an entire generation to skip class, as it were, on the subject of strategic deterrence." More scholarship is needed to translate "nuclear optimism" and other Cold War concepts into the Twenty-first Century.¶ Third, in over 2,700 words on deterrence, not one of them is "accident." This is a catastrophic flaw in characterizing scholarly debate on nuclear weapons. Kenneth Waltz, cited by Tepperman as "the leading nuclear optimist" underlines this point by co-authoring a book titled The Spread of Nuclear Weapons: A Debate Renewed with Stanford University's Scott Sagan who has done decades of careful scholarship to demonstrate the relevance of accidents to nuclear deterrence.¶ Tepperman's "iron logic" of deterrence is undermined by a more unstable plutonium logic that can only be understood by the combined lights of physics, engineering, political science, economics, and at least more than a dozen other disciplines that James Doyle of Los Alamos National Laboratory argues constitute "nuclear security science." The nuclear future ahead of us is long, imperfect, and badly in need of more research and more informed public debate.¶

A2 Empirics

Their empirics argument is historically false

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. His is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. "Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought" 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory>///CW

The limits of nuclear deterrence as a peacemaker²³¶ Critics of abolition portray a world without nuclear weapons as warprone¶ and believe that nuclear weapons are a necessary and sufficient¶ cause for great-power peace. This is only the latest instance of an idea¶ that has repeatedly been proven wrong, since at least 1860: the expectation¶ that the unprecedented destructiveness of a new weapon system¶ and the threat of its use will put an end to war. This was wrong for dynamite,¶ submarines, artillery, smokeless powder, the machine gun, and poison¶ gas.²⁴ Was nuclear deterrence a necessary and sufficient cause for¶ peace among great powers? Most critics of the idea of a world without¶ nuclear weapons maintain that it was. They argue that the nuclear-armed,¶ states never fought a war

against each other.²⁵ This can now be proven wrong. The 1969 border clash between China and Russia²⁶ and, more recently, the 1999 Kargil crisis between India and Pakistan show that the conventional wisdom that a nuclear-armed state cannot be attacked is historically inaccurate. Moreover, nuclear-armed states have been attacked by non-nuclear-weapon states on multiple occasions. US troops were attacked by Chinese forces in 1950 in Korea and by Vietnamese forces in the 1960s and 1970s; Israel was attacked by Syria and Egypt in 1973 and by Iraq in 1991; and in 1982, Argentina invaded the British Falkland Islands.²⁷ This narrows down the claims for nuclear weapons as peacemakers. More importantly, even this narrower claim needs to be reexamined taking into account two facts: (1) avoidance of several nuclear disasters was due to luck and cannot be explained by nuclear deterrence; and (2) deterrence as a strategy has favored more risk-prone strategies and in some cases made war possible instead of preventing it.

High-Magnitude, Low Probability = Good

High magnitude, low probability events first

Bostrom 13

[Nick, Philosopher and professor (Oxford), Ph.D. (LSOE), director of The Future of Humanity Institute and the Programme on the Impacts of Future Technology, of course, he's also the inaugural recipient of "The Eugene R. Gannon Award for the Continued Pursuit of Human Advancement," "Existential Risk Prevention as Global Priority," Global Policy, Vol 4, Issue 1, <http://www.existential-risk.org/concept.html>]

1. The maxim rule 1.1. Existential risk and uncertainty An existential risk is one that threatens the premature extinction of Earth-originating intelligent life or the permanent and drastic destruction of its potential for desirable future development (Bostrom 2002). Although it is often difficult to assess the probability of existential risks, there are many reasons to suppose that the total such risk confronting humanity over the next few centuries is significant Estimates of 10-20% total existential risk in this century are fairly typical among those who have examined the issue, though inevitably such estimates rely heavily on subjective judgment.¹ The most reasonable estimate might be substantially higher or lower. But perhaps the strongest reason for judging the total existential risk within the next few centuries to be significant is the extreme magnitude of the values at stake. Even a small probability of existential catastrophe could be highly practically significant (Bostrom 2003; Matheny 2007; Posner 2004; Weitzman 2009). Humanity has survived what we might call natural existential risks for hundreds of thousands of years; thus it is prima facie unlikely that any of them will do us in within the next hundred.² This conclusion is buttressed when we analyze specific risks from nature, such as asteroid impacts, supervolcanic eruptions, earthquakes, gamma-ray bursts, and so forth: Empirical impact distributions and scientific models suggest that the likelihood of extinction because of these kinds of risk is extremely small on a time scale of a century or so.³ In contrast, our species is introducing entirely new kinds of existential risk — threats we have no track record of surviving. Our longevity as a species therefore offers no strong prior grounds for confident optimism. Consideration of specific existential-risk scenarios bears out the suspicion that the great bulk of existential risk in the foreseeable future consists of anthropogenic existential risks — that is, those arising from human activity. In particular, most of the biggest existential risks seem to be linked to potential future technological breakthroughs that may radically expand our ability to manipulate the external world or our own biology. As our powers expand, so will the scale of their potential consequences — intended and unintended, positive and negative. For example, there appear to be significant existential risks in some of the advanced forms of biotechnology, molecular nanotechnology, and machine intelligence that might be developed in the decades ahead. The bulk of existential risk over the next century may thus reside in rather speculative scenarios to which we cannot assign precise probabilities through any rigorous statistical or scientific method. But the fact that the probability of some risk is difficult to quantify does not imply that the risk is negligible. Probability can be understood in different senses. Most relevant here is the epistemic sense in which probability is construed as (something like) the credence that an ideally reasonable observer should assign to the risk's materializing based on currently available evidence.⁴ If something cannot presently be known to be objectively safe, it is risky at least in the subjective sense relevant to decision making. An empty cave is unsafe in just this sense if you cannot tell whether or not it is home to a hungry lion. It would be rational for you to avoid the cave if you reasonably judge that the expected harm of entry outweighs the expected benefit. The uncertainty and error-proneness of our first-

order assessments of risk is itself **something we must factor into** our all-things-considered probability assignments. This factor often **dominates in low-probability, high-consequence risks** – especially those involving poorly understood natural phenomena, complex social dynamics, or new technology, or that are difficult to assess for other reasons. Suppose that some scientific analysis A indicates that some catastrophe X has an extremely small probability $P(X)$ of occurring. Then the probability that A has some hidden crucial flaw may easily be much greater than $P(X)$.⁵ Furthermore, the conditional probability of X given that A is crucially flawed, $P(X|A)$, may be fairly high. We may then find that most of the risk of X resides in the uncertainty of our scientific assessment that $P(X)$ was small (figure 1) (Ord, Hillerbrand and Sandberg 2010).

Possibilistic thinking best for decision-making

Clarke 5

[Lee, member of a National Academy of Science committee that considered decision-making models, Anschutz Distinguished Scholar at Princeton University, Fellow of AAAS, Professor Sociology (Rutgers), Ph.D. (SUNY), “Lee Clarke's Worst Cases: An Interview with Lee Clarke,” UChicago press, <http://www.press.uchicago.edu/Misc/Chicago/108597in.html>]

Question: **Why focus on worst cases?** They probably won't happen, right? **Why not focus on scenarios that have a greater degree of probability?** Lee Clarke: One of the main ideas in Worst Cases is that **we can use possibilistic thinking to balance probabilistic thinking**. Over the past couple of hundred years **probabilism has come to be thought of as the only way to reason rationally**. But I think that it sometimes makes **perfectly good sense to take worst case consequences into account** when people are making decisions. For example, **the chances of getting into a commercial airline crash are extremely low**. People who fly know that, and that's why they're willing to defy gravity every day. **But they also know** what happens if the plane gets into serious trouble at thirty thousand feet. That's **worst case, possibilistic thinking. It is reasonable to worry about both**. It is true, in a sense, that **worst cases probably won't happen**. Still, as the political scientist Scott Sagan has said, **things that have never happened before happen all the time**. Just think of Chernobyl or 9/11. They had a low probability of occurring at any given time, **but who would say now that we should have ignored them?** It's the same kind of thing as when you buy **life insurance**. Is it likely that you will die today? Probably not. But if you have life insurance you're actually betting the insurance company that, in fact, you will die today. **Is that irrational? Not at all**. We say that people who don't buy life insurance are **irresponsible**.

Consequentialism Good

Public Health surveillance requires consequentialist framing- public health outweighs minor violations of rights most of the time

Petrini 13 (Carlo Petrini. Unità di Bioetica, Presidenza, Istituto Superiore di Sanità. “Ethics in Public Health Surveillance.” 2013. P. 352.

<http://www.scielosp.org/pdf/aiss/v49n4/v49n4a05.pdf>)EMerz

The ethical problems posed by public health surveillance have been specifically addressed in numerous studies in the past, and various factors have led to an increase in this interest in recent years, including the diffusion of new and unforeseen epidemics and a greater awareness of and sensitivity towards the issues involved [57]. The checklists shown above can help to assess the compatibility of public health surveillance programmes with ethical principles. One of the major problems highlighted by these tools is the fact that, given the virtual impossibility of obtaining informed consent, programmes for public health surveillance frequently necessitate an

infringement of the principle of autonomy. Today it is widely accepted that “Overriding individual autonomy must be justified in terms of the obligation of public health to improve population health, reduce inequities, attend to the health of vulnerable and systematically disadvantaged persons, and prevent harm. In addition, data elements collected without consent must represent the minimal necessary interference, lead to effective public health action, and be maintained securely” [15]. Returning to Childress and co-authors, they suggest five useful “conditions intended to help determine whether promoting **public health warrants overriding such values** as individual liberty or justice in particular cases”. These conditions encapsulate the key criteria referred to in the various checklists. They are: effectiveness; proportionality; necessity; least infringement; public justification” [55]. In summarising the criteria listed above it may also be helpful to refer to a proposal formulated by the noted biolaw expert Lawrence Gostin on the spread of Severe Acute Respiratory Syndrome (SARS). His concise proposal makes a suitable and practical conclusion: “Coercive measures, which violate individual rights, are acceptable when: - the risk to public health is demonstrable; - the intervention is likely to be effective, cost-effective, not overly invasive, fairly distributed; - the process for pursuing intervention is just and publicly transparent” [58].

Utilitarianism Good

Adopt a framework of public health utilitarianism – this avoids the traditional trap of sacrificing the few for the many but maintains the best possible consequences

Gostin 10 (Lawrence O. Gostin has more qualifications than any other card put out in the past 30 years. He is University Professor, Georgetown University's highest academic rank conferred by the University President. Prof. Gostin directs the O'Neill Institute for National and Global Health Law and was the Founding O'Neill Chair in Global Health Law. He served as Associate Dean for Research at Georgetown Law from 2004 to 2008. He is Professor of Medicine at Georgetown University, Professor of Public Health at the Johns Hopkins University, and Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities. Prof. Gostin is the Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights. He also serves on the WHO Director-General's Advisory Committee on Reforming the World Health Organization. In 2007, the WHO Director-General appointed Prof. Gostin to the International Health Regulations (IHR) Roster of Experts and the Expert Advisory Panel on Mental Health. In a 2012 systematic empirical analysis of legal scholarship, independent researchers ranked Prof. Gostin 1st in the nation in productivity among all law professors, and 11th in in impact and influence. “Public Health Law, Ethics, and Human Rights: Mapping the Issues” <http://www.publichealthlaw.net/Reader/ch1/ch1.htm>///**CW**

The application of general ethical principles to public health decisions can be difficult and complicated. Since the mission of public health is to achieve the greatest health benefits for the greatest number of people, it draws from the traditions of utilitarianism or consequentialism. The “public health model,” argue Buchanan (2000) and his colleagues, uncritically assumes that the appropriate mode of evaluating options is some form of cost-benefit (or cost-effectiveness) calculation— the aggregation of goods and bads (costs and benefits) across individuals. Public health, according to this view, appears to permit, or even require, that the most fundamental interests of individuals be sacrificed in order to produce the best overall outcome. This characterization misperceives, or at least oversimplifies, the public health approach. The field of public health is interested in securing the greatest benefits for the most people. But public health does not simply aggregate benefits and burdens, choosing the policy that produces the most good and the least harm. Rather, the overwhelming majority of public health interventions are intended to benefit the whole population, without knowingly harming individuals or groups. When public health authorities work in the areas of tobacco control, the environment, or occupational safety, for example, their belief is that everyone will

benefit from smoking cessation, clean air, and safe workplaces. Certainly, public health focuses almost exclusively on one vision of the “common good” (health, not wealth or prosperity), but this is not the same thing as sacrificing fundamental interests to produce the best overall outcome.¶ The public health approach, of course, does follow a version of the harm principle. Thus, public health authorities regulate individuals or businesses that endanger the community. The objective is to prevent unreasonable risks that jeopardize the public’s health and safety— e.g, polluting a stream, practicing medicine without a license, or exposing others to an infectious disease. More controversially, public health authorities often recommend paternalistic interventions such as mandatory seat belt or motorcycle helmet laws. Public health authorities reason that the sacrifice asked of individuals is relatively minimal and the communal benefits substantial. Few public health experts advocate denial of fundamental interests in the name of paternalism. In the public health model, individual interests in autonomy, privacy, liberty, and property are taken seriously, but they do not invariably trump community health benefits.¶ The public health approach, therefore, differs from modern liberalism primarily in its preferences for balancing— public health favors community benefits, while liberalism favors liberty interests. Characterizing public health as a utilitarian sacrifice of fundamental personal interests is as unfair as characterizing liberalism as a sacrifice of vital communal interests. Both traditions would deny this kind of oversimplification.

Bioethics in the context of health surveillance requires that the government value public health over individual interests

Childress 2 (James Childress. University Professor and the John Allen Hollingsworth Professor of Ethics at the University of Virginia. “Public Health Ethics: Mapping the Terrain.” 2002. P. 171. file:///C:/Users/Emily/Downloads/Childress_et_al-2002-The_Journal_of_Law,_Medicine_&_Ethics.pdf)//EMerz

In view of public health’s goal of producing net health benefits for the population, this meaning of public is very important. In measurement and analysis, the “numerical public” reflects the utilitarian view that each individual counts as one and only one. In this context, ethical analysis focuses on issues in measurement, many of which raise considerations of justice. For example, how should we define a population, how should we compare gains in life expectancy with gains in health-related quality of life, and whose values should be used in making those judgments? Second, public is what we collectively do through government and public agency - we can call this “political public.” Government provides much of the funding for a vast array of public health functions, and public health professionals in governmental roles are the focal point of much collective activity. In the United States, as Lawrence Gostin notes, government “is compelled by its role as the elected representative of the community to act affirmatively to promote the health of the people,” even though it “cannot unduly invade individuals’ rights in the name of the communal The government is a central player in public health because of the collective responsibility it must assume and implement. The state’s use of its police powers for public health raises important ethical questions, particularly about the justification and limits of governmental coercion and about its duty to treat all citizens equally in exercising these powers. In a liberal, pluralistic democracy, the justification of coercive policies, as well as other policies, must rest on moral reasons that the public in whose name the policies are carried out could reasonably be expected to accept.I Third, public, defined as what we do collectively in a broad sense, includes all forms of social and community action affecting public health - we can call this “communal public.” Ethical analysis on this level extends beyond the political public. People collectively, outside of government and with private funds, often have greater freedom to undertake public

health interventions since they do not have to justify their actions to the political public. However, their actions are still subject to various moral requirements, including, for instance, respect for individual autonomy, liberty, privacy and confidentiality, and transparency in disclosure of conflicts of interest.

Using a cost benefit analysis to address health surveillance is key to balance conflict of interests

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Conceptions of morality usually recognize a formal requirement of universalizability in addition to a substantive requirement of attention to human welfare. Whatever language is used, this formal feature requires that we treat similar cases in a similar way. This requirement undergirds casuistical reasoning in morality as well as in law. In public health ethics, for example, any recommendations for an HIV screening policy must take into account both past precedents in screening for other infectious diseases and the precedents the new policy will create for, say, screening for genetic conditions. Much of the moral argument will hinge on which similarities and differences between cases are morally relevant, and that argument will often, though not always, appeal to general moral considerations.* We can establish the relevance of a set of these considerations in part by looking at the kinds of moral appeals that public health agents make in deliberating about and justifying their actions as well as at debates about moral issues in public health. The relevant general moral considerations include: producing benefits; avoiding, preventing, and removing harms; producing the maximal balance of benefits over harms and other costs (often called utility); distributing benefits and burdens fairly (distributive justice) and ensuring public participation, including the participation of affected parties (procedural justice); respecting autonomous choices and actions, including liberty of action; protecting privacy and confidentiality; keeping promises and commitments; disclosing information as well as speaking honestly and truthfully (often grouped under transparency); and building and maintaining trust. Several of these general moral considerations - especially benefiting others, preventing and removing harms, and utility - provide a prima facie warrant for many activities in pursuit of the goal of public health. It is sufficient for our purposes to note that public health activities have their grounding in general moral considerations, and that public health identifies one major broad benefit that societies and governments ought to pursue. The relation of public health to the whole set of general moral considerations is complex. Some general moral considerations support this pursuit; institutionalizing several others may be a condition for or means to public health (we address this point later when we discuss human rights and public health); and yet, in particular cases, some of the same general moral considerations may limit or constrain what may be done in pursuit of public health. Hence, conflicts may occur among these general moral considerations

Utilitarianism Bad

Health care should use a deontological approach – the ends don’t justify the means

MM 07 (Morning’s Minion is a Catholic blog, “Utilitarianism in Health Care” 8/23/07 <http://voxnova.com/2007/08/23/utilitarianism-in-health-care/>)//CW

On all three grounds, she argues that social justice considerations do not support a transfer from the young and healthy to the old and sick on social justice grounds. As I read this, I felt there was something very wrong with her reasoning. Personally, I am in favor of single payers systems, and on the record as saying so. But I’m the first to admit that there are valid Catholic arguments against single

payer systems. There is nothing intrinsically evil about choosing to fund health care in a different manner.¶ But still, at least from a Catholic perspective, there is something fundamentally flawed in McArdle's reasoning. Here is the problem: it treats social justice not from the point of view of the common good, but from an individualist ethic ultimately derived from utilitarianism. Like all teleological philosophies, it is only outcomes that matter, and these outcomes are defined in terms of maximum utility, or happiness (utilitarianism is of course, a special application of consequentialism). The main problem, of course, is that it takes no account of whether an act is inherently right or wrong, irrespective of consequences. This kind of thinking arose directly from the Enlightenment, and a flawed concept of rationality based on what can be demonstrated empirically. As Pope Benedict noted, in a world based on calculations, it is the calculation of consequences that determines what should be considered moral and immoral.¶ I think this manner of thinking owes as much to Thomas Hobbes as it does to classic utilitarians like Bentham. It was Hobbes who, more than anybody else, led to the idea of social contracts overtaking the common good as the object of policy. Hobbes did not see humanity as an organic community underpinned by the common good; he saw instead a collection of individuals all seeking mastery over each other, necessitating some form of "social contract" to keep the peace. The individual is everything, the community, nothing. It follows naturally that social justice flows from the aggregation of individual happiness, rather than an organic conception of the common good. But the common good stems from the dignity, unity and equality of all people, not some mechanical calculation. It refers to "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily". It is the social and community dimension of the moral good. While it is underpinned by the dignity of the human person, it is not an individualist ethic; rather, it recognizes that there is no fulfilment if the individual does not recognize that he or she exists "with" others and "for" others.¶ To see the bankruptcy of the contracts approach to justice, consider abortion. Clearly, the unborn are not agents that can participate in a social contract. Clearly, their welfare must therefore be discounted, and subjugated to the welfare of others, who are proper contracting agents. It is this notion that underpins the pro-abortion position today, and it stems from a failure to understand the encompassing and organic nature of the common good.¶ Back to health care. McArdle engages in a classic utilitarian calculus to argue that social welfare is not increased by a transfer from the young and healthy to the old and sick. It's all about individuals, and "welfare" is limited to wealth. Whereas the right to health care is regarded by the Church as basic to the common good, the utilitarian approach instead sees only a collection of individuals out for themselves, and therefore largely responsible for their own health care. Within this individualist ethic, a social contract can indeed justify redistribution, but this is based on extremely limited characteristics, such as luck and personal worthiness. Nowhere in sight is the core principle of solidarity, a "a firm and persevering determination to commit oneself to the common good". Nowhere is the idea that our interdependence coupled with the right to health care may call for the young and healthy to look after the needs of the old and infirm, irrespective of circumstances. And that is what troubled me most about McArdle's reasoning.

Evaluate the debate through the lens of personalism – utilitarianism alone fails but combining it with an ethic for constant respect for a human's dignity solves

Petrini and Gaintoti 08 (Carlo Petrini PhD is with the Bioethics Unit, Office of the President, Italian National Institute of Health, Rome, Italy. Sabina Gainotti works at The National Center for Rare Diseases in Rome and focuses on Qualitative Social Research, Quantitative Social Research, and Ethics. "A personalist approach to public-health ethics")

<http://www.who.int/bulletin/volumes/86/8/08-051193/en///CW>

Philosophical theories are also applied to bioethics and public-health ethics. In public health, some positions are more common: positions based on outcomes (utilitarianism), positions focused on rights and opportunities (Kantian theories), views that emphasize sociality and solidarity (communitarianism).¹ Utilitarianism asserts that decisions should be judged by their consequences, in particular by their effect on the total sum of individual wellbeing. Following this view, public-health policies must be aimed to produce "the greatest happiness of the greatest number".³⁵ This approach is very intuitive in public health but has some limitations. Difficulties arise for example in the measurement of wellbeing which can be defined with reference to an individual's personal experiences or to more objective and measurable components, e.g. quality-adjusted life years (QALYs) or disability-adjusted life years (DALYs).³⁶ However, the most important critique to utilitarianism is grounded on the view that it easily leads to unfairness and to the sacrifice of individual rights

and freedoms to warrant the public utility.³⁷ Individual rights and freedoms are the main good to be preserved in Kantian theories. Kant argued that human beings ought to be treated with respect, as ends in themselves, not as means to another individual's ends.³⁸ This assertion has important consequences in public-health policies, but is not without ambiguities. Indeed two kinds of liberalism can be drawn: libertarians and egalitarians.³⁹ Libertarians believe that only negative rights deserve protection to warrant individual freedom. By contrast, egalitarian liberals argue that the right to choice is meaningless without adequate resources. Respectively, the two perspectives entail a minimal or, vice versa, a strong state intervention for the sake of individual health.¶ Critics of utilitarianism and liberalism point out that these theories neglect the collective dimension of public-health ethics that is strongly valued in communitarianism. Communitarianism values highly the social dimension of health-care policies and involves visions of the appropriate social order and the virtues that will maintain such an order in a particular community. However, a basic question in communitarianism is: who decides what is virtuous? Every community could define its own norms or, by contrast, a single form of good society may serve as a reference for all communities. Ethics-of-care feminism can also be mentioned. Ethics-of-care proponents argue that real people live in families and real caring relationships are not impartial, impersonal or equal. Health-care policies must hence consider the factual dimension of caring, which is mostly carried out by women, and must be more supportive towards caring roles.³⁹ All the outlined theories in our view may offer a contribution to a continuing discussion about how to deal ethically with public-health matters and how to organize society. What is missing in these theories is a clear definition of the concept and value of the human person: a primary point in personalism.¶ From traditional philosophy to personalism¶ Personalism may offer some compensation for the conflicts and shortcomings of principlism. For reasons of comprehensiveness, it might be useful here to mention its most elementary, and possibly obvious, aspects. Personalism should not be confused with individualism, which considers auto-decisions as the main (or only) constitutive feature of person. Personalism is based upon our common shared human nature. It takes as its primary ethical principle that all human beings deserve respect. A human is the only being capable of self-reflection and comprehension of the meaning of life.⁴⁰¶ The principles of ontologically- based personalism in bioethics may be summed up as follows:³1 the defence, intangibility and sacredness of human life; the therapeutic principle whereby any intervention on life is justified only if it has a therapeutic purpose; the freedom and responsibility principle, where freedom recognizes respect for life as its objective limitation; the sociality and subsidiarity principle, consisting of the achievement of common good through individual well-being. Some consider the traditional value of the person as a cumbersome dimension. Hence some modern thinkers focus on the individual but not on the person. Post modern philosophers not only dissolve the concept of person but also that of subject.⁴¹ Excessive positions like these are also present in bioethics. Still bioethics, especially when applied to clinical and experimental issues, is generally attentive to the individual person. The problem arises in defining the person and the moment when he/she begins and ends, from the status of the human embryo to the dignity of the dying. Personalism strongly emphasizes the need to protect the weakest and the sickest persons in society. In a personalistic view, the being and dignity of the person are fundamental and inalienable values. Moral actions can thus be measured in respect of the person's being and dignity.⁴² This can be stated through a formulation that is similar to the second Kantian imperative: the person "should never be treated as a simple means, as an instrument that can be used for the purpose of achieving any other end: on the contrary, the person should be treated as an end, or – more specifically – respecting, and in some cases promoting, its own ends".⁴³ In Kant's philosophy, however, this imperative has a negative connotation.⁴⁴ Personalism does not simply exclude negative behaviours but requires positive attitudes.¶ Personalism and its application to public health¶ When applied to public health, personalistic principles include a set of duties which derive from respect of the person. These include respect of the individual's autonomy, the safeguard of confidentiality within a collective and potentially de-personifying framework, the effort to guarantee equity and equal opportunities for everyone in the allocation of health-care resources.^{45,46} Personalism is not opposed to other ethical theories as it can have both points in common and divergences with them. In a personalist view, for example, the consequentialist-utilitarian approach can certainly be part of a public-health policy as long as the lives and well-being of individuals are preserved.⁴⁷¶ Respect for individual rights and freedom is also an essential requisite of human coexistence if it comes with regard to the "correct exercising" of freedom that is bonded to respect for life. In public health there might be cases where freedom must be sacrificed to the advantage of the common good. A minimum limit however should never be exceeded and decisions should never heavily penalize a person's living conditions. If the wellbeing of the community is at stake, personalism does not exclude "moderate patronizing." Gerald Dworkin defines patronizing as "the interference with a person's freedom of action for reasons which exclusively refer to the wellbeing, good, happiness, needs, interests or values of a person who is subjected to the coercion".⁴⁸ A moderate form of patronizing is justified both in serious or emergency circumstances (such as during epidemics where persons need to be isolated to prevent the spread of a disease), and in routine conditions where the subject may not be in full charge of the situation and hence it becomes necessary to force certain behaviours (such as the compulsory wearing of seatbelts).¶

Cautionary policies based on the precaution principle are also significant in terms of public-health ethics. When scientific data are contradictory or quantitatively scarce, it is possible to appeal the precautionary principle. This principle shows the need for making temporary decisions that may be modified on the basis of new facts that eventually become known.^{49¶} Some authors have singled out the precautionary principle as one fundamental value in public-health ethics, alongside justice, transparency and the choice of the least restrictive alternative for people's autonomy.⁵⁰ Special importance has been attached to the precautionary principle by European ethics.⁵¹ Its relevance is also underlined by the Italian Committee on Bioethics and the Pontifical Council for Justice and Peace, with reference to the ethics of social and collective problems and to environmental issues.^{52,53} Personalism strongly values principles of sociality and solidarity. However, the individual's good is the basis for common good. The social dimension of personalism, which was highly emphasized at the beginning of the 1920s, contributed to the renewal of classical personalism and the foundation of the modern personalism of Emmanuel Mounier and Jacques Maritain.^{54,55¶}

Utilitarian framing of health surveillance is flawed- it overlooks individual health issues and autonomy

Rubel 12 (Alan Rubel. Ph.D., Department of Philosophy, University of Wisconsin-Madison; J.D., magna cum laude, University of Wisconsin Law School Assistant Professor. "Justifying Public Health Surveillance: Basic Interests, Unreasonable Exercise, and Privacy." 2012. P. 9-10. https://kiej.georgetown.edu/home_files/22.1.rubel.pdf)/EMerz

Parmentier provides some important guidance in applying this perspective to assessing the health of populations when she compares and contrasts the population perspective with utilitarianism. In her view, utilitarianism provides some support for the population perspective insofar as it is a maximizing theory. The difference between the two is that the good to be maximized on the population perspective is much narrower—health within a defined group instead of utility among all individuals (2009, p. 15). However, the view that the population perspective, and hence public health generally, "seeks to maximize group health" (Parmentier 2009, p. 16) is problematic. The comparison with utilitarianism shows why. Utilitarianism is a moral theory that is consequentialist, welfarist, and sum-ranking: it is concerned with the consequences of actions (rather than with, for example, virtues or respect for autonomy), the consequence that matters is individual welfare, and the best state of affairs is the one in which the aggregate welfare of all relevant individuals is maximized. The population perspective mimics utilitarianism insofar as it is consequentialist and sumranking (i.e., maximizing) and differs only in that the consequence that matters is health within a population (presumably measured in terms of quality-adjusted life years, disability-adjusted life years, or the like). The problem comes in using the population perspective to determine policy. It is true that public health interventions can at times be justified insofar as they can maximize health within a population in cases in which individuals acting alone or along with health care providers would fail—consider the efficacy of public sanitation measures relative to individual efforts to drink clean water absent such measures. **But if our guiding principle is health maximization, interventions at the individual level will be justified if they do in fact increase aggregate health**. The state of affairs with such an individual intervention will rank ahead of the state of affairs without it. In other words, a sum-ranking view fails to distinguish individual and population health and therefore is liable to opt for individual health interventions on the grounds that they increase population health, independently of whether they comport with individuals' own senses of good. A related problem is that a consequentialist view that maximizes the particular good of health within a population will necessarily subordinate nonhealth interests. Some individual behaviors decrease aggregate health only insofar as the decision-maker's health decreases (e.g., avoiding doctors, being sedentary, not flossing). Surely, though, some efforts to change those behaviors would be unwarranted on the grounds that people are within their rights to engage in them.⁷ Thus, coercive measures to increase aggregate health require at least some justification to override individual autonomy. That justification might be the negative effects of individual behaviors on others' health, sufficient risk

to individual health to warrant strongly paternalistic actions, or something else altogether, but simple appeal to marginal increase in aggregate health would not suffice.

Utilitarianism is bad in the context of public health surveillance – substitutes individual welfare for state affairs

Rubel 12 (Alan Rubel. Ph.D., Department of Philosophy, University of Wisconsin-Madison; J.D., magna cum laude, University of Wisconsin Law School Assistant Professor. “Justifying Public Health Surveillance: Basic Interests, Unreasonable Exercise, and Privacy.” Kennedy Institute of Ethics Journal, Volume 22, Number 1, March 2012, pp. 1-33 (Article). John Hopkins University Press, DOI: 10.1353/ken.2012.0001. Card from P. 9-11.)//ASMITH

Although the research/practice distinction fails to provide an adequate guide for resolving conflicts between public health surveillance and privacy, another approach, which takes the proper scope of public health into account, may be more promising. Just how to understand the term “public health” is the subject of significant debate. For instance, there is a question as to whether factors that affect health—such as education, homelessness, and human rights—are constitutive of public health (Rothstein 2002). Nonetheless, for the purposes of this article, it is promising to begin with the traditional view that public health should be understood as population health. The Institute of Medicine states that public health is what a society does “collectively to assure the conditions for people to be healthy” (Committee for the Study of the Future of Public Health 1988, p. 19; Rothstein 2002, p. 145). A full articulation of this kind of view comes in a recent book by Wendy Parmet. Parmet offers an account of public health that centers on what she calls the “population perspective.” According to this view, health is understood from a social or community perspective, and the “health of populations qua populations is an important goal of social life” (2009, p. 14). Parmet provides some important guidance in applying this perspective to assessing the health of populations when she compares and contrasts the population perspective with utilitarianism. In her view, utilitarianism provides some support for the population perspective insofar as it is a maximizing theory. The difference between the two is that the good to be maximized on the population perspective is much narrower—health within a defined group instead of utility among all individuals (2009, p. 15). However, the view that the population perspective, and hence public health generally, “seeks to maximize group health” (Parmet 2009, p. 16) is problematic. The comparison with utilitarianism shows why. Utilitarianism is a moral theory that is consequentialist, welfarist, and sum-ranking: it is concerned with the consequences of actions (rather than with, for example, virtues or respect for autonomy), the consequence that matters is individual welfare, and the best state of affairs is the one in which the aggregate welfare of all relevant individuals is maximized.⁶ The population perspective mimics utilitarianism insofar as it is consequentialist and sumranking (i.e., maximizing) and differs only in that the consequence that matters is health within a population (presumably measured in terms of quality-adjusted life years, disability-adjusted life years, or the like). The problem comes in using the population perspective to determine policy. It is true that public health interventions can at times be justified insofar as they can maximize health within a population in cases in which individuals acting alone or along with health care providers would fail—consider the efficacy of public sanitation measures relative to individual efforts to drink clean water absent such measures. But if our guiding principle is health maximization, interventions at the individual level will be justified if they do in fact increase aggregate health.

The state of affairs with such an individual intervention will rank ahead of the state of affairs without it. In other words, a sum-ranking view fails to distinguish individual and population health and therefore is liable to opt for individual health interventions on the grounds that they increase population health, independently of whether they comport with individuals' own senses of good. A related problem is that a consequentialist view that maximizes the particular good of health within a population will necessarily subordinate nonhealth interests. Some individual behaviors decrease aggregate health only insofar as the decision-maker's health decreases (e.g., avoiding doctors, being sedentary, not flossing). Surely, though, some efforts to change those behaviors would be unwarranted on the grounds that people are within their rights to engage in them.⁷ Thus, coercive measures to increase aggregate health require at least some justification to override individual autonomy. That justification might be the negative effects of individual behaviors on others' health, sufficient risk to individual health to warrant strongly paternalistic actions, or something else altogether, but simple appeal to marginal increase in aggregate health would not suffice. Fortunately, there is a better way to interpret public health from the population perspective and using it to guide action, which I refer to as the basic interests approach, following a framework developed by Alex London (2003).⁸ Even though one natural interpretation of population health—the one Parmet explicitly makes and which Mark Rothstein argues is implicit in other accounts—is aggregative and sum-ranking, it need not be (Rothstein 2002, pp. 145–46; Parmet 2009, p. 16). A different approach is to see public health as securing a set of interests that is public in the sense that the interests are shared by all members of a society, just in virtue of the fact that they are reasonable, rational persons.⁹ To see why, it is useful to consider John Rawls's understanding of primary goods. People in a modern, liberal democracy have widely diverging interests and projects. Some people will want opportunities for certain types of athletic recreation, others will seek intensive religious experiences, still others will look to intellectual or artistic projects, and many will order their lives around interest or social groups. Often these will conflict. For example, creating the opportunity for people to play baseball on a new field might undermine others' opportunity to hunt in the location where the field would be placed, and vice versa. That is exactly as we would expect in a pluralistic society. These interests are personal interests. However, the existence of such a society requires social cooperation, which on Rawls's view demands that citizens in the society be able to exercise two moral powers: the ability to form and revise a conception of the good (i.e., to be rational) and the ability to form a sense of justice and what is right and hence the ability to abide by fair terms of cooperation (i.e., to be reasonable) (1996, pp. 301–2). Based on this conception of a citizen, Rawls posits that each citizen has a number of fundamental interests (or primary goods) regardless of his or her particular conception of the good and personal interests. Among these are basic rights, liberties, and opportunities, and social bases for self-respect. They also include certain “natural goods,” among them health, which are only partly a function of the basic structure of society (1999, p. 54). The important point here is the idea that there are basic interests that every person in a society would want more of, and those interests must be treated as basic in a liberal, pluralistic society. Being deprived of the basic goods undermines persons' ability to form their own conceptions of the good and to be reasonable such that they can abide fair terms of social cooperation. Moreover, restriction of a person's basic interests (e.g., deprivation of basic rights and liberties, curtailment of opportunities, imperilment of health) gives rise to a claim on the rest of society to ameliorate these restrictions.

Utilitarianism justifies viewing people as only valuable for their contribution to larger society which justifies discrimination and destroys value to life

Hunnell 15 (Dr. Denise Jackson Hunnell is a Fellow of Human Life International. She graduated from Rice University with a BA in biochemistry and psychology. She earned her medical degree from The University of Texas Southwestern Medical School. She went on to complete a residency in family medicine at Marquette General Hospital, Marquette, Michigan. She also teaches anatomy and physiology at Northern Virginia Community College Woodbridge Campus. Other affiliations include the American Academy of Family Physicians, The Catholic Medical Association, and the National Catholic Bioethics Center. She received her certification in health care ethics from the National Catholic Bioethics Center in 2009. “When Utilitarianism Designs a Healthcare System...” <http://www.truthandcharityforum.org/when-utilitarianism-designs-a-healthcare-system/////CW>

Ezekiel Emanuel, the architect of President Obama’s signature health care legislation, has penned a provocative piece published in The Atlantic and entitled Why I Hope to Die at 75. In this essay he argues that people over the age of 75 are a drain on society and it would serve the common good if they would just die sooner rather than later. He is very clear that he is not advocating for euthanasia or assisted suicide. But what he is doing is laying the groundwork for age-based rationing of health care.¶ It must be understood that Dr. Emanuel is a utilitarianist. He believes that the value of a person lies in his contribution to the economic structure of a society. Non-contributors are worth less than those who are economically productive and are therefore entitled to less of the community resources, including health care.¶ Nurse_in_geriatry Emanuel argues that age associated declines in mental-processing speed and creativity make older individuals a burden. He notes that most great scientists, writers, composers, and artists have made their most significant contributions by the time they are in their late forties or early fifties. He declares that it is a rare individual who still has the intellectual capacity to produce great work past the age of 75, so we should stop striving for longevity at that point and refuse all life-prolonging medical care.¶ It is quite disturbing to read his cold assessment of those with even the most minor disabilities associated with age. He has no respect for the elderly enjoying their golden years and pursuing avocations instead of professional excellence:¶ The American immortal, once a vital figure in his or her profession and community, is happy to cultivate avocational interests, to take up bird watching, bicycle riding, pottery, and the like. And then, as walking becomes harder and the pain of arthritis limits the fingers’ mobility, life comes to center around sitting in the den reading or listening to books on tape and doing crossword puzzles. And then ...¶ Of course, many of us would counter his arguments with a discussion of the non-economic benefits the elderly provide. I have had the good fortune to know several centenarians in my lifetime. They provided a window to the past that could not be captured in any history textbook. I think of my relationships with several of my grandparents and great-grandparents who lived well past the age of 75 and know that my life was immeasurably enriched by these encounters with my elders, even when they were challenged by infirmities and disabilities. I hope to similarly influence my own grandchildren.¶ Ezekiel Emanuel discounts any value to familial relationships. In fact he states, “Our living too long places real emotional weights on our progeny... there is much less pressure to conform to parental expectations and demands after they are gone.” His further explanation of this reveals a prideful, self-centered motivation. He is concerned that if he lives past the age of 75, he will be remembered as a burden instead of as someone who was vibrant and a joy to be around.¶ After laying out his arguments for why life after age 75 is just not worth living, Emanuel goes on to outline the health care policy implications of his position. After the age of 75 he advocates for virtually no health care. No screening tests, no treatment for cancer, no flu shots, no antibiotics. Palliative care to keep the elderly comfortable is all that he sees as reasonable.¶ Here is where Emanuel errs most dramatically. He is judging the patient as to his worthiness for treatment, instead of judging the treatment as to its worthiness for the patient. There is no question that there are many medical tests and treatments that are not appropriate for patients over the age of 75. Following cholesterol levels, screening mammograms in asymptomatic women, screening colonoscopies for colon cancer are all tests that can be discontinued by this age. However, the reason is not that patients over the age of 75 are not valuable enough to receive this medical care. It is that the burden these tests impose on the elderly is not justified by the expected benefit of these tests. Decisions about the appropriateness of any medical test or intervention need to be made on an individual basis, taking into account the specific burden to benefit analysis for a given treatment in a given patient. Arbitrarily declaring that all those over the age of 75 are unworthy of anything but palliative medical care is unjust ageism.¶ Caring for an elderly relative can present physical, emotional, and financial challenges. But facing these challenges is an opportunity for great spiritual growth. We are better people and create a better society when we generously love and care for those with infirmities and disabilities. Through their lives, the elderly generously offer us the opportunity to cultivate virtue. As Pope Francis said, “A population that does not take care of the elderly and of children and the young has no future, because it abuses both its memory and its promise.”¶ Emanuel explicitly rejects such thinking as existential nonsense.¶ Many of us have suppressed, actively or passively, thinking about God, heaven and hell, and whether we return to the worms. We are agnostics or atheists, or just don’t think about whether there is a God and why she should care at all about mere mortals. We also avoid constantly thinking about the purpose of our lives and the mark we will leave. Is making money, chasing the dream, all worth it? Indeed, most of us have found a way to live our lives comfortably without acknowledging, much less answering, these big questions

on a regular basis. We have gotten into a productive routine that helps us ignore them.¶ I actually feel sorry for Ezekiel Emanuel that he cannot see the value of human life in any terms other than economic productivity. How sad that he does not cherish the rich dimensions the elderly add to our lives. We learn from their experiences, their faith, and, yes, even their suffering. The question before us in American health care policy is whether or not we will value each human life from the moment of conception to the moment of natural death and treat each individual according to his individual needs. Or, will we follow the utilitarian approach and declare whole classes of the population as economically unproductive and therefore unworthy of medical care?

Social injustices worsen health- recognizing human rights is a step in the right direction that allows us to make effective policy changes

Childress 2 (James Childress. University Professor and the John Allen Hollingsworth Professor of Ethics at the University of Virginia. "Public Health Ethics: Mapping the Terrain." 2002. P. 177. file:///C:/Users/Emily/Downloads/Childress_et_al-2002-The_Journal_of_Law,_Medicine_&_Ethics.pdf)//EMerz

We have noted potential and actual conflicts between promoting the good of public health and other general moral considerations. But it is important not to exaggerate these conflicts. Indeed, the societal institutionalization of other general moral considerations in legal rights and social-cultural practices generally contributes to public health. **Social injustices expressed in poverty, racism, and sexism have long been implicated in conditions of poor health.** In recent years, some evidence suggests that societies that embody more egalitarian conceptions of socioeconomic justice have higher levels of health than ones that do not.²⁰ Public health activity has traditionally encompassed much more than medicine and health care. Indeed, historically much of the focus of public health has been on the poor and on the impact of squalor and sanitation on health. The focus today on the social determinants of health is in keeping with this tradition. The data about social determinants are impressive even though not wholly uncontroversial. At any rate, they are strong enough to warrant close attention to the ways conditions of social justice contribute to the public's health. Apart from social justice, some in public health argue that embodying several other general moral considerations, especially as articulated in human rights, is consistent with and may even contribute to public health. For example, Jonathan Mann contended that public health officials now have two fundamental responsibilities - protecting and promoting public health and protecting and promoting human rights. Sometimes **public health programs burden human rights, but human rights violations "have adverse effects on physical, mental, and social well-being" and "promoting and protecting human rights is inextricably linked with promoting and protecting health."**²¹ Mann noted, and we concur, that, ultimately, "ethics and human rights derive from a set of quite similar, if not identical, core values," several of which we believe are captured in our loose set of general moral considerations.²² Often, as we have suggested, the most effective ways to protect public health respect general moral considerations rather than violate them, employ voluntary measures rather than coercive ones, protect privacy and confidentiality, and, more generally, express rather than impose community. Recognizing that promoting health and respecting other general moral considerations or human rights may be mutually supportive can enable us to create policies that avoid or at least reduce conflicts. While more often than not public health and human rights - or general moral considerations not expressed in human rights - do not conflict and may even be synergistic, conflicts do sometimes arise and require resolution.~~ Sometimes, in

particular cases, a society cannot simultaneously realize its commitments to public health and to certain other general moral considerations, such as liberty, privacy, and confidentiality. We have tried to provide elements of a framework for thinking through and resolving such conflicts. This process needs to be transparent in order to engender and sustain public trust.

Disease Outweighs

Disease is the greatest impact- more people die from disease than all wars combined- disease spread is the root cause of structural prejudice and the biggest threat to security

Selgelid 9 (M.J. Selgelid. Center for Applied Philosophy and Public Ethics (CAPPE), The Australian National University, Canberra, Australia. "Public Health: Pandethics." 2009. <http://www.sciencedirect.com/science/article/pii/S0033350608003314>)/EMerz

The ethical importance of infectious diseases is partly revealed by the fact that their consequences are almost unrivalled. 1 Historically, **they have caused more morbidity and mortality than any other cause, including war.** 2 The Black Death eliminated one-third of the European population over the course of a few years during the mid 14th Century; tuberculosis killed 1 billion people from 1850 to 1950; the 1918 flu killed between 20 and 100 million people; and smallpox killed between 300 and 500 million people during the 20th Century alone, i.e. **three times more than were killed by all the wars of that period.** Infectious diseases are currently the biggest killers of children and young adults, and the continuing threat of infectious diseases is revealed by the emergence of many new infectious diseases during recent decades [including human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), Ebola, severe acute respiratory syndrome (SARS) and avian influenza], the growing problem of drug resistance and the spectre of bioterrorism. Second, infectious diseases raise difficult ethico-philosophical questions of their own. Although measures such as surveillance, mandatory treatment and vaccination, isolation and quarantine may sometimes be important to the protection of public health, they may each involve infringement of basic rights and liberties, i.e. the right to privacy, informed consent to medical intervention, and freedom of movement. Given that most deny that either the goal to promote public health or the goal to protect individual rights and liberties should always take absolute priority over the other, a difficult ethical question is how to strike a balance between these two types of goals in cases of conflict. Third, the topic of infectious disease is closely connected to the topic of justice. Malnutrition, dirty water, overcrowded living and working conditions, lack of sanitation and hygiene, poor education, and lack of access to health care make poor people more likely to become infected and more likely to suffer poor outcomes when infection occurs. As bad health, in turn, exacerbates poverty, a vicious cycle promotes both poverty and disease. Fourth, **infectious diseases are prone to promote fear, panic, stigma, discrimination, and emotional and irrational decision and policy making.** Fifth, and finally, **infectious diseases pose threats to security. Security dangers are associated with fast-moving infectious disease outbreaks that overwhelm response capacity and cause chaos.** In 2007, the World Health Organization described pandemic influenza as 'the most feared security threat',⁸ and former US President George W. Bush suggested that a military response may be necessary in the event of a flu pandemic. Security may also be jeopardized for economic reasons in the case of slower-moving epidemics. HIV/AIDS, for example, has brought numerous African societies to the verge of economic collapse. Historical studies reveal that factors such as

high infant mortality, low life expectancy and decreasing life expectancy – especially salient in sub-Saharan Africa at present, largely as a result of HIV/AIDS – are among the most reliable indicators of societal upheaval.

Prefer a focus on non-communicable chronic diseases

Zarocostas 10 (John Zarocostas is a Geneva-based independent international correspondent and broadcaster, with more than 20 years experience in covering international global issues, including world health, development and humanitarian issues. His news dispatches have been published in The Lancet, The BMJ, McClatchy Newspapers, the International Herald Tribune, The National Law Journal, The New York Times, The Straits Times, Lloyd's List, The Canberra Times, The Globe & Mail, The Times, The Irish Times, The Journal of Commerce, and the South China Morning Post. “Need to increase focus on non-communicable diseases in global health, says WHO” <http://www.bmj.com/content/341/bmj.c7065///CW>

Governments worldwide need to increase the priority given to fighting non-communicable diseases especially in the poorest nations, the World Health Organization says.¶ The sense of urgency by WHO is driven by the high and projected increases in the prevalence rates of non-communicable diseases—cardiovascular diseases, cancers, diabetes, and chronic lung diseases.¶ These four major groups of diseases share four risk factors—tobacco use, unhealthy diet, physical inactivity, and the harmful use of alcohol.¶ Ala Alwan, WHO’s top official for non-communicable diseases and mental health, said, “The reason for the focus on these four major group of diseases is because they are responsible for about 80-85% of mortality due to chronic diseases, and because they also share the same risk factors.”¶ Dr Alwan told reporters the magnitude is increasing globally. Non-communicable diseases are currently responsible for 60% of all deaths, or more than 35 million deaths every year, of which 80% occur in low and middle income countries.¶ Up to 25% of deaths from non-communicable diseases occur in people under 60 years of age, he said.¶ “They are not only an enormous health problem, but they are also a problem that has very negative socioeconomic consequences,” he added.¶ Dr Alwan said that according to mortality estimates in all regions except Africa more than 50% of deaths are caused by non-communicable diseases and among these, the leading cause of death is cardiovascular disease.¶ The WHO predicts that global mortality from non-communicable diseases will increase by 17.6% during 2006 to 2015; by more than 24% in some regions such as Africa, and by 23% in the Western Pacific and South East Asia.¶ The treatment and health care for people with non-communicable diseases is also expensive, and increasing, Dr Alwan said. In poor populations a substantial proportion of families with a relative with cancer or heart disease will experience catastrophic expenditure, which will drive the family below the poverty line.¶ “We see higher levels of risk factors like tobacco, and overweight and obesity in the lower social-economic class[es] and we also see the highest prevalence of diabetes occurring in developing populations,” he said.¶ Dr Alwan, a former minister of health of Iraq, also highlighted that non-communicable diseases are “largely preventable if we address risk factors with tobacco control, address unhealthy diet and physical inactivity.”¶ He said international efforts to implement a global strategy to control and prevent non-communicable diseases is leading to the development of indicators similar to the millennium development goals together with a monitoring mechanism. Greater priority needs to be given to non-communicable diseases in health and broader development agendas, he said.¶ Dr Alwan added that the private sector, including the food and beverages industries, also has to provide some solutions. These include responsible marketing, especially for children, and a greater emphasis on more healthy products.

Prefer chronic disease – media creates a bias toward ISIS and nuclear war

Fisher 14 (Max Fisher is a writer at Vox, “Threats to Americans, ranked (by actual threat instead of media hype” 8/17/14 [http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture\)///CW](http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture)///CW)

Americans are inundated with media coverage and politicians warning them of dire threats: Ebola, the Islamic State of Iraq and Syria (ISIS), the war on Christmas.¶ The truth, though, is that the most-hyped threats are often not actually that threatening to Americans, while larger dangers go mostly ignored. That should tell you something about how our political system and media can distort threats, leading Americans to overreact to minor dangers while ignoring the big, challenging, divisive problems — like climate change — that we should actually be worried about.¶ An actual poll featured on Fox News (Nick Martin)¶ Obsessing about possible threats is something of a beloved national past-time here in America, which is objectively one of the safest places on Earth, so we want to help you do it right. Here, then, is a highly un-scientific and incomplete ranking of threats to the United States — sorted by the current danger to Americans, worst-case danger to Americans, and how freaked out you should be.¶ 9) Ebola¶ Threat to Americans: If you are an American in West Africa in close proximity with Ebola victims, the threat is moderate. If you are an American health worker in the US assisting an Ebola victim or someone who frequently comes into physical contact with one, the threat of infection is

minor if you use proper protective equipment. Otherwise, the threat is pretty close to zero.¶ Worst-case scenario: The outbreak could get much worse in West Africa, but even in that scenario the disease will remain unlikely to affect many Americans outside of the region.¶ How freaked out should you be: If you have loved ones in Liberia, Sierra Leone, or Guinea, it is not unreasonable to urge them to take all possible precautions. Otherwise, you would do better to worry about the other items on this list.¶ A health worker demonstrates Ebola treatment practices in London (Dan Kitwood/Getty)¶ 8) Your own furniture¶ Threat to Americans: According to a report by the Consumer Product Safety Commission, just under 30 Americans are killed every year by "tip-over," which is when "televisions, furniture, and appliances" fall onto their owners. The report also found that over 40,000 Americans receive "emergency department-treated injuries" from tip-over every year.¶ Worst-case scenario: This is America. We can always find ways to make a bigger, heavier, deadlier TV.¶ How freaked out should you be: Council on Foreign Relations scholar Micah Zenko found that tip-over kills about as many Americans per year as terrorism does, and injures many more. In theory, then, you should be just as freaked out by tip-over as you are by terrorism. Based on the fatality rate, you should be much more freaked out about tip-over than you are about Ebola.¶ 7) ISIS¶ Threat to Americans: Presently, the threat to Americans outside of Iraq and Syria is extremely low, as ISIS has no demonstrated intent or capability to launch such an attack. And since 2001, the US has gotten much, much better at preventing terror plots.¶ Worst-case scenario: ISIS does control a giant stretch of territory, boast thousands of fighters (some with Western passports), earn lots of oil revenue, and field heavy US-made weapons seized from the Iraqi army. Oh, and it now has access to rotting but still-deadly chemical weapons. They could decide to use those resources to try to attack the US, or could allow other terrorists to use their territory as a safe haven.¶ How freaked out should you be: Not very. If ISIS decides to turn its attention to attacking the US, the prospect it might succeed is real, but remote. And even if it did pull off a successful attack, it would almost certainly kill only a small fraction of the number of Americans that guns and cars are virtually certain to kill every single year.¶ Smoke from a battle between Iraqi Kurds and ISIS (SAFIN HAMED/AFP/Getty)¶ 6) The flu¶ Threat to Americans: The flu kills thousands of Americans every year, many times more people than Ebola. The elderly and infirm are especially at risk.¶ Worst-case scenario: An especially bad outbreak in 2004 killed 48,000 Americans.¶ How freaked out should you be: If you're elderly, very young, or immunosuppressed, you should get a flu shot or nasal spray immediately. (Even if you're not, you should still get off your lazy butt and get a flu shot, unless you are some kind of monster who doesn't care about herd immunity.) But if you're young and otherwise healthy, you'll probably be fine even if you do catch the flu.¶ 5) World War III breaking out in the Baltics¶ Threat to Americans: No one wants a global thermo-nuclear war between the West and Russia, including Vladimir Putin. But his meddling in Baltic NATO countries like Estonia, which the US and Western Europe are committed to defend, could inadvertently trigger what we avoided throughout the Cold War: open military conflict between the major nuclear powers. Both Putin and President Obama have threatened as much to try to scare one another out of acting aggressively.¶ Worst-case scenario: Russia does in Estonia what it did in Ukraine, that snowballs into war between Russia and the US/NATO, and the nukes start falling.¶ How freaked out should you be: To be very clear: the odds of this happening are extremely low. But the danger is real enough that everyone is taking it seriously (Russia is holding major nuclear exercises). If it did happen, it would be many, many times worse than every other item on this list combined.¶ Russian tanks in a military parade in St. Petersburg (OLGA MALTSEVA/AFP/Getty)¶ 4) Climate change¶ Danger to Americans: Potentially dire. The greatest near-term harm may be from a rise in extreme weather events. Over the next 100 years, that could include deadly heat waves, droughts, flooding, and a rise in sea levels that would affect coastal cities.¶ Worst-case scenario: The world is trying to limit the global temperature rise to 2°C, because any more than that is considered dangerous. A temperature rise of 4°C would cause "substantial species extinctions" and "large risks to global and regional food security," as well as rising sea levels, according to the Intergovernmental Panel on Climate Change. In other words, a total catastrophe.¶ How freaked out should you be: If you care about the world your kids and grandkids will grow up in, pretty freaked out. Averting disaster requires immediate, massive, global cuts to carbon emissions. With the US and China particularly dragging their feet, it may simply be too late.¶ 3) Guns¶ Danger to Americans: Guns kill more than 30,000 Americans every year, about as many deaths as caused by motor vehicles. But only about one in three of those deaths is a homicide. A few thousand are from accidents but most are due to suicide.¶ Worst-case scenario: We have already chosen to live in a society with the world's highest gun ownership rate and some of its loosest gun control laws, so the worst-case scenario is pretty much here. Still, gun deaths per year are on the rise.¶ How freaked out should you be: It all depends on whether you see America's uniquely permissive gun laws as worth the trade-off. But you — and, yes, your children — are at risk, regardless of your views about gun regulations.¶ A customer inspects a totally legal AR-15 assault rifle at a gun store in Wendell, North Carolina (Chuck Liddy/Raleigh News & Observer/MCT via Getty)¶ 2) Traffic accidents¶ Danger to Americans: Very high. About 34,000 deaths in 2011 (the last year with complete data), more than one in four of all deaths related to unintentional injuries.¶ Worst-case scenario: Drunk driving. Don't do it.¶ How freaked out should you be: The motor vehicle death rate is declining, but getting in your car is still dangerous. Stay alert and don't drink.¶ 1) Heart disease and cancer (tie)¶ Danger to Americans: The number-one and number-two killers in the US, collectively responsible for just over 50 percent of all American deaths.¶ Worst-case scenario: These could become even deadlier as Americans get unhealthier. Heart disease correlates with rising obesity. Cancer rates also correlate with obesity, smoking, and other unhealthy practices.¶ How freaked out should you be: The odds are that one of these two things will kill you, so you should be thinking about this. The good news: it's pretty easy to reduce that risk by making healthy lifestyle choices and screening regularly for cancer. Much easier for any given American, at least, than combatting West African Ebola outbreaks or Middle Eastern terrorist groups.

Extinction- engineered pathogens

Sandberg, 8 -- Oxford University Future of Humanity Institute research fellow

[Anders, PhD in computation neuroscience, and Milan Cirkovic, senior research associate at the Astronomical Observatory of Belgrade, "How can we reduce the risk of human extinction?" Bulletin of the Atomic Scientists, 9-9-2008, thebulletin.org/how-can-we-reduce-risk-human-extinction, accessed 8-13-14]

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. We may face even greater risks from emerging technologies. **Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics. The knowledge, equipment, and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens are self-replicating, allowing a small arsenal to become exponentially destructive. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals.** The intentional or unintentional release of **engineered pathogens with high transmissibility, latency, and lethality might be capable of causing human extinction.** While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law.

Emerging diseases and bioterrorism are comparatively the largest impact

Milne 4 – Formerly a practicing veterinarian in New Jersey and Maryland, Dr. Milne attended Johns Hopkins University in 1987-88 where he earned a master's degree in public health with a concentration in epidemiology. For six years, he worked for the New Jersey Department of Health in risk assessment as well as legislative and regulatory review, and finally served as Emergency Response Coordinator. Dr. Milne joined Tufts University's Center for the Study of Drug Development in 1998 as a Senior Research Fellow, after graduation from law school. His research interests include the evaluation of regulatory initiatives affecting the pharmaceutical and biotechnology industries, and incentive programs for the development of new medicines for neglected diseases of the developing world. Dr. Milne is currently Assistant Director at the Center and a member of the bar in New Hampshire

(Christopher, "Racing the Globalization of Infectious Diseases: Lessons from the Tortoise and the Hare," 11 New Eng. J. Int'l & Comp. L. 1)

Although we have faced planet-killing events such **as a nuclear brinkmanship** during the Cold War **and mega-meteors** colliding with earth in pre-history, **the most imminent threat is** one we face everyday from the **globalization of infectious diseases.** Leading authorities in government, medical institutions, and schools of public health have been ringing the warning bell for over a decade about the major threats to global public health. ²Link to the text of the note Threats such as **infectious diseases** in the developing world, **drug resistant bacteria, and** the problem of **multiple HIV strains, remain unaddressed.** The public health community lacks answers to key scientific questions for an AIDS vaccine, and needs to press harder on research for a tuberculosis (TB) vaccine, a process which could take twenty to fifty years. ³Link to the text of the note **Experts believe that the threat warning level has risen from orange to red,** comparing the **circumstances favoring a** pandemic today to **the "Perfect Storm," due to** the continuing increase of worldwide **antimicrobial resistance, diminished** U.S. **capacity to** recognize and **respond** to microbial threats, **and** the likelihood of **intentional releases of biological agents.** [¶]The sources of this public health challenge derive from a panoply of emerging and re-emerging natural plagues, thirty of which have been recognized just in the last few decades with thirteen occurring in North America. ⁴Link to the text of the note According to Anthony Fauci, Director of the National Institutes [3] of Allergies and Infectious Diseases (NIAID), emerging diseases are defined as ones that have not been previously recognized, such as acquired immunodeficiency syndrome (AIDS) or severe acute respiratory syndrome

(SARS). Comparatively, re-emerging disease has usually been in existence for a long time but has changed location, as did the West Nile Virus. Dr. Fauci considers bioterrorism to be a part of the continuum of emerging and re-emerging diseases, and points out that when it comes to bioterror: "The Worst Bioterrorist May be Nature Itself." 5Link to the text of the note¶ **Infectious diseases with the potential to be global killers come in two basic forms: the "slow**

epidemic," taking months or years to reach pandemic status, with an insidious onset and long latency, that resists treatment - the archetypical example being AIDS, 6Link to the text of the note **and the "fast epidemic," rapidly spreading from country to country,** typically **aerosol-borne, with fairly quick onset, and high mortality and morbidity** - most recently manifested in pandemic SARS. 7Link to the text of

the note Both **forms have potential uses as bioweapons,** although most of the counter-terror attention focuses on the SARS-like diseases.¶ Part II of this article will discuss the scenarios for a global pandemic presented by SARS, AIDS, or bioweaponized incarnations - what they have done, what they could do, and why it is so hard to stop them. Part III will describe the scope of the public health problem, particularly the globalization factors that serve as enablers of the pandemic potential of these diseases, as well as a host of ill-defined "x" factors that have served to further complicate the dynamics of dealing with these global killers. Part IV will consider solutions to the problem by discussing what we have versus what we need. Part V will present recommendations for how government, pharmaceutical and biotechnology industries, as well as international non-governmental organizations can be part of the solution. Lastly, Part VI provides a conclusion.¶ "Ring around the rosie, pocket full of posies,¶ Ashes, ashes - we all fall down!" - According to legend, a children's rhyme dating from the time of the plague in medieval Europe.¶ II. Scenes from a Plague¶ SARS has been compared to the bubonic plague of the Middle Ages, but the Black Death was not a "fast epidemic" due to the limitations of its [4] mode of transmission, as well as the modes of medieval transportation. While SARS is somewhat comparable to flu epidemics of the last century and to the putative bioterror agents of today, AIDS has the dubious distinction of being closer to the experience of the Black Death. However, unlike that ancient pandemic, which was more limited temporally and geographically, AIDS is embarking upon what, Dr. Peter Piot, executive director of UNAIDS, refers to as a "true globalization phase." 8Link to the text of the note¶ A. Black Death Redux¶ The superlatives used to describe the public health impact of AIDS never seem to be exhausted. One commentator noted that AIDS will soon exceed the death toll of the Bubonic Plague, making it the most "numerically lethal pandemic" the world has ever known. 9Link to the text of the note The World Health Organization (WHO) refers to it more prosaically, but with similar notoriety, as the "toughest health assignment the world has ever faced." 10Link to the text of the note Even after twenty years, AIDS is still something of a medical and scientific conundrum. Diversity of the virus increases with duration of infection, further complicating drug treatment. 11Link to the text of the note Vaccine development is similarly complicated due to existence of ten major genetic types or clades of HIV-1, each with a distinct geographical spread. 12Link to the text of the note¶ What we do know is that AIDS is caused by an infection with the human immunodeficiency virus (HIV), transmitted through unprotected sex, sharing hypodermic needles, transfusions of contaminated blood, or from mother to child during pregnancy, labor, delivery, or breast-feeding. The virus attacks the immune system by infecting white blood cells, known as CD4+ cells, making it difficult for the body to fight off infections. AIDS itself is considered the final stage of HIV disease. 13Link to the text of the note Without treatment, HIV will progress to full-blown AIDS within nine to eleven years, and is usually fatal within two years after that point. 14Link to the text of the note The AIDS/HIV toll is [5] approaching forty million infected, with fourteen thousand new infections daily and ninety-five percent of new infections occurring in the developing world. 15Link to the text of the note¶ What we do not know is just how soon and how much of an impact AIDS will have. In sub-Saharan Africa, only an estimated ten percent of the predicted illness and death has occurred; the full impact on people, communities, and economies is still to come. 16Link to the text of the note Nonetheless, one forecast is that seventy million will die of AIDS by 2020, mostly in Africa and Asia. 17Link to the text of the note Besides its own death-dealing impact, AIDS exacerbates the morbidity and mortality of other "slow epidemics" like malaria and tuberculosis, and drains resources that would otherwise be dedicated to their treatment. 18Link to the text of the note By 2010, a report by the Central Intelligence Agency (CIA) states that five countries - Nigeria, Ethiopia, Russia, India, and China - will suffer a total of fifty to seventy-five million cases of HIV/AIDS. 19Link to the text of the note¶ For a preview of the AIDS wasteland that faces us without a serious course change, consider the devastation wrought by AIDS on Botswana. Before the AIDS epidemic reached Botswana in the early 1990s, per-capita income had risen tenfold over the previous thirty years, primary school enrollment had doubled, and infant mortality had decreased almost threefold. A decade after AIDS swept over the land, thirty percent of the country's economic growth was erased and the number of years each citizen is expected to contribute to the economy has been reduced from fifteen-to-thirty productive years to just five. Moreover, one-fifth of Botswana's children will soon be AIDS orphans. 20Link to the text of the note Botswana now has the lowest life expectancy of any country in the world at 30.8 years of age, which is about three times less than the highest life expectancy of 83.5 years in the European nation of Andorra. 21Link to the text of the note At the current pace, close to [6] fifty percent of the world's population could live in countries gripped by the AIDS pandemic by the end of the decade.¶ B. Cold Virus on Steroids¶ The official acronym for severe acute respiratory syndrome is SARS-CoV, which derives from the fact that it is a coronavirus, the same family of viruses that cause the common cold. However, SARS acts more like a cold virus pumped up on anabolic steroids. According to statistics, the recent outbreak of SARS was both debilitating and deadly: eleven percent of its victims died; sixty percent required hospitalization; twenty to thirty percent needed treatment in intensive care units with intubations; six to twenty percent suffered respiratory sequelae; and thirty to sixty percent experienced post-traumatic stress. 22Link to the text of the note Ultimately, the SARS pandemic led to ten billion dollars in economic losses. 23Link to the text of the note¶ The SARS incubation period is typically six days, but can range anywhere from two to twenty days. SARS is more environmentally stable than other respiratory viruses. However, unlike most respiratory viruses the role of seasonality is unknown, noting that most respiratory viruses are winter creatures. SARS is primarily transmitted by respiratory droplets or fomites (i.e., inanimate objects or substances that transfer an infectious agent), in health care and hospital settings, but also by contaminated sewage. Old age and co-existing illness are contributory factors to SARS, but children tend to contract a more mild form of the illness. SARS is believed to be of an animal origin, but unlike most other species jumpers, SARS has also become efficient at human-to-human transmission. 24Link to the text of the note¶ Although we are still learning from the SARS pandemic, some lessons are clear: **animal pathogens pose**

major risks: a problem in a remote area can become a world problem within weeks; molecular virology can identify and sequence genetic structures of new pathogens within weeks; the epidemiological tracks of a disease can be followed even in remote areas; basic infection control measures work well; and the phenomena of the superspreader (i.e., an infected person responsible for a disproportionate number of transmissions), airborne transmission, and heightened risk to health care workers (i.e., twenty-one percent of SARS infections were in health care workers 25Link to the text of the note) complicate control efforts. 26Link to the text of the note Another lesson is that [7] humans can be the worst enemy regarding transmission. Four SARS outbreaks occurred within one year in Singapore, Taipei, and Beijing from laboratory accidents. 27Link to the text of the note The loose ends that dangle perilously from the tail of the SARS epidemic caused one SARS researcher to remark ominously: "this is not the end of the story..." 28Link to the text of the note¶ C. Black Wind of Death¶ A warning on a radical Islamic fundamentalist website stated that a "Black Wind of Death" would soon be visited upon the enemies of Islam. Some believe that this statement refers to the use of a bioweapon. A conservative estimate of the number of naturally occurring potential bioterror agents is about seventy to eighty, but the possibilities for genetically engineered pathogens are practically limitless. In fact, the pioneers of the Soviet bioweapons program were able to refine the "binary inoculatory," in which treatment of the first microbe would set off infection with a more deadly second microbe. The combinations were limitless, but the results were always the same - the ultimate nightmare. For example, if a person contracts a dreaded disease, such as the plague, and is treated with tetracycline, the treatment may unleash a second disease lying dormant, such as Ebola, for which there is no cure.¶ The question remains: How much lethal know-how is out there? In the 1980s, the Soviets' bioweapons industry employed about sixty thousand people, half of whom were scientists. In the past thirty years, critical masses of two to three thousand new pathogens have appeared; some developing from nature and some designed in the lab, but not always as bioweapons. Fully mapping and understanding the complex interactions of hosts and pathogens for the known biological entities that could be weaponized would take decades. 29Link to the text of the note D.A. Henderson, senior advisor for the Center for Biosecurity at the University of Pittsburgh, framed this problem: "Like it or not, I'm afraid the threat is with us forever." 30Link to the text of the note [8] "Globalization, after all, is fundamentally about market expansion, the rise of new political, social, and cultural movements, and changes in the state and institutions." - Hitchner, Tufts University¶ III. Scope¶ For better or worse, globalization is also about public health. The scope of the public health challenge faced today must now be considered within the context of other globalization factors. Just as addressing the

problems of **globalization,** public health **must also be taken into account.** This is especially true **for infectious diseases, as West Nile virus, monkey pox, SARS, avian flu, and antibiotic-resistant bugs** are only the beginning. According to one expert, "the new normal" has become a public health problem uniquely created by globalization. 31Link to the text of the note¶ A. The Global Village: A Good Place to Raise Deadly Offspring¶ 1. The Urbanization Triplets: Crowding, Poverty, and Destruction of Habitat¶ Certain sequelae of globalization have been identified as facilitating the spread of global infectious diseases. Urbanization, which is defined as rapid population growth in the cities, especially in tropical and subtropical areas in less developed countries, results in large populations coming into closer contact with one another, increasing the probability of infectious diseases. Urbanization is also characterized by poverty and poor sanitation. 32Link to the text of the note Poverty is considered both a cause and an effect of widespread disease. For instance, poverty often results in malnutrition, which in turn weakens the population's ability to fight off diseases, such as malaria. Malaria can cause the deaths of up to half of a million children per year in sub-Saharan Africa alone, resulting in a loss of one percent of the region's GNP. 33Link to the text of the note Urbanization and poverty also contribute to overcrowding in hospitals and health care facilities, which then leads to a struggle with sterilization and isolation procedures. Cross-contamination through blood and instruments occurs more readily. Due to the favorable environment, microbes increase in number and become more diverse through mutations. If a virulent "bug" pops up, it has a good chance of becoming established quickly.¶ Urbanized areas are often large population centers and are served by [9] modern transportation routes. Once an individual becomes infected, they are only a plane ride away from anywhere in the world. 34Link to the text of the note Urbanization also causes destruction of natural habitats, resulting in the release of previously unknown infectious diseases. Many such diseases have

been unleashed by the increased human contact with animal reservoirs, due to altered land-use patterns and changing movement of animal and human populations. 35Link to the text of the note In fact, many of the thirty or so new pathogens recognized in the past three decades originated in animals. 36Link to the text of the note¶ 2. The "T-way" of Global Plague¶ Through the pathways provided by the "3Ts" of globalization - **travel, trade, and tourism** - humans **have** inadvertently **paved the way**

for pandemics. Two million people travel internationally everyday, 37Link to the text of the note with approximately five hundred million traveling by commercial airlines every year, 38Link to the text of the note and millions of tons of food, hazardous materials, and waste in transport daily. 39Link to the text of the note With international travel increasing by fifty percent each decade, the prospects of containing new outbreaks of disease are diminishing. 40Link to the text of the note We are no longer protected by formerly formidable natural barriers like oceans, and even less so by artificial barriers, such as political borders.¶ B. The "X" Factors: The Known, the Unknown, and the Unknowable¶ The factors discussed are complex and their impacts are still under study, but to some degree, they are "known" factors that are quantifiable in the calculus of planning for the future. There are also a number of biological, environmental, socioeconomic, cultural, legal, and political factors that continue to crop up in unpredictable manners. Some were previously unknown but have been factored into the problem equation. Others seem to be so random in occurrence and incalculable as to outcomes [10] that the ultimate impacts remain "unknowable."¶ 1. Microbial Resistance¶ Resistant strains to antibiotics developed within a few years of the discovery of antibiotics some fifty years ago. However, according to the United States Food and Drug Administration (FDA), the difference now is that resistance is no longer an isolated problem, especially in hospitals. 41Link to the text of the note For example, in the United States, about seventy percent of bacteria causing infections in hospitals are resistant to at least one of the most common drugs used to treat them. 42Link to the text of the note In the United Kingdom, the infection rate for methicillin-resistant Staphylococcus aureus, a common hospital contaminant, has risen six-hundred percent over the last ten years. 43Link to the text of the note The WHO warned that due to the overuse of antibiotics in rich countries and the under use in poor countries, drug resistance is a worldwide problem. The result is wasting of billions of dollars that could have been better spent on research and development (R&D) for infectious disease treatments over the last few years. 44Link to the text of the note¶ Antibiotics are not the only medicines with resistance problems. The main drugs used to combat AIDS, the so-called anti-retrovirals (ARVs), are also a source of concern. A recent study showed that ten percent of all newly infected patients in Europe 45Link to the text of the note are infected with drug-resistant strains. In San Francisco, the rate is twenty-seven percent. 46Link to the text of the note According to a recent survey of infectious disease specialists in the U.S., only forty-one percent of patients are able to be treated with the most commonly used ARV regimen, while another forty-five percent are on back-up regimens. For fourteen percent of infected patients, treatment with ARVs has all but failed. 47Link to the text of the note¶ [11] Experts agree that resistance is also a problem in the developing world, 48Link to the text of the note further complicated by factors such as counterfeit drugs, irregular access to treatments, environmental degradation, inconsistent compliance, and diversion of drugs to the black market. 49Link to the text of the note¶ 2. Sociocultural¶ None of the problems associated with the globalization of infectious diseases seem to be confined to one part of the world. For instance, half of reported polio cases worldwide occurred in Nigeria, due to disruption of vaccination efforts. This interruption stemmed from a rumor that the United States government was clandestinely implementing population control by adding contraceptives to the vaccine. 50Link to the text of the note In the U.S., a surgeon recently reported that a several-year-long effort to convince a hospital staff to regularly use a sixty percent alcohol gel for hand disinfection was almost thwarted by a rumor that the gel would reduce fertility. 51Link to the text of the note¶ Actions taken by the general public are often at cross-purposes with actions taken to protect the public health. One of the most crucial problems involved with tackling AIDS in the developing world is the extreme fear and social stigma associated with the disease. These sentiments are exemplified by violence and abuse against women in Africa 52Link to the text of the note and discrimination against HIV patients by their own families and hospitals in India. 53Link to the text of the note In the U.S., the population is so risk-averse that the construction of three Biosafety Level Four labs in California, Texas, and Massachusetts are being vigorously disputed by residents. 54Link to the text of the note¶ [12] ¶ 3. Legal¶ The criminal element always seems to find a way to further complicate an already complicated situation, which is not dissimilar to opportunistic infections. Up to ten percent of the world's drug supply is counterfeit, and may be perhaps as high as fifty percent in many developing countries. 55Link to the text of the note Diversion of medicines to the black market is most common in certain parts of the developing world, but occurs universally. Serostim, a growth hormone prescribed to fight wasting syndrome in AIDS patients, has found an underground recreational use as a bodybuilding drug in the United States. The drug costs about eighty thousand dollars for a year's supply, often paid for by Medicaid, but on the black market, it can fetch two thousand dollars for a week's supply. 56Link to the text of the note Even a new disease, such as SARS, did not take long to develop a criminal element. In May 2002, the FDA issued a special alert regarding internet marketing of bogus SARS prevention products. 57Link to the text of the note¶ In addition to violations of the law, tensions exist within the law as well. The needs of bioscience and the concerns for biosecurity are often adverse. The regulations for "select agents" are so confusing that one researcher was reportedly arrested simply because he traversed a room where a select agent was stored. 58Link to the text of the note Such incidents are one reason why an international group of scientists seeks to keep SARS off the select agents list, arguing [13] that restrictions would stifle research and hurt public health efforts. 59Link to the text of the note However, other experts acknowledge that the transfer of knowledge among scientists is often a leaky process, and scientists may become unwitting accomplices to global bioterror. 60Link to the text of the note careful balance must be struck between freedom in research endeavors and controls designed to prevent the misuse of material and knowledge. 61Link to the text of the note¶ Conflicts of law also exist between public health and privacy. Due to the evolving nature of the newly implemented medical privacy regulations under the Health Insurance Portability and Accountability Act (HIPAA), 62Link to the text of the note state health officials believe themselves to be limited in releasing information regarding deaths from the flu or other reportable diseases, due to new legal protections afforded to patients. However, HIPAA contains a public health exception, and most officials argue that releasing certain information is required by state public health laws to provide information about risk factors that the public should be aware of. 63Link to the text of the note¶ The United States Security and Exchange Commission (SEC) has become embroiled in this problem as well. SEC regulations are an issue, not only due to antitrust laws prohibiting collaboration on countermeasures by "competing" companies, 64Link to the text of the note but also due to accounting regulations that determine when a company can recognize revenue from a stockpile. Under the current scheme, the United States Department of Health and Human Services (HHS) plans to purchase vaccines, but have companies store them until needed to avoid additional cost and logistical problems for HHS. Problems then arise under current SEC regulations, as entities may not declare revenue from

undelivered products. 65Link to the text of the note¶ [14] ¶ 4. The Ultimate "X" Factor¶ **Global infectious disease, bioterror, and national security are becoming strange bedfellows.** The HHS Secretary announced in the fall of 2003 that grants totaling 350 million dollars over five

years would be made available for the establishment of eight Regional Centers of Excellence for Biodefense and Emerging Infectious Diseases Research (RCEs), stating: "These new grants add to this effort and will not only better prepare us for a bioterrorism attack, but will also enhance our ability to deal with any public health crisis, such as SARS. . . ." 66Link to the text of the note Concern regarding the public health crisis precipitated by SARS was believed to have caused some "holdouts" waffling on support of Bioshield to come on board. 67Link to the text of the note The President of the Association of State and Territorial Health Officials believes that the infusion of dollars into bioterrorism awareness has helped to improve the public health system capacity to deal with health emergencies in general. 68Link to the text of the note¶ Internationally, the Security Council of the United Nations (UN) discussed a health issue for the first time as a threat to world stability: HIV/AIDS in Africa. 69Link to the text of the note The African, Caribbean, and Pacific Ocean sectors of the World Trade Organization (WTO) petitioned the WTO's Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) to find a solution to the deadlock over access to affordable drugs, as the outbreak of diseases such as SARS had made it "a matter of urgency." 70Link to the text of the note The deadlock was broken. In a report by the United States National Intelligence Council, experts emphasized the worldwide threat presented by infectious disease to military capacity, socioeconomic development, international trade and travel, and global stability. 71Link to the text of the note¶ [15] However, common goals can sometimes result in competition instead of cooperation when time, money, and resources are limited. The media reported that National Institute of Health (NIH) studies on AIDS, TB, malaria, and other infectious diseases would be shortened in length due to a White House mandate shifting funding to development of an anthrax vaccine. 72Link to the text of the note While the NIAID budget grew twenty-fold from 1980 to 2004, the increase was mainly due to efforts to combat changing priorities of life-threatening infectious diseases, such as AIDS in the 1990s and bioterror in the 2000s. 73Link to the text of the note In fact, the NIAID budget allotment for AIDS R&D has flat lined for 2002 through 2005, while the biodefense budget went up from \$ 200 million in 2002 to \$ 1.6 billion slated for 2005. 74Link to the text of the note In a survey of nearly four hundred scientists, forty-six percent felt that government spending on bioterror R&D diverts monies from more important investigative work. 75Link to the text of the note Internationally, in January 2002, the WHO's Executive Board stated that it was focusing attention on the health effects of poverty, but also needed to devote attention to preparations for "newer threats such as the deliberate use of anthrax and smallpox agents." 76Link to the text of the note¶ C. The World as a Marketplace, Health Care as a Business¶ Due to the globalization of infectious diseases, the distinction between national and international public health programs have as little relevance as political borders. 77Link to the text of the note However, this also implies that public health counter-measures must be considered within the context of market realities driving globalization. There is a strengthening current within the international public health community to consider access to health care as a universal human right shared by rich and poor alike. 78Link to the text of the note However, one must inquire: Where does the money for health research come from? Independent [16] foundations and charities contribute only about four percent of the billions spent globally each year on health research. 79Link to the text of the note Regarding medicine, a sizeable amount of the funding for basic research comes from governments, but the lion's share of the funding for applied research that turns concepts brewing in test-tubes on lab benches into bottles for injection on clinic shelves comes from private industry. In particular, these are the major pharmaceutical companies, also known as "big pharma." 80Link to the text of the note¶ They don't call it big pharma for nothing! The industry's financial might and resources are impressive. When the list of the world's one hundred largest public companies by market value is released each year, close to one-fifth are pharmaceutical companies. Monsanto, a life-science multinational corporation, has a R&D budget more than twice the R&D budget of the entire worldwide network of public sector tropical medicines research institutes. 81Link to the text of the

note¶ **These resources must be brought to bear if the global community is to make any headway against the globalization of infectious diseases.** However, this is where the economic and political realities of globalization are actualized.

According to previous work on providing incentives to industry to conduct R&D for neglected parasitic and infectious diseases in the developing world, five disincentives must be

addressed: lack of interest on the part of big pharma; an unfavorable cost/risk ratio for big pharma; the fact that only impoverished markets exist for the products of such R&D; the difficulty of directing capacity in the Northern hemisphere to address the needs of the South; and the realities of the vaccine market. [82Link to the text of the note](#)

****Disad Links****

Politics – Link

Congress has no interest in changing health surveillance standards

Evans 13 (Barbara J. Evans. Professor of Law; Co-director, Health Law & Policy Institute; Director, Center on Biotechnology & Law, University of Houston Law Center, Yale Law School; M.S., Ph.D. Stanford University; Post-doctoral Fellow, The University of Texas M.D. Anderson Cancer Center. “Institutional Competence to Balance Privacy and Competing Values: The Forgotten Third Prong of HIPAA Preemption Analysis.” P.1189-1190.

http://lawreview.law.ucdavis.edu/issues/46/4/Articles/46-4_Evans.pdf//EMerz

The problem, however, **is that Congress appears to lack this desire**. An excellent opportunity to address this problem came and went when Congress introduced major amendments to the HIPAA statute in the 2009 Health Information Technology for Economic and Clinical Health (“HITECH”) Act.⁷⁴ Congress declined to expand HIPAA’s preemption of state privacy law. Pragmatism counsels that **HIPAA’s preemption provisions are not likely to change**. Those who favor a more uniform legal framework to support large, interoperable public health data networks and public health uses of data must find a way to achieve these goals within the existing preemption framework. To paraphrase Donald Rumsfeld, “You go to war with the [HIPAA preemption provisions] you have, not the [provisions] you might want or wish to have at a later time.”⁷⁵ Accordingly, this Article takes a fresh look at HIPAA’s existing preemption provisions to check for tactical opportunities that earlier scouts may have overlooked.

Privacy rulings are extremely unpopular and take up the entire floor- HIPAA empirics proves

Evans 13 (Barbara J. Evans. Professor of Law; Co-director, Health Law & Policy Institute; Director, Center on Biotechnology & Law, University of Houston Law Center, Yale Law School; M.S., Ph.D. Stanford University; Post-doctoral Fellow, The University of Texas M.D. Anderson Cancer Center. “Institutional Competence to Balance Privacy and Competing Values: The Forgotten Third Prong of HIPAA Preemption Analysis.” P. 1212-1213.

http://lawreview.law.ucdavis.edu/issues/46/4/Articles/46-4_Evans.pdf//EMerz

The HIPAA Privacy Rule had a famously contentious rulemaking history. The proposed regulation drew more than 52,000 public comments and the final rule of December 2000 subsequently was reopened for a second round of comments and amendments. **Consensus was hard to achieve and, in fact, was not fully achieved.** The Privacy Rule continues to be disliked by all sides. For example, it is simultaneously criticized for allowing too much and not enough access to data and biospecimens. Modestly positioning the Privacy Rule as a floor of privacy protections may have had a calming effect during the fractious rulemaking process. By its own terms, the Privacy Rule is merely a floor, and that was all that needed to be discussed during the rulemaking. The Privacy Rule only becomes a ceiling in one narrow context — public health uses of data and biospecimens — and then only when read in conjunction with the HIPAA statute. The rulemaking carefully set the stronger statutory preemption provision at 42 U.S.C. § 1320d-7(b) to one side and avoided making it a topic of rulemaking discussions.

No political constituency for the plan – politicians will defer to law enforcement

Jason **Kreag** (Visiting Assistant Professor, University of Arizona James E. Rogers College of Law) **2015** “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957

The lack of legislative interest in regulating local DNA databases is not surprising.²⁸⁷ Absent a public outcry, there is normally little political upside for politicians to initiate legislation to curb police use of a tool that law enforcement has identified as effective.²⁸⁸ And the possibility of a public outcry resulting from surveillance techniques like local databases, which disproportionately impact people with comparatively little socioeconomic standing and political power, seems unlikely because “citizens tend not to see themselves as the subjects of future police investigations.”²⁸⁹ Furthermore, even if policy makers would be interested in regulating a particular surveillance method, they are often not notified of new techniques in advance, leaving the new methods to gain a foothold absent external oversight.²⁹⁰

The debate over the plan get dragged into the ObamaCare debate

Katherine **Gasztonyi** (associate in the firm’s Washington, DC office and a member of the Privacy & Data Security and Intellectual Property Rights practice groups) **2014** “House Republicans Signal Push for Data Breach Legislation” <http://www.insideprivacy.com/united-states/congress/house-republicans-signal-push-for-data-breach-legislation/>

In the wake of the recent Target Corp. credit card data breach, Congress is once again turning its attention to data breach legislation. In a memorandum to Republican lawmakers on January 2, House Majority Leader Eric Cantor (R-Va.) stated that he intends to schedule legislation on security and breach notification requirements for federally facilitated healthcare exchanges when Congress resumes session next week. Democratic leaders characterized the news as yet another effort by Republican lawmakers to undermine the Affordable Care Act rather than a serious effort to deal with data security issues.

****States CP****

Frontline

1NC

The 50 U.S. states and relevant U.S. territories should uniformly:

-apply strict scrutiny to public health surveillance programs.

-Substantially reduce state health surveillance and refuse federal assistance for state and local health surveillance programs

-ban local and state level DNA databases

-and coordinate to ensure uniformity through standardization of the current Health Information Exchange System

State privacy protections are extremely effective

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 19-21 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)//EMerz

Health privacy and HIPAA frequently are viewed as indistinguishable. However, health privacy exceptionalism is not restricted to federal law. In the decade and a half since the appearance of the HIPAA regulations and notwithstanding the Privacy Rule’s limitation on preemption, state law regarding health privacy appears to have receded into the background. The Bush Administration’s health information technology narrative included the characterization of divergent state laws as impeding EHR implementation. 144 Furthermore, in the intervening years several states have normalized their laws with HIPAA. There are explicit protections of privacy in a handful of State constitutions.¹⁴⁶ And some state supreme courts have implied such a right¹⁴⁷ that subsequently has been applied in cases involving medical information.¹⁴⁸ Yet there is nothing that could be as described as exceptional. In contrast, many state legislatures embraced strong, exceptional health privacy models (particularly in the pre-HIPAA years).¹⁴⁹ Indeed many state privacy statutes continue to escape preemption due to HIPAA’s “more stringent” provision. **Any generalized account fails to credit the resilience of health privacy exceptionalism in some states**. Of course, there should be little surprise that California has built on its enviable consumer protective reputation with additional substantive and enforcement provisions. The state’s original Confidentiality of Medical Information Act dates from 1981. It is notable for possessing a broader reach than HIPAA, applying, for example, to health data custodians who are not health care providers.¹⁵¹ California passed one of the first health information breach notification laws.¹⁵² More recently the state established the Office of Health Information Integrity to “ensure the enforcement of state law mandating the confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information”¹⁵³ which requires: Every provider of health care shall establish and implement appropriate administrative, technical, and physical safeguards to protect the privacy of a patient's medical information. Every provider of health care shall reasonably safeguard confidential medical information from any unauthorized access or unlawful access, use, or disclosure. Perhaps

more surprisingly Texas enacted similarly broad protection for health information. In sharp contrast to the narrow HIPAA conception of a “covered entity,” the Texas law applies to “any person who . . . engages . . . in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting protected health information.” 155 Texas also requires “clear and unambiguous permission” before using health information for marketing 156 and broadly prohibits the sale of an individual’s protected health information.157 As discussed above, HITECH (together with a change in administration) provided the enforcement focus that HIPAA had lacked.158 However, the 2009 legislation did not alter the longstanding HIPAA position of not permitting private rights of action.159 Of course a small number of states permit such actions under their health privacy statutes.160 However, almost all jurisdictions allow some species of the breach of confidence action in such cases,161 and some even allow HIPAA in through the “back door” establishing a standard of care in negligence per se cases.162 For example, *Resnick v. AvMed, Inc.*, concerned two unencrypted laptops that were stolen from the defendant managed care company. The compromised data concerned 1.2 million persons, some of whom subsequently became victims of identity theft. Dealing with Florida law allegations of breach of contract, breach of implied contract, breach of the implied covenant of good faith and fair dealing, and breach of fiduciary duty, the Eleventh Circuit addressed the question whether plaintiffs had alleged a sufficient nexus between the data theft and the identity theft. The court concluded that the plaintiffs had “pled a cognizable injury and . . . sufficient facts to allow for a plausible inference that AvMed’s failures in securing their data resulted in their identities being stolen. They have shown a sufficient nexus between the data breach and the identity theft beyond allegations of time and sequence.”164 Overall there seems to be a proliferation of data breach cases being filed in state courts. State privacy case law and legislation are continually evolving both in and out of the health care space. However, there is reason to believe that health privacy exceptionalism remains an accepted tenet among state courts and legislatures.

The states solve every 1AC internal link

Jason **Kreag (1AC Author)** (Visiting Assistant Professor, University of Arizona James E. Rogers College of Law) **2015** “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957

While a federal law would be most effective, there are other options to achieve some of the benefits of the reforms outlined in Part III.C. For example, each state could be encouraged to adopt a model statute that includes these reforms. The prospect of quick action by each state seems considerably less likely to occur without the stick of being excluded from CODIS that could be a part of federal regulation. However, Alaska, Vermont, and Washington have demonstrated that some states are capable of regulating local databases. In addition, there are options aside from legislation. Existing regulatory bodies could promote these reforms as best practices for local DNA databases. For example, the recently created National Commission on Forensic Science (“NCFS”), a joint project of the Department of Justice and the National Institute of Standards and Technology (“NIST”), describes part of its mission as “reduc[ing] fragmentation and improve[ing] federal coordination of forensic science.”323 Similarly, NIST’s newly-formed Organization of Scientific Area Committees (“OSACs”) represents another potential source for external regulation.324 Whereas the NCSF will outline broad policies, the OSACs are designed to adopt specific “standards and guidelines” for each forensic discipline.325 These organizations, which include national leaders from law enforcement, practice, and academia, are limited to adopting non-binding recommendations. However, even recommended procedures could be

powerful forces to alter current practices. Finally, while this Article argues that external regulation is optimal and necessary,³²⁶ it is at least possible that the early adopters of local databases could organize a working group to develop uniform standards. Director Harran of Bensalem has considered holding a meeting with the agencies that use local databases to explore the adoption of standard procedures.³²⁷ A working group offers at least three potential incremental benefits. First, simply starting the dialogue would force some agencies to articulate their practices and procedures. Second, a discussion about what regulations are needed could encourage law enforcement to consider some of the external costs of local databases. Finally, even if the working group did not possess the power to adopt binding regulations, it is possible that some agencies—motivated by the self-interested desire to continue using their own local databases—could pressure others to act more cautiously so as not to generate interest from external regulators. CONCLUSION Given the pressure on police to solve crimes and reduce criminal activity, it is not surprising that law enforcement aggressively adapts surveillance technology to its benefit. Such actions are often commendable and encouraged. Indeed, the very manner in which law enforcement agencies measure their absolute and comparative success—through crime rates and clearance rates—incentivizes local agencies to push the boundaries of crimesolving tools. Early adopters of local databases are doing just that, trying to maximize the ability of forensic DNA analysis to fight and deter crime. Palm Bay, Bensalem, and others have shown that local databases offer great promise when measured on that scale. But a narrow focus on crime rates and clearance rates is not the only relevant metric when allocating policing resources in general, and public surveillance in particular. Rather, policing has the potential to generate positive and negative externalities unrelated to crime rates and clearance rates, and these externalities are often difficult to measure reliably. Furthermore, there is little incentive for law enforcement to identify or measure these externalities, particularly negative ones. This Article is the first attempt to identify the full implications of local databases. While it is beyond its scope to measure these externalities, identifying their existence and recognizing law enforcement’s failure to consider them calls for some level of external regulation of local databases. Because the empirical work needed to measure the external costs of local databases has not been developed, the reforms proposed in this Article are modest. It is possible, although, in the opinion of the author, unlikely that the external costs of local databases will outweigh their benefits. If that proves true, states should follow Vermont’s lead and ban local databases. More than likely, the result of a full-scale empirical study of local databases will call for something in the middle, rejecting the total prohibition in Vermont and rejecting the current landscape, where local agencies are free to develop and use local databases without external regulation.

1NC–Alt Text for Local DNA Plank

<< replace “ban local DNA databases” with “Certify that local databases within their jurisdiction follow the reforms outlined in the Krag evidence”>>

(here are the reforms – put in the text if you care to)

1. Require Adequate Record Keeping

2. Require Consent
3. Prohibit the Inclusion of Victim DNA Profiles
4. Mandate Time Limits for Suspect DNA Profile Retention
5. Monitor Use

The counterplan would solve – 5 things the states need to do to resolve collection

Kreag 2015 (Jason, Visiting Assistant Professor, University of Arizona James E. Rogers College of Law “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957, mmv)

With these limitations in mind, this Section outlines five substantive regulations that should be adopted to oversee the use of local databases. Two scholars have previously proposed regulations that would severely curtail law enforcement’s use of these databases. For example, Professor Elizabeth Joh has proposed that law enforcement should be required to obtain a “warrant whenever police seek abandoned DNA from a targeted person.”²⁹⁵ Professor Wayne Logan has gone further, recommending that the “government should be barred from using identity evidence secured from a lawful arrestee for any purpose other than identity verification.”²⁹⁶ The recommendations offered below would not go as far. However, they would help limit many of the potential negative implications of local databases while at the same time leaving sufficient room for law enforcement to expand its use of DNA to high-volume crimes

1. Requiring Adequate Record Keeping Maintaining adequate and accurate records is crucial to regulating law enforcement’s use of local databases.²⁹⁷ Agencies using local databases should be required to record aggregate data regarding the DNA profiles in their databases. This information should include the percentage of DNA profiles from known individuals versus profiles derived from crime-scene evidence. Furthermore, the DNA profiles from known individuals should be further disaggregated. For example, regulations should mandate the collection of information regarding whether the known profiles were collected by consent, from abandoned biological material, or surreptitiously. Law enforcement should also be required to collect information regarding the sources of the known DNA profiles. That is, was the profile generated from a suspect, a victim, a victim’s family member, or a witness? Finally, regulations should require the collection of data on the age, race, and gender of the individuals whose profiles are in local databases. In addition to collecting this aggregate data, law enforcement should be required to track these same categories for each individual officer who collects reference samples. Finally, this data should be recorded in a manner that makes it readily accessible. If law enforcement is not required to collect this information, it will be difficult to monitor whether local databases are utilized in a fair manner and if their burdens are sufficiently distributed.²⁹⁸ This is particularly true because law enforcement officials have considerable discretion in who they target.²⁹⁹ For example, it would be important to know if a law enforcement agency only collects abandoned DNA samples from young men of color. It would also be helpful to know if an individual officer’s practices follow the same pattern.³⁰⁰ Without this information we will not be able to reliably measure the extent of several of the potential negative consequences identified in Part II.

2. Regulating Consent As is demonstrated in Part I.B., law enforcement’s use of local databases is dependent on collecting

consensual samples from known individuals. In particular, local databases are different from CODIS because they often include profiles from people police have identified as suspects or potential future suspects. The reliance on consensual samples as opposed to legally coerced samples—e.g., from arrestees or convicted individuals—renders it important for regulations to address under what circumstances law enforcement should be able to request a consensual sample. Regulations should also help to ensure that consent is voluntary. In the absence of regulation, law enforcement can approach anyone and request a consensual DNA sample for inclusion in its local database. Furthermore, no external regulation requires that law enforcement disclose to the targeted individual its plan to add the profile to the local database. Without regulation, there are only two things limiting law enforcement’s ability to request a sample from every person police encounter. First, despite the fact that DNA processing is significantly less expensive than it was even five years ago, it is still economically prohibitive to develop DNA profiles from everyone willing to submit samples. Second, and in part motivated by those costs, some agencies have adopted minimal internal regulations to limit from whom they seek reference samples.³⁰¹ However, these limitations will ease as the cost of DNA processing declines. As a result, it is reasonable to consider whether law enforcement should face limits on seeking consensual DNA samples. Privacy scholars often frame this question as whether one has a right to be left alone.³⁰² Courts have addressed this issue in regulating police-citizen encounters. For example, New York courts have identified a common law right that provides more protection than the Fourth Amendment to limit law enforcement’s ability to initiate consensual searches. In short, “[b]efore the police may stop a person pursuant to [law enforcement’s] common law right to inquire there must exist at that moment a founded suspicion that criminal activity is present.”³⁰³ In *People v. Hollman*, New York’s highest court applied this right in reversing a narcotics conviction that resulted from narcotics found after a citizen consented to the search of his bag.³⁰⁴ The court held that the undercover officer did not possess sufficient suspicion even to seek consent to search the bag.³⁰⁵ Admittedly, the protection offered by *Hollman* is limited. It would not prevent officers from seeking consensual DNA samples from individuals for whom police possessed a reason to stop.³⁰⁶ Furthermore, the Supreme Court’s holding in *Whren* would seem to permit pretextual stops designed to give police an opportunity to seek consensual DNA samples.³⁰⁷ However, recognizing a minimal right to be free from law enforcement’s request for a consensual sample—which is often an inherently coercive interaction given the imbalance of power between law enforcement and the target—would limit law enforcement’s discretion to some degree. Independent of whether law enforcement should be prohibited from seeking consensual DNA samples without limitation, whenever seeking samples by consent, law enforcement should at least be required to disclose its plans for the sample. If those plans include adding the profile to law enforcement’s database, then that should be made clear. Such a requirement would help ensure that the consent was truly voluntary.

3. Prohibiting the Inclusion of Victim DNA Profiles Regulations should prohibit local law enforcement from including DNA profiles from victims in local databases. The practice of including victims’ profiles is driven by law enforcement’s presumption that there is often overlap between crime victims and perpetrators.³⁰⁸ Indeed, many law enforcement officials interviewed during this project repeated variations on the phrase, “Today’s victim is tomorrow’s perpetrator.” Without questioning the accuracy of this presumption, there remain many reasons to prohibit law enforcement from including victim profiles in local databases. Crime victims seek the assistance of law enforcement to remedy the wrong they faced. In the context of the property crimes that are often the focus of local databases, victims seek to recover their belongings, to obtain a police report needed to file an insurance claim, or simply to alert law enforcement that an offender has targeted them so as to

help law enforcement identify patterns or develop leads. In reporting crimes to police, victims voluntarily give up some privacy. Reporting the crime may mean that law enforcement enters their home, takes a statement from them, talks to other potential witnesses, and, in some cases, collects a DNA sample for elimination purposes. To the extent that law enforcement turns the tables on a victim, making the victim the target of law enforcement's broader investigative and surveillance activities, they undermine the justification for their initial intrusion. Collecting DNA samples from victims for inclusion in databases adds a significant cost to what victims must already bear when reporting a crime. Such a practice requires victims not only to submit to the immediate invasion of privacy that results from seeking law enforcement's help, but it also requires victims to submit to a lifetime of genetic surveillance. This cost will undoubtedly cause some victims to avoid calling police. Others may reluctantly seek assistance from police, but they will remain dismayed that they were required to pay a genetic-surveillance tax in exchange for police assistance. 4. Time Limits for Suspect DNA Profile Retention Regulations should address how long law enforcement is able to retain DNA profiles in local databases. For example, if police collect a consensual sample from a 22-year-old suspect that an officer stopped while walking down the street in a manner that caught the officer's attention, that profile should be removed automatically from the database after five or 10 years if, during that period, the profile had not been matched to a crime-scene DNA profile. Such a regulation would at least cap what would otherwise have been a lifetime of genetic surveillance for the 22-year-old for simply appearing suspicious. Given the Supreme Court's holding in *Maryland v. King*, in which it upheld the constitutionality of collecting DNA samples from arrestees,³⁰⁹ the time limit restrictions could be limited to samples collected from mere suspects, as opposed those arrested or convicted of crimes.³¹⁰ 5. Monitoring Use Regulations should also require adequate procedures to ensure that individual officers do not abuse the use of local databases.³¹¹ For example, the architect of Palm Bay's database emphasized his stern warning that officers not use the database for personal snooping.³¹² But stern warnings are not enough. The infrastructure for local databases already includes the ability to monitor individual users. For example, SmallPond includes a feature called Audit Trail, which produces a record of every user interaction with the system, including which searches were performed and which DNA profiles were uploaded.³¹³ Given that this tool is readily available, law enforcement agencies should be required to utilize it to help ensure against misuse.³¹⁴

Extensions

2NC States Solve

Most surveillance is done by the 50 states – they solve best

1ac Brase 13 (Twila Brase. President Citizen's Council for Health Freedom. "Patient Privacy and Public Trust: How Health Surveillance Systems Are Undermining Both." August 2013. <http://www.cchfreedom.org/pr/50%20States%20Databases%20Full%20Report.pdf>)

Health surveillance is a significant and ever expanding activity of state public health agencies, yet few people realize these patient tracking systems exist. Although this report details four surveillance systems across the country, these systems are just a subset of the vast array of public health surveillance systems now in place and expanding primarily as a result of federal funding.

Using laws, regulations, and electronic access to medical records, government health officials are daily collecting personal data on individuals and families without the knowledge or consent of subjects.

As a result of birth, illness or injury, individuals have become the unwitting subjects of government surveillance. They have no choice and there is little to no public notice of this infringement on their privacy rights. Often, even if the law gives them the right to opt-out, they are:

1) not told they are “in” the system; 2) not told they have a choice to get out of the system; and 3) not told that if they opt-out, the government retains a permanent record of their choice.

Until individuals know about the vast array of health surveillance systems, they cannot protect themselves or take the necessary action to stop government data collection and analysis and sharing. Protective actions could include advancing state legislation to limit the permissive sharing under HIPAA and to require informed written consent. This report uses research, tables of statutes, and a 50-state chart of raw data gathered from official sources to inform the public about the hidden health surveillance systems that currently allow government intrusion into the private lives of individuals in the name of “public health.”

States solve best—have a balance of privacy and effectiveness

Galva et al 5 (Jorge, JD MHA, Christopher Atchison, MPA, Samuel Levy, PhD SM, analysts for Public Health Reports, “Public Health Strategy and the Police Powers of the State”
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2569983/> 2005 JM)

Population-based measures in response to increased public health threats assume diverse forms. These are essentially clustered in two distinct groups: prevention (detection, data-basing, and tracking), and remediation (containment of actual damage). Preventive measures entail mechanisms to control and track the movement of persons and things. This type of activity may involve the enactment and enforcement of unsympathetic laws and regulations affecting real or perceived spheres of rights. Effective enforcement will depend on the public health authorities' ability to safely overcome resistance to these measures. The control of the flow of information may also result in restrictions to the access and publication of public health information. Remediation demands even greater degrees of control over persons and property. Remediation measures could include: (1) quarantine and involuntary holds when and where necessary for an indefinite period limited only by the cessation of the state of emergency; (2) suspension of habeas corpus in case of quarantine with very limited post-detention remedies for the individuals affected; and (3) property rights (establishment of “public interest easements” on private property in anticipation of an emergency and deputization/commandeering private-sector resources for public use during an emergency). Remediation measures must be rapidly implemented in the event of biological attack or new infectious disease.⁶⁵ Significant normative measures in this respect have been proposed at both the federal and state levels.⁶⁶ The Model State Emergency Health Powers Act (MSEHPA) illustrates this effort. The MSEHPA contains projected measures based on potential terrorist threats and proposed preventive and remedial measures as well as a detailed description of the protection of individual and business rights during an emergency.⁶⁷ The State Emergency Powers Act's purpose is to create a unified response system whereby the states put into effect standardized measures.⁶⁸ The driving principle behind this

uniform legislation is twofold: on the one hand, standardization and modernization of obsolete or inapplicable state laws regulating public health responses, and on the other, creation of balance between states' ability to control individual activity and constitutional rights.⁴ The goals of the MSEHPA are, inarguably, meritorious.⁶⁹ Nevertheless, there are valid concerns regarding the effects of the attempted balance of public and private interests on the states' ability to carry out an effective public health response. There is foundation for these concerns. The MSEHPA's balancing act may sidestep the needed mechanics of infectious disease control by unduly incorporating post-Warren Court legal restraints—pre-intervention notices, hearings, heightened burden of proof, and access to witnesses—into the law.⁷⁰ The MSEHPA fails to restore the historic deference to public health activities or enhance the crucial scientific and administrative underpinnings of public health enforcement actions. Stringent preventive and remedial public health measures are necessary to face contagion. The recent experience with quarantine measures as the principal method used against SARS validates this conclusion.⁴⁴ Taiwan successfully implemented a broad quarantine program: 131,132 persons were placed under strict quarantine orders that required them to stay where they were quarantined, submit to periodic temperature checks, and sharply restrict transportation or visits to public places. These measures were needed because of the unknown transmissibility of SARS; they are associated with the rapid control of the epidemic in that country.⁷¹ Although the Canadian government attempted to use voluntary isolation, ultimately orders were issued for mandatory quarantine when the use of voluntary isolation became difficult.⁷² The Canadian government's response was later characterized as deficient, while the limited spread of SARS in Canada has been attributed to chance.⁷³ It is hard to envision the application of the MSEHPA in a manner congruent with stringent quarantine measures. The procedural guarantees in the MSEHPA may well be impossible to implement due to the risk of exposing judges, witnesses, and the public to possible contagion. In addition, the judiciary and public authorities are not prepared to implement quarantine orders due to lack of familiarity with public health doctrines or logistical shortcomings.^{74,75} The effects of one successful injunction resulting from these shortcomings—very likely under the MSEHPA—allowing, for example, a single SARS super-spreader to avoid quarantine, could be devastating.⁷⁶ A perfect balance between private and public rights in the face of a highly infectious disease may not be attainable, or even desirable. **Emergency activities will be effective if the states' exercise of public health police power is strengthened by good scientific practices and rigorous application of justified means of control.** Expiration of any extraordinary powers once the emergency is controlled remains an obligatory feature unless there is reauthorization on the basis of solid scientific evidence. The ultimate goal of public health law should be the reinforcement of public health on the basis of historic principles of police power allowing broad but temporary administrative activities that are needed to face an impending emergency when the situation warrants.⁷⁷ This necessitates a return to the traditional historic bases of public health police power. Recommended steps in this direction should include: (1) reinforcing the administrative capability for the issuance of robustly evidence-based public health orders properly issued under authority of law; (2) removing all judicial pre-intervention review measures of such orders while limiting review of public health orders to the post-execution phase; (3) subjecting all public health orders to automatic expiration terms and making renewal of the orders contingent on the same robust degree of evidence allowing the original order.

States solve best – only way to avoid circumvention

Pritts 13 (Joy L. Pritts JD is a lawyer who practices in Washington DC and earned her degree at Georgetown University. “Altered States: State Health Privacy Laws and the Impact of the Federal Health Privacy Rule”

<http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1047&context=yjhple>///CW

States have traditionally been the primary regulators of health care information. While the promulgation of the Federal Health Privacy Rule changes the regulatory landscape, it need not supplant the importance of state health privacy laws. In fact, states have often become more active after the enactment of federal privacy laws, enacting statutes that either mirror or build upon the federal protections. **This approach** endorsed by the Privacy Protection Study Commission in the 1970s, **ensures that the states will be able to enforce the law and protect their citizens.** Because the Federal Health Privacy Rule does not preempt current or future stronger state health privacy laws, the states have ample opportunity to fill the gaps and strengthen the weaknesses of the federal regulation. States therefore should not rely solely on the Federal Health Privacy Rule to protect the privacy rights of their citizens. Rather, states should take advantage of the need to evaluate their health privacy laws in light of the Federal Health Privacy Rule and take appropriate action. States with little statutory protection of health information in place may want to use Federal Health Privacy Rule as a roadmap for enacting comprehensive state health privacy laws. At a bare minimum, states can mirror the federal protections, thereby allowing enforcement to occur at the state level. However, to afford truly comprehensive protection, states should directly regulate not only the entities governed by the Federal Health Privacy Rule, but also the other major generators and holders of health information (such as employers and life insurers). Additionally, states should directly regulate the recipients of health information from these core record keepers. Furthermore, states should strengthen some of the weak provisions of the Federal Health Privacy Rule, such as the use of health information for marketing purposes. States with fairly well developed health privacy rules should also reevaluate their laws in light of the Federal Health Privacy Rule. Some state and federal rules may accomplish the same goals through slightly different requirements (e.g., different content requirements for a notice advising the patient of information practices). In this situation, a state may want to harmonize its provisions with the Federal Rule in order to avoid confusion and to afford some degree of uniformity between states. States should also use this as an opportunity to fill in gaps in state law that may exist (such as having statutory access rights to hospital records but not doctor's records).

CP solves – more stringent state laws take precedence over federal regs

Holloway 3 (Jennifer Daw Holloway is a communications manager at Ipas, an organization dedicated to safe abortions. “What takes precedence: HIPAA or state law?” January 03, <http://www.apa.org/monitor/jan03/hipaa.aspx>///CW

With the Health Insurance Portability and Accountability Act (HIPAA) privacy rule compliance date--April 14--fast approaching, psychologists must explore how the new federal rules interact with their current state laws. HIPAA's privacy rule governs how health-care providers handle the use or disclosure of protected health information (PHI). In effect, PHI is defined as individually identifiable health information relating to the condition of a patient, the provision of health care or payment for care. All states already have privacy laws that apply to such information. Areas such as patient consent, access to records and subpoena rights, to name a few, are included under HIPAA as well as state laws. So, will HIPAA's rules preempt state laws? **"The general standard is that if a state law is more protective of the patient, then it takes precedence over HIPAA,"** says Doug Walter, legislative and regulatory counsel in APA's Practice Directorate. Conversely, if a state law is less stringent than HIPAA, then HIPAA takes over, he says. The following examples illustrate the interplay between state laws and HIPAA and how that will affect psychologists: Consent for payment, treatment and health-care operations. Dr. Smith, a psychologist in Utah, has scheduled a new patient. When the patient comes for her general appointment, Dr. Smith's office must be sure she signs a consent form for the disclosure of her records. Utah law requires that psychologists obtain signed consent, while the HIPAA privacy rule does not require consent. So, Utah law applies instead of HIPAA in this case because the state law gives patients greater privacy protection. Other states may have similar laws that would take precedence over HIPAA. Patient access to psychotherapy notes. Under HIPAA, patients are granted access to their records, with the exception of "psychotherapy notes," better known as

what psychologists traditionally call "process notes." But in some states, such as Vermont, patients can access their psychotherapy notes under state law. So, when a patient of Vermont practitioner Dr. Jones asks to see his notes, Dr. Jones must permit the patient to see the notes. Because Vermont law provides greater rights from the patient's standpoint for the patient to access his or her psychotherapy notes, it takes precedence over the HIPAA requirements. Again, several other states may have such protective laws. Subpoena of patient records. Dr. Milton, a psychologist in New Hampshire, receives a subpoena requesting one of his patient's records. Attached to the subpoena is a notice from the requesting party's attorney stating that her office has made diligent but unsuccessful efforts to reach the patient to serve notice that his records are being requested. This is an adequate attempt to notify the patient under HIPAA and, therefore, the psychologist would not be barred from producing the patient's records if HIPAA took precedence. However, under New Hampshire law, psychologists are precluded from producing their patients' records for a third party absent a court order or patient consent. New Hampshire law is more protective than HIPAA with respect to records subpoena. Therefore, state law preempts HIPAA in this case.¶ There are myriad examples--aside from the three above--of how state laws may take precedence over HIPAA. The simple rule of thumb is that any provision--in state laws or HIPAA--that gives greater protection to patients' privacy or right to access their own health information takes precedence. The HIPAA privacy rule "**won't impair the effectiveness of state laws that are more protective of privacy,**" says Russ Newman, PhD, JD, APA's executive director for practice. And, he notes, in states where protective laws haven't been enacted, HIPAA will not prevent states from enacting laws that provide greater patient privacy protection.¶ HIPAA assumes that practitioners know the ins and outs of their state laws, but figuring out which law will take precedence involves a complicated analysis of state statutes, regulations and common law decisions.¶ The APA Practice Organization and the APA Insurance Trust are developing comprehensive resources for psychologists that will facilitate compliance with the HIPAA privacy rule. Along with several offerings, a new product, "HIPAA for Psychologists"--which will include the necessary state-specific forms that comply with both the HIPAA privacy rule and relevant state law--will be available for purchase online at the Practice Organization's new practitioner portal.¶

States should restrict the current HIE info-sharing system

Christiansen 11 (John Christiansen, J.D., for the National Governors Association Center for Best Practices. "State and Federal Consent Laws Affecting Interstate Health Information Exchange," March 2011. www.nga.org/files/live/sites/NGA/files/pdf/1103HIECONSENTLAWSREPORT.PDF)

Findings

HIPAA articulates the national baseline standard for consent as "No Consent" required for treatment, payment and health care operations disclosures, and includes specific Opt-In or Opt-out processes for sensitive health information (i.e., particular conditions, treatments or diagnoses deemed to require additional protections). Some states have placed additional requirements on the disclosure of health information, thereby leaving organizations and providers confused about which laws apply when exchanging health information across state lines.

This report identifies several key findings:

□ Many state laws vest greater control of health information in individuals than HIPAA does, especially with respect to sensitive health information. Individuals need to comply with both state

and federal laws, which can be difficult to reconcile. The Consents Toolkit will help states and health information organizations (HIOs) identify applicable laws dealing with consent.

State and Federal Consent Laws Affecting Interstate Health Information Exchange

□ Recipients of health information are only required to follow the consent laws of the place in which they are physically located, including applicable federal and state laws, when using and disclosing information received through HIE. HIOs that wish to require higher standards can incorporate them contractually.

□ Reconciling differences in state laws can occur through contract, memorandum of understanding or alignment of state laws.

Recommendations for States, and HIOs, and Providers There is no single model for HIE consent, and approaches in this area will continue to have to balance the values of administrative efficiency and clinical improvement against patient control and public trust. There are several recommendations for states and HIOs as they develop policies to protect and exchange health information:

□ States should develop guidance and standards for intra- and interstate HIE to help organizations best meet the requirements under both federal and state law.

Based on state analyses and guidance, HIOs should develop clear guidance for providers.

□ If sensitive health information is included in HIE, consent processes should be implemented to enforce permission limitations when they are more stringent than HIPAA limitations and must take into consideration existing state and federal laws, such as 42 CFR Part 2. Interstate differences should be specifically discussed and consistent ways of addressing these differences should be established and articulated to all participating entities.

□ If highly granular access controls are not available, it may be necessary to exclude transactions involving sensitive health information. While a uniform nationwide HIE consent model may be adopted at some point, current variations in state and federal law indicate that some variation in consent approaches is probably inevitable and possibly desirable. In the absence of a national uniform solution, consent processes for HIE will have to adapt to variations in law and preferences of the states. Operational strategies based on a process that recognizes the variation in consent laws among states and different processes among HIE models will only help all stakeholders achieve interstate exchange of health information. This report provides a foundation of best practices on such strategies.

The issue of health information is the jurisdiction for the state

O'Connor et al 11 (Informational Privacy, Public Health, and State Laws, 2011 October Jean O'Connor, JD, DrPHcorresponding author and Gene Matthews, JD with the Centers for Disease Control and Prevention, Atlanta, GA. Gene Matthews is with the North Carolina Institute of Public Health, Chapel Hill. <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3222345/?tool=pmcentrez>)

The US Constitution does not impart a broad right to the privacy of individual health information.⁷ At the federal level, statutes place boundaries around the collection, use, and

disclosure of certain types of health-related information. These statutes include the Freedom of Information Act,⁸ the Privacy Act of 1974,⁹ the Department of Health and Human Services (HHS) Human Subject Protection Regulations,¹⁰ the E-Government Act of 2002,¹¹ the Family Educational Rights and Privacy Act,¹² the Federal Drug and Alcohol Confidentiality provisions,¹³ and the Genetic Information Nondiscrimination Act.¹⁴ These statutes restrict the use of information for different purposes. For example, the HHS Human Subjects Protection Regulations focus on protecting information in the research context. However, the most frequently cited law in discussions of the privacy of public health information is the Health Insurance Portability and Accountability Act (HIPAA) and its associated regulations. The HIPAA Privacy Rule protects most health records from disclosure but permits health care providers to make disclosures to public health officials and for certain other purposes.¹⁵ The rule does not protect information possessed by public health officials from disclosure, except in limited circumstances. HIPAA also does not preempt state laws on the use or disclosure of data by public health authorities.¹⁶ Because there is no national standard for safeguarding all data held by public health agencies, state laws remain central to discussions of the privacy, confidentiality, security, use, and disclosure of information within the public health system.¹⁷ These state laws have been reported to be fragmented and antiquated, and to “fail to effectively balance competing individual interests in privacy with the need to share public health data and information for the common good.”¹⁸(p1389) For more than a decade, both public health advocates and privacy advocates have responded to this need by calling for clearer protections for state public health information and developing model state policies.^{17,19,20} To disseminate ideas to update state public health privacy laws, Gostin et al. developed the Model State Health Privacy Act (MSHPA), a model statute for states to use as a guide in developing new laws, in 1999.¹⁸ The MSHPA contains detailed language about the appropriate acquisition and use of public health information, terms for when it is appropriate for state health departments to disclose that information, and penalties for noncompliance. After the events in the fall of 2001, the Model State Emergency Health Powers Act (MSEHPA) was drafted to promote the adoption of state public health emergency statutes that contained, among other things, language related to the disclosure of public health information.²¹ Despite these efforts, anecdotal information suggests that few states have adopted public health privacy and disclosure provisions recommended in the MSHPA and MSEHPA. To address the lack of adoption of provisions by states and the continuing development of new approaches to data exchange, Lee and Gostin recently recommended a set of national principles for protecting public health data.¹⁷ The principles included discussion of use of data for legitimate public health purposes, collection or use of the minimum information necessary, data use agreements and security measures, and stewardship and trust. The need to develop a common approach to the use and disclosure of public health information has also been recognized as more than solely a domestic problem; various professional organizations (e.g., the International Epidemiological Association²²) have developed guidelines for the use of data by their members, and an international collaborative is seeking to develop a collective code of conduct for the use of public health data.²³ An analysis of current public health privacy laws can inform these efforts. The success of a national or international set of principles for the use and disclosure of personally identifiable health information under the control of the public health system depends, in part, on acknowledging the specific political and historical factors that have resulted in existing laws. In the United States, understanding current state laws may assist in identifying approaches to bridging the gap between the reality that state and local public health agencies face and ideal policies, frameworks, or practices for the use and disclosure of public health information. Identifying approaches and

patterns in existing state laws is also an essential first step in further analyses of what laws are effective.

CP solves – more stringent state laws take precedence over federal regs

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With the Health Insurance Portability and Accountability Act (HIPAA) privacy rule compliance date--April 14--fast approaching, psychologists must explore how the new federal rules interact with their current state laws.¶ HIPAA's privacy rule governs how health-care providers handle the use or disclosure of protected health information (PHI). In effect, PHI is defined as individually identifiable health information relating to the condition of a patient, the provision of health care or payment for care. All states already have privacy laws that apply to such information. Areas such as patient consent, access to records and subpoena rights, to name a few, are included under HIPAA as well as state laws.¶ So, will HIPAA's rules preempt state laws?¶ **"The general standard is that if a state law is more protective of the patient, then it takes precedence over HIPAA,"** says Doug Walter, legislative and regulatory counsel in APA's Practice Directorate.¶ Conversely, if a state law is less stringent than HIPAA, then HIPAA takes over, he says.¶ The following examples illustrate the interplay between state laws and HIPAA and how that will affect psychologists:¶ Consent for payment, treatment and health-care operations. Dr. Smith, a psychologist in Utah, has scheduled a new patient. When the patient comes for her general appointment, Dr. Smith's office must be sure she signs a consent form for the disclosure of her records. Utah law requires that psychologists obtain signed consent, while the HIPAA privacy rule does not require consent. So, Utah law applies instead of HIPAA in this case because the state law gives patients greater privacy protection. Other states may have similar laws that would take precedence over HIPAA. Patient access to psychotherapy notes. Under HIPAA, patients are granted access to their records, with the exception of "psychotherapy notes," better known as what psychologists traditionally call "process notes." But in some states, such as Vermont, patients can access their psychotherapy notes under state law. So, when a patient of Vermont practitioner Dr. Jones asks to see his notes, Dr. Jones must permit the patient to see the notes. Because Vermont law provides greater rights from the patient's standpoint for the patient to access his or her psychotherapy notes, it takes precedence over the HIPAA requirements. Again, several other states may have such protective laws. Subpoena of patient records. Dr. Milton, a psychologist in New Hampshire, receives a subpoena requesting one of his patient's records. Attached to the subpoena is a notice from the requesting party's attorney stating that her office has made diligent but unsuccessful efforts to reach the patient to serve notice that his records are being requested. This is an adequate attempt to notify the patient under HIPAA and, therefore, the psychologist would not be barred from producing the patient's records if HIPAA took precedence. However, under New Hampshire law, psychologists are precluded from producing their patients' records for a third party absent a court order or patient consent. New Hampshire law is more protective than HIPAA with respect to records subpoena. Therefore, state law preempts HIPAA in this case.¶ There are myriad examples--aside from the three above--of how state laws may take precedence over HIPAA. The simple rule of thumb is that any provision--in state laws or HIPAA--that gives greater protection to patients' privacy or right to access their own health information takes precedence. The HIPAA privacy rule "won't impair the effectiveness of state laws that are more protective of privacy," says Russ Newman, PhD, JD, APA's executive director for

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Health Data is important for state use

O'Connor et al 11(Informational Privacy, Public Health, and State Laws, 2011 October Jean O'Connor, JD, DrPHcorresponding author and Gene Matthews, JD with the Centers for Disease Control and Prevention, Atlanta, GA. Gene Matthews is with the North Carolina Institute of Public Health, Chapel Hill. <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3222345/?tool=pmcentrez>)

Developments in information technology that make it possible to rapidly transmit health information also raise questions about the possible inappropriate use and protection of identifiable (or potentially identifiable) personal health information.¶ Despite efforts to improve state laws, adoption of provisions has lagged. We found that half of states have no statutes addressing nondisclosure of personally identifiable health information generally held by public health agencies. Exceptional treatment of HIV, sexually transmitted infections, or tuberculosis-related information was common. Where other provisions were found, there was little consistency in the laws across states.¶ The variation in state laws supports the need to build consensus on the appropriate use and disclosure of public health information among public health practitioners.¶ **Surveillance, epidemiological, and laboratory data are essential to the practice of public health, particularly at the state and local level.** 1 Public health practitioners within government agencies use data to identify new cases of disease and to make decisions about when to apply public health interventions. The exchange of information between health officials in different jurisdictions has been demonstrated to be essential to managing outbreaks of well-understood diseases, such as measles, and identifying and responding to new and emerging threats, such as severe acute respiratory syndrome and pandemic influenza A (H1N1). However, the very developments in information technology and health care policy that make it increasingly possible to rapidly transmit health information, such as electronic medical records and health information exchanges, continue to raise questions about the possible inappropriate use and lack of protection of personally identifiable health information.2–4¶ In highly charged situations, such as the recent influenza A (H1N1) pandemic, variations in state laws and incomplete understanding among jurisdictions can easily lead to inconsistent public health disclosure practices, resulting in media questions about the integrity of information access policies.5,6 Clearly, consideration should now be given to a more cohesive approach to public health information sharing.

State prohibition of re-identification of patient information is crucial in preventing widespread sharing of personal patient files

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 16-19 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

There has always been something lopsided about the HIPAA regulatory model. Rather than concentrating on securing health data, most of the Privacy Rule provisions detail wide-ranging exceptions (public health, judicial and regulatory) to data protection or outline the process by which patients can consent to disclosure. Just recently, for example, a pharmacy chain made the headlines by conditioning its loyalty rewards program on a broad HIPAA authorization.⁸⁶ It is no surprise, therefore, to learn that **there has been leakage of health data through the very system set up to protect it.** Such leakage has been exacerbated by the mission creep exhibited by the recipients of data under HIPAA, particularly public health agencies. As Wendy Mariner notes: Today, almost everyone, regardless of station, could be subject to public health surveillance. **The scope of public health surveillance has grown significantly beyond its contagious disease origins.** . . . [A] new generation of reporting laws reflects a goal of many people in public health: to collect data about chronic diseases outside the context of a research study and without the need to obtain any individual patient's informed consent. . . . Do they offer the promise of medical advances, or the threat of “general searches, which the authors of the Bill of Rights were so concerned to protect against?”⁸⁷ For example, a 2013 report from the Citizens' Council for Health Freedom alleges broad state health surveillance based on individual and often identifiable records.⁸⁸ However, public health authorities are not only voraciously consuming patient data but also abetting the acquisition of the same by big data companies. Researchers at Harvard's Data Privacy Lab have found that thirty-three states re-release patient hospital discharge data that they have acquired as HIPAA-permitted recipients of patient data. ⁸⁹ Generally states release this data (that is no longer in the HIPAA protected zone) in somewhat de-identified or anonymized form but with little restriction on future use of the data. The naïve thought that such data was only being released to academic researchers was upended by the Data Privacy Lab's discovery that many of the major buyers of such state health databases were big data companies.⁹⁰ Most states only charge small fees that are not a major source of revenue for them, and many are oblivious to this practice.⁹¹ **The obvious solution is for the state public health agencies to contractually prohibit re-identification.** For example, the National Practitioner Data Bank (NPDB) collects information about physician malpractice awards, adverse licensure reports and Medicare/Medicaid exclusions. Although it is not a public resource the NPDB does release de-identified data. Following a re-identification episode NPDB now contains a prohibition on re-identification, specifically against using its “dataset alone or in combination with other data to identify any individual or entity or otherwise link information from this file with information in another dataset in a manner that includes the identity of an individual or entity.” Clearly, state health departments and any similarly placed recipients of HIPAA data should require similar restrictions. Indeed, the proposed FTC privacy framework would mandate such: . . . [I]f a company makes such de-identified data available to other companies – whether service providers or other third parties – it should contractually prohibit such entities from attempting to re-identify the data. The company that transfers or otherwise makes the data available should exercise reasonable oversight to monitor compliance with these contractual provisions and take appropriate steps to address contractual violations.”⁹⁵ **Until such prohibitions are instituted HIPAA's public health exception unpardonably will continue to facilitate the “laundering”**

of protected patient data as it is transferred from a data protected domain to unprotected space.

State policy change key – inconsistency

Christiansen 11 (John Christiansen, J.D., for the National Governors Association Center for Best Practices. "State and Federal Consent Laws Affecting Interstate Health Information Exchange," March 2011. www.nga.org/files/live/sites/NGA/files/pdf/1103HIECONSENTLAWSREPORT.PDF)

Recipients of health information are only required to use and disclose information received through HIE in accordance with the law that applies to the recipient, including applicable federal law reconciled with the law of the state where they are located. Additional redisclosure limitations may be imposed by agreements such as business associate contracts, qualified services organization agreements or HIO agreements, or may be a condition to receipt by electronic agreement or by law under the 42 CFR Part 2 redisclosure provisions. Downstream recipients are not otherwise required to comply with the law of the state in which the health information originated.

Both Gatekeepers and downstream redisclosers are subject to HIPAA's various consent requirements if they are Covered Entities or Business Associates. Since most if not all entities participating in HIE are one of these or the other, HIPAA provides a national baseline for consent requirements.

4. Many state laws vest greater control of health information in individuals than HIPAA does, especially with respect to sensitive health information such as AIDS/HIV status, genetic information, and behavioral health status. Similarly, 42 CFR Part 2 provides for a higher degree of control for drug and alcohol treatment, consistent with the sensitivity of such information.

Recommendations

1. State agencies, and state-supported public-private initiatives, should develop guidance and standards for intra- and interstate HIE to help organizations best meet the requirements under both federal and state law. This can be done by developing and providing clear guidance in HIE projects and initiatives, which can help resolve consent obstacles to HIE in the short term pending longer-term policy solutions.

2. HIOs should develop authoritative guidance for Gatekeepers, based upon standards and analyses developed by state agencies or broader stakeholder groups which include state participation.

3. If sensitive health information is intended to be included in HIE, consent processes should be implemented which communicate and enforce permission limitations when they are more stringent than HIPAA limitations. Except where 42 CFR Part 2 or rarely a state redisclosure law applies, such limitations may not be enforceable in the absence of a contract between the parties, so contractual enforcement mechanisms (such as a HIO agreement) should be considered. Alternative solutions, if feasible may include access controls which prevent disclosures for non-permitted transactions.

4. If highly granular access controls are not available, it may be appropriate to exclude transactions involving sensitive health information at the HIO participation level, or on a case-by-case information disclosure transaction basis at the operational level.

2NC Flexibility

States solve better

Duffy et al 11 (Effective State-Based Surveillance for Multidrug-Resistant Organisms Related to Health Care-Associated Infections, Jonathan Duffy, MD, MPH, a, b Dawn Sievert, PhD, MS, a Catherine Rebmann, MPH, a Marion Kainer, MD, MPH, c, d Ruth Lynfield, MD, c, e Perry Smith, MD, c, f and Scott Fridkin, MD, a Division of Healthcare Quality Promotion, Centers for Disease Control and Prevention, Epidemic Intelligence Service, Centers for Disease Control and Prevention, Atlanta, GA 2011 Mar-Apr; <http://www.ncbi.nlm.nih.gov.proxy.lib.umich.edu/pmc/articles/PMC3056030/?tool=pmcentrez>)

A primary aim of public health surveillance is to direct prevention and control activities and monitor their effectiveness. Collection of surveillance data by itself does not control disease or constitute public health action. As public health agencies operate with finite resources, implementation of surveillance tools should occur in conjunction with a plan to interpret and act on the data collected. Resources should be devoted to MDRO surveillance activities only when resources are also available for specific MDRO infection- or transmission-prevention activities or to build capacity to respond with public health action to the MDRO surveillance data. **Moreover, integrating input from local partners and key opinion leaders in infection control and prevention to ensure that any surveillance and response strategy is consistent with regional priorities or concerns is critical. A state is more likely to develop a surveillance system that meets its particular needs and functions well within the constraints of its available resources if the state health department takes an active role in deciding what MDRO surveillance activities are appropriate for its circumstances. Surveillance activities developed in response to mandates created without health department input could lack these characteristics.**

2NC Speed

Stats solve – quicker public health responses

Galva et al 5 (Jorge, JD MHA, Christopher Atchison, MPA, Samuel Levy, PhD SM, analysts for Public Health Reports, “Public Health Strategy and the Police Powers of the State” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2569983/> 2005 JM)

The preparedness of the U.S. public health system to respond to acts of terrorism has received a great deal of attention since September 11, 2001, and especially subsequent to the anthrax attacks later that year. The use of biologic agents as a weapon has served as a catalyst to better aligning public safety and health strategies through public health law reforms. Associated with this work is the renewal of the debate over the most appropriate means to both protect the public and assure the rights of individuals when implementing readiness strategies. A key element of the debate focuses on what is a reasonable application of state-based police powers to ensure community public health standards. The doctrine of state “police power” was adopted in early colonial America from firmly established English common law principles mandating the limitation of private rights when needed for the preservation of the common good. **It was one of the powers**

reserved by the states with the adoption of the federal Constitution and was limited only by the Constitution's Supremacy Clause—which mandates preeminence of federal law in matters delegated to the federal government—and the individual rights protected in the subsequent Amendments.^{1,2} The application of police power has traditionally implied a capacity to (1) promote the public health, morals, or safety, and the general well-being of the community; (2) enact and enforce laws for the promotion of the general welfare; (3) regulate private rights in the public interest; and (4) extend measures to all great public needs.³ The application of “police powers” is not synonymous with criminal enforcement procedures; rather, this authority establishes the means by which communities may enforce civil self-protection rules. More specifically, public health police power allows the states to pass and enforce isolation and quarantine, health, and inspection laws to interrupt or prevent the spread of disease. Historically, the exercise of public health police power was enforced with strong support of the courts and restraint of police power occurred only when there was open disregard for individual rights. The abilities of states to exercise their police powers has been constrained since the 1960s by the legal and social reexamination of the balance of power between the individual, the states, and the federal government, which affects contemporary efforts to reform public health law in the face of terrorism. Given the development of the criminally based threats to health marked by bioterrorism, the **relatively recent emphasis on the personal rights side of the equation should be reassessed.**⁴ A reexamination of the legal, ideological, and social limits of police power is appropriate since **increased state capacity can be crucial for first responses to terrorist threats or actions.** Effective first responses may be hampered in the absence of pragmatically designed realignments of the state-individual relationship and the redesign of state public health infrastructures.⁵ This article begins with an historical overview of the doctrine of state police power, addresses recent limitations imposed on the implementation of public health police powers, then uses the example of the imposition of quarantine orders to illustrate the state's capability to impose such orders in exercise of its police power. Finally, it suggests changes in state public health agency governance, focus, and regulation to rebalance public and private interests.

2NC Uniformity: HIE Plank

The states can coordinate over healthcare – HIE proves.

Banger et al 14 (Alison Banger, Public health analyst at RTI International with an MPH in Health Policy from Emory University, Robert Bailey, Professor of Epidemiology at the University of Illinois at Chicago with an MPH in Epidemiology, Stephanie Rizk, Health IT Research Analyst at RTI International, “Effective Methods for Interstate Collaboration in Health Information Exchange,” RTI International, March 2014, https://www.healthit.gov/sites/default/files/onc_shpc_interstatecollabmeth_rpt.pdf)

**Modified for language

**State HIE = State Health Information Exchange

The SHPC methodology offers a framework for other initiatives operating in a rapidly evolving environment that requires extensive collaboration to make progress, but where barriers and

constraining factors may not be known until they are encountered. The layered management approach, incorporating Federal sponsorship and guidance, State-level activity, and project management support from RTI allowed ONC to pursue high-value outcomes and achievements. It also removed from States the burden of contracting with one another and retaining required expertise. Several factors have contributed to the success of the collaborative model: thought leadership at the State level, collaboration across States, successful placement within the overall HIE environment (determined by Federal sponsorship and by limiting applications to HIE grantees or appropriate designees), the leveraging of established relationships, and flexible and adaptable leadership within the consortia, the RTI team, and the ONC sponsors.

Using the agile policy investigation methodology described here has enabled consortium projects to:

- address legal and technical barriers to the exchange of behavioral health data between health care providers, among organizations, and across State lines and pilot exchange using these solutions.
- establish a set of policies and technical solutions to support Direct exchange between Health Information Service Providers (HISPs), advance HIE across State borders, and demonstrate how local agreements and trust structures can be established to support interstate HIE with federated provider directory services.
- create a repository of HIE-related assets, to facilitate their discovery and reuse.
- conduct a series of pilots to demonstrate the value of enabling patients to access their data using Direct secure messaging by populating untethered PHRs
- complete an environmental scan of prevalent PHR functionalities and develop an assessment framework for determining high-impact PHR functionalities.
- develop a roadmap of technical assistance and educational materials to support patient-mediated exchange
- develop a full-length documentary film which educates the general population about HIE
- develop a strategic plan for sharing health information during and following a declared natural disaster, featuring a phased approach and actionable recommendations addressing key legal, technical and governance issues
- observe the use of Direct exchange by diverse health and social service provider organizations in multiple states, demonstrating the value of Direct to small practices
- develop a standard, shared consent form that meets the requirements of participating States, solutions for exchanging consent data electronically, and a framework for developing an interstate consent management solution
- support four State projects designed to increase consumers' ability to obtain, view, and manage their own clinical information including vaccination records and claims data and to use Blue Button technology to enhance PHR functionality

- support a multistate project designed to support SIM grantees and consider how to best capture or combine data, create or refine performance measures across providers, and generate reports or provide feedback in ways that promote health care quality improvement

The number and diversity of these achievements demonstrates the efficacy of the SHPC agile policy investigation methodology. This method supports grassroots initiatives, providing “bottom-up” solutions that balance States’ needs to meet “top-down” Federal requirements. The push toward conflict allowed consortium participants to recognize conflicts as opportunities to develop solutions collaboratively. In a time-limited project where transformation and innovation are the goals, rapidly identifying problems and finding solutions is critical. While a thoughtful and methodical approach has been followed throughout, these projects have been guided by a singular vision [idea]: to identify barriers to HIE and develop practical solutions that allow health information to be exchanged where and when needed. The projects completed under SHPC reflect this vision [idea] and offer additional insights into the work necessary to achieve interoperable health information exchange.

2NC Uniformity: More Mechs

50 states can coordinate – food and health workshops prove.

Plaisier and Taylor 14 (Melinda K. Plaisier, Associate Commissioner for Regulatory Affairs at the Food and Drug Administration, Michael R. Taylor, Deputy Commissioner for Foods at the FDA, “50 States, One Goal: Working Together to Keep Our Food Safe,” FDA, 28 August 2014, <http://blogs.fda.gov/fdavoices/index.php/2014/08/50-states-one-goal-working-together-to-keep-our-food-safe/>)

The August 12 conference in St. Louis of the Partnership for Food Protection (PFP) was truly a meeting of the minds. This 50-state workshop drew food and feed safety experts from federal, state, local, tribal and territorial government agencies. These organizations make up the PFP. Our shared goal? To continue working towards a food safety system in our country that makes our food as safe as possible.

Partnerships have become increasingly important in our efforts. Simply put, we can’t do it alone. The scope of the public health mission is too vast. We need to take advantage of the unique contributions state and local partners can make through their food safety commitment, knowledge of local conditions and practices, and local presence to deliver training, technical assistance and compliance oversight. Together, we can ensure an effective public health safety net.

States often collaborate over health – they share information and tactics.

HHS 12 (U.S. Department of Health and Human Services, “Forms of Interstate Assistance,” Public Health Emergency, 14 February 2012, <http://www.phe.gov/Preparedness/planning/mscc/handbook/Chapter6/Pages/forms.aspx>)

While the importance of sharing information and data with other affected States, in real time, is easily recognized, most efforts to address this issue have focused on communications technology. A major shortcoming of these efforts is that they neglect to first establish what type of information is important to share, where to obtain it, and who needs to receive it; these

requirements should be set during preparedness planning. The types of information to share include the following:

Situation assessments: Provide current reports of relevant incident information regarding public health and medical issues, as well as specific epidemiological information that may be useful in developing respective State IAPs.

Resource assessments: Provide updated reports on the status of resources that are committed to the response and those that remain available. This helps managers or officials from other States gauge the severity of hazard impact, as well as the potential impact that may occur if people evacuate an area. It also provides a means to anticipate likely requests for mutual aid.

General strategies and specific tactics: Offer insight into how a State's effort is organized. This is beneficial to other States that may be confronted with similar problems and promotes resolution of conflicting tactics before such discrepancies are highlighted by the media.

Safety information: Describes State or jurisdictional approaches to health and medical issues affecting responders (such as recommendations for vaccination or medication prophylaxis). This can help standardize safety protocols for responders across disciplines and State boundaries.

Public health and medical disciplines face a unique challenge because of the complexity and quantity of information that must be shared during a major response. This is compounded by the presence of multiple information outlets, many of which provide unofficial data. For example, media trying to "break" news stories may provide situation assessments that misrepresent the actual severity of an incident or the progress of response. Therefore, information that is shared between States should be channeled first through formal mechanisms at the State level (Tier 4) to verify its accuracy. This is commonly done by releasing all information through the State public health agency or the Multiagency Coordination Center or MACC (i.e., State EOC).

[AT: States Can't Reg DNA Data](#)

The states have the authority to regulate DNA collection and storage – state legislation solves the aff

Mercer and Gabel 2014 (Stephen, Jessica, Chief Attorney, and Associate professor of law, "SHADOW DWELLERS: THE UNDERREGULATED WORLD OF STATE AND LOCAL DNA DATABASES" 2014, https://annualsurveyofamericanlaw.files.wordpress.com/2015/01/69-3_mercer_gabel.pdf, mmv)

States are responsible for developing their own regulations governing state and local DNA databases.⁹² A minority of states regulate the categories of DNA profiles that can be stored and searched at the state or local levels. For example, Alaska permits only certain categories of DNA samples that cannot be uploaded to NDIS to be retained in the state database.⁹³ It also prohibits categories of samples from being entered in the state identification system that are not expressly permitted.⁹⁴ A local database practice that is in conflict with state law is preempted.⁹⁵ The only exemption to this regulation is that it must not prevent "a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court."⁹⁶

By contrast, Michigan allows a suspect's DNA to be taken, but limits that "any other DNA identification profile obtained by the department shall not be permanently retained by the department but shall be retained only as long as it is needed for a criminal investigation or criminal prosecution."⁹⁷ Vermont permits DNA profiles to be stored only at the state level and prohibits the entry into the state database of DNA "voluntarily submitted or obtained by the execution of a nontestimonial identification order . . ."⁹⁸ Other states that subject local DNA databases to statutory requirements include Connecticut, Missouri, and Washington.⁹⁹ Yet other states appear to prohibit the use of local DNA databases altogether.¹⁰⁰

The vast majority of states, however, do not curb or regulate the categories of DNA samples from known persons that may be stored in the state or local databases. These states allow the warehousing of far more DNA profiles and information than is allowed at the national level or by other states.¹⁰¹ In the absence of affirmative statutory authorization for these local databases to contain DNA profiles that cannot be entered into the national databank, state law limiting the collection of DNA to qualifying offenders may implicitly prohibit the entry of such profiles.¹⁰² Underregulated DNA databases may also violate state privacy law.¹⁰³ Further, the passage of state statutes to regulate the mandatory collection of DNA from convicted offenders and arrestees is a legislative recognition of the potential for misuse of DNA databases.¹⁰⁴ Nevertheless, state and local governments are empowered, subject to constitutional limitations, to authorize official police agencies to investigate and prevent crime to further the health, general welfare, and safety of the community, which may include the use of underregulated state or local DNA databases.¹⁰⁵

AT: States Can't Refuse Federal Assistance

States can refuse to cooperate with the federal government – empirics prove.

Stein 15 (Jason Stein is a staff reporter for the Tribune News Service. Feb 19, 2015. "Scott Walker Refuses Federal Funding for Medicaid Expansion, Again," www.governing.com/topics/health-human-services/tns-scott-walker-medicaid-expansion-wisconsin.html)

The state would stay the course and turn down federal money to expand Wisconsin's health programs for the needy, under Gov. Scott Walker's budget proposal.

Also Monday, the Legislature's nonpartisan budget office reported that Walker is delaying May debt repayment of \$108 million to help balance the state's shortfall in the current budget ending on June 30.

In 2013, the Republican governor rejected taking federal incentives to expand the state's Medicaid programs, saying the deal risked entangling the state in exponentially growing future costs.

Democrats say that Walker's approach means that state taxpayers today are paying more to cover fewer people in the BadgerCare Plus health plan.

At the heart of the issue lies the question of how Wisconsin should handle the federal Affordable Care Act, often called Obamacare, which sought to persuade states to add health coverage by promising to pay all of their short-term and most of their long-term costs to do so.

Walker has declined that offer, part of his strategy to limit the state's involvement in the Affordable Care Act, and his 2015-'17 budget proposal would continue that approach.

****Doctor-Patient Trust CP****

1NC

Text: The United States Federal Government should track healthcare companies' quality of care by mandating that Department of Health and Human Services evaluate health care companies for privacy protections. The United States Federal Government should mandate that health institutions use high security cloud computing to store sensitive data about patients by enforcing encryption and redaction measures.

Cloud computing has potential to secure patient data if health care providers implement encryption and redaction measures

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist. "New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 19. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652>)/EMerz

This emphasis indicates that the cloud-computing industry has matured. Respondents are now looking toward secure access and data-centric controls and are less concerned with operational considerations such as monitoring of cloud applications for vulnerabilities and threats. Cloud computing may be an area where secure, multifactor authentication, which combines two or more independent credentials—such as what the user knows (password), what the user has (security token) and what the user is (biometric verification)—also takes off. This year, 60% of respondents said they are using multifactor authentication as their top control to address the risk to data and applications in the cloud. This represents a shift from 2013, where APIs for data reporting, auditing and providing alerts were cited by respondents as the top security control for addressing cloud security concerns. Cloud computing is also driving a more data-centric method of security, which focuses on protecting data rather than just protecting the network or application in which the data lives. Starting a data-centric security plan involves learning and understanding where sensitive data resides, as well as how that information will be used, accessed, managed, retained or retired across its life cycle. The next step is to assess the risks and determine the policies and resources needed and available to monitor and control risk in cloud-based computing models. For example, storing data in the cloud demands encryption for the data at rest. Is that provided through the internal application or the cloud services provider? Sharing that same data among individuals with different roles and levels of access might demand further modification of data to protect it, such as redaction, masking or a combination of both.

Data breaches are likely with current cloud computing technology—new security measures and technology can prevent them

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist. "New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 19. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652>)/EMerz

Trends such as mobile and cloud computing are game changers for the way individuals and organizations must approach the security of their systems, the privacy of protected sensitive data, and compliance. Health care organizations must complement traditional, infrastructure-driven

controls such as network perimeter security with protections for the newer and evolving threat vectors where their data and applications are outside of the protected network. Providers, payment plans, insurers and other related industries now allow patients unprecedented access to helpful, sophisticated health information and digital tools. Patients have online access to their doctors, and immense social support is also provided online. The fact is that the attack surfaces are many, and the movement to detect, protect and defend in the health care industry, as shown by the small improvements in this survey, is still not enough to keep up the pace. Investment in understanding the new threat landscape and designing solutions to protect against these attacks, including leveraging newer tools for protecting data and responding to new forms of attacks, become critical to staying ahead of attackers.

This institutional trust is key to solve

Rowe and Calnan 6 (Rosemary Rowe and Michael Calnan. Professor of Medical Sociology, School of Social Policy, Sociology and Social Research at the University of Kent. "Trust Relations in Health Care- the New Agenda." 2006.

<http://eurpub.oxfordjournals.org/content/eurpub/16/1/4.full.pdf>)//EMerz

Given that trust remains important, how can new forms of trust relations be developed and sustained? There is considerable evidence as to what factors encourage patient trust in clinicians: the clinician's technical competence, respect for patient views, information sharing, and their confidence in patient's ability to manage their illness.⁸ Patient participation per se does not necessarily result in higher trust, rather it is associated with value congruence regarding participation, patient involvement produced higher trust where patients wanted to participate.⁹ In contrast, evidence as to what builds institutional trust is sparse, with trust relations between providers and between providers and managers a particularly neglected area. Hall et al US survey of HMO members found that system trust could help the development of interpersonal trust, where there was no prior knowledge of the clinician, but it is not known how interpersonal trust affects institutional trust. Medical errors and cost containment are associated with distrust of health care systems, whereas relationship building with the local community is regarded as an important trust building mechanism. However, little research has been conducted to identify how different modes of governance affect institutional trust. The focus of trust relationships may of course differ according to the model of health care delivery; **in market based systems such as the US patient trust may be more important to secure loyalty to particular providers** whereas in tax-financed systems which are organized by national or regional agencies public trust may be more necessary. However, as health systems converge and increasingly share common challenges including: providing adequate patient choice; managing a mixed economy of provision; and more explicit rationing, then both interpersonal and institutional trust will continue to be important for all health systems. In conclusion, we would argue that clinicians and managers need to address and respond to the changing nature of trust relations in health care. The benefits of trust demonstrate the value to be Trust and the sociology of the professions ⁵ gained from ensuring that both interpersonal and institutional trust are developed, sustained, and where necessary rebuilt. Trust is still fundamental to the clinician–patient relationship but as that relationship has changed so has the nature of trust. Trust is now conditional and has to be negotiated but, whilst clinicians may have to earn patients' trust, there is good evidence as to what is required to build and sustain such interpersonal trust. The lack of knowledge about how institutional trust can be developed indicates the need for research, ideally through inter-country comparisons to identify whether such trust varies by health system and how it can be generated.

The cost of failing to recognize the importance of trust and to address the changing nature of trust relations could be substantial: economically, politically, and most important of all, in terms of health outcomes.

2NC Extensions

Government monitoring of healthcare quality ensures trust in patients

CQHCA '1 (Committee on the Quality of Health Care in America. "Crossing the Quality Chasm: A New Health System for the 21st Century." March 1, 2001.

<http://www.ncbi.nlm.nih.gov/books/NBK222265/>//EMerz

Recommendation 2: All health care organizations, professional groups, and private and public purchasers should pursue six major aims; specifically, health care should be safe, effective, patient-centered, timely, efficient, and equitable. The committee believes substantial improvements in safety, effectiveness, patient-centeredness, timeliness, efficiency, and equity are achievable throughout the health care sector. This opportunity for improvement is not confined to any sector, form of payment, type of organization, or clinical discipline. Problems in health care quality affect all Americans today, and all can benefit from a rededication to improving quality, regardless of where they receive their care. The committee applauds the Administration and Congress for their current efforts to establish a mechanism for tracking the quality of care. Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.; Agency for Healthcare Research and Quality Part A) provides support for the development of a National Quality Report, which is currently ongoing. Section 913(a)(2) of the act states: "Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people." Recommendation 3: **Congress should continue to authorize and appropriate funds for, and the Department of Health and Human Services should move forward expeditiously with the establishment of, monitoring and tracking processes for use in evaluating the progress of the health system in pursuit of the above-cited aims of safety, effectiveness, patient-centeredness, timeliness, efficiency, and equity**. The Secretary of the Department of Health and Human Services should report annually to Congress and the President on the quality of care provided to the American people. Without ongoing tracking of quality to assess the country's progress in meeting the aims set forth in this chapter, interested parties—including patients, health care practitioners, policy makers, educators, and purchasers—cannot identify progress or understand where improvement efforts are most needed. Continued funding for this activity should be ensured.

Health institutions use weak cloud services to transmit sensitive patient data

Filkins 14 (Barbara Filkins. Senior SANS Analyst and Healthcare Specialist.

"New Threats Drive Improved Practices: State of Cybersecurity in Health Care Organizations." December 2014. P. 10-11. <https://www.sans.org/reading-room/whitepapers/analyst/threats-drive-improved-practices-state-cybersecurity-health-care-organizations-35652/>//EMerz

Health care organizations rely on cloud services for applications processing sensitive information, including protected health care patient records as well as PCI-protected financial information.

Respondents plan to expand these services in the next 12 months. Open-ended responses by several respondents reflect the bias against cloud services, most often prompted by concerns over loss of control or oversight over sensitive data, but more than 60% are either using or planning to

use the cloud for multiple applications containing sensitive data, as shown in Figure 4. Mobile devices are also a source of additional risk, according to respondents. Not surprisingly, 92% of respondent organizations allow access to calendar and email via mobile devices. However, 52% also allow respondents to access health record information from their mobile devices, and nearly as many access data from cloud-based applications, through which they may be processing highly sensitive data, as discussed previously (see Figure 5).

Secure cloud computing increases patient trust in health care institutions

CSCC 12 (Cloud Standards Customer Council. Advocacy group dedicated surrounding the transition to the cloud. “Impact of Cloud Computing on Healthcare.” November 2012. P. 12. <http://www.cloud-council.org/cscchealthcare110512.pdf>)/EMerz

“Patient centricity” has become the key trend in healthcare provisioning and is leading to the steady growth in adoption of electronic medical records (EMR), electronic health records (EHR), personal health records (PHR), and technologies related to integrated care, patient safety, point-of-care access to demographic and clinical information, and clinical decision support. **Availability of data**, irrespective of the location of the patient and the clinician, **has become the key to both patient satisfaction and improved clinical outcomes. Cloud technologies can significantly facilitate this trend.** Cloud computing offers significant benefits to the healthcare sector: doctor’s clinics, hospitals, and health clinics require quick access to computing and large storage facilities which are not provided in the traditional settings. Moreover, healthcare data needs to be shared across various settings and geographies which further burden the healthcare provider and the patient causing significant delay in treatment and loss of time. **Cloud caters to all these requirements thus providing the healthcare organizations an incredible opportunity to improve services to their customers, the patients, to share information more easily** than ever before, and improve operational efficiency at the same time.

Doesn’t link to the net benefit- health businesses that use cloud computing still adhere to status quo HIPAA procedures

CSCC 12 (Cloud Standards Customer Council. Advocacy group dedicated surrounding the transition to the cloud. “Impact of Cloud Computing on Healthcare.” November 2012. P.7. <http://www.cloud-council.org/cscchealthcare110512.pdf>)/EMerz

In the United States, every healthcare entity (e.g., hospital, university research facility, physician’s office) that deals with Protected Health Information (PHI) must adhere to the guidelines stipulated under the Health Information Portability and Accountability Act (HIPAA). HIPAA is a U.S. Federal law that was designed to protect patient privacy, and does so by mandating and enforcing strict privacy and security rules over how medical information is collected, handled, used, disclosed and protected. While the HIPAA Privacy rule pertains to patients’ privacy and rights for their personal health information, the HIPAA Security rule, focuses on assuring the availability, confidentiality, and integrity, of electronic protected health information through a series of administrative, physical and technical safeguards. Under Title II of HIPAA, most of a patient’s medical record and payment history are considered PHI, and is protected under the law. PHI may only be disclosed to other medical entities on a “need to know” basis, only upon the permission of the individual patient and only the “minimum data fields required for the purpose involved”. As a result, one of the challenges is “Patient Consent Management” and managing PHI in a way that is sufficiently simple to enable use by the general public. The owner of the data must require the cloud service provider (aka the “business

associate”) to contractually agree to maintain all PHI in adherence with HIPAA standards. The HIPAA Privacy rule defines a business associate as “a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity”. Covered entities are institutions, organizations or persons who electronically transmit any health information in connection with transactions for the United States Health and Human Services (HHS) adopted standards. While ultimate responsibility for compliance always resides at the covered entity, the actual implementation of certain operational and control aspects of securing the data occurs at the business associate cloud provider.

****Solvency****

Alt Causes

1NC

Federal regulations and funding are ineffective in the squo – pushing collection and funding to the state and private sphere – their author

Kreag 2015 (Jason, Visiting Assistant Professor, University of Arizona James E. Rogers College of Law “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957, mmv)

I. THE EXPANSION OF LOCAL DNA DATABASES The expansion of local DNA databases comes on the heels of a deep and sustained commitment from Congress to build a national network of DNA databases overseen by the FBI. In a flurry of legislation beginning in 1994, Congress authorized the creation and expansion of that network, which is called the Combined DNA Index System (“CODIS”).³⁹ Under the CODIS umbrella, the FBI created a three-tiered hierarchy of databases made up of the National DNA Index System (“NDIS”), the State DNA Index System (“SDIS”), and the Local DNA Index System (“LDIS”).⁴⁰ Congress designated the FBI to regulate CODIS, and the FBI designed protocols to integrate the three levels into a unified whole.⁴¹ In the decade after authorizing CODIS, Congress passed several laws to expand the CODIS network.⁴² Yet, despite this expansion, local law enforcement agencies have increasingly sought to create their own, non-CODIS DNA databases. This Part analyzes what caused this shift. It then provides a description of the local databases in Palm Bay, Florida; Bensalem Township, Pennsylvania; and the state of Arizona. A. Fragmentation of Genetic Surveillance While the FBI continues to exert significant control over law enforcement’s use of DNA databases, its grip is weakening as a result of the expansion of local databases. This fragmentation, which leaves local agencies increasingly in control of the use of genetic surveillance, is the result of several factors. They include: 1) restrictions in the CODIS regulations, which, according to many local law enforcement officials, limit law enforcement’s ability to take full advantage of DNA databases to solve crime;⁴³ 2) advances in DNA technology—allowing for quicker processing and the analysis of extremely small biological samples—that have coincided with reduced costs; 3) federal funding that allows local law enforcement officials to bypass the local budget process; and 4) private firms interested in expanding the use of forensic DNA analysis.

1. CODIS Limitations Early adopters of local DNA databases have pointed to two reasons why CODIS does not adequately meet their needs. First, they argue that the CODIS authorizing statute and the FBI’s regulations for its use are too restrictive, preventing law enforcement from performing certain searches and from including DNA profiles from certain individuals in CODIS.⁴⁴ Second, they argue that because much of CODIS’s growth is the result of adding DNA profiles from known violent offenders who are often serving lengthy prison sentences, CODIS remains an ineffective crime-solving tool. The FBI has adopted an extensive regulatory scheme for CODIS,⁴⁵ and it regularly audits participating public crime laboratories to ensure compliance.⁴⁶ These regulations are designed to ensure the database is reliable and secured.⁴⁷ For example, the FBI will only allow the inclusion and search of DNA profiles if the profiles were processed by public DNA laboratories that are a part of the CODIS network.⁴⁸ Second, federal regulations prohibit inclusion in CODIS of many types of partial DNA profiles,⁴⁹ and limit law enforcement’s ability

to compare a partial profile to the other profiles in CODIS.⁵⁰ Third, the process of confirming a match in CODIS can take up to one month,⁵¹ and this is in addition to the six to 12 months often needed for the actual DNA processing at CODIS-participating laboratories.⁵² Fourth, federal regulations require the removal of profiles from CODIS if a convicted offender's conviction is overturned, or, in the case of an arrestee, if the charges are dismissed.⁵³ Finally, as a result of its emphasis on building a database of convicted offenders and arrestees, the FBI's regulations prohibit the inclusion of DNA profiles from individuals, including suspects, who provide law enforcement consensual DNA samples.⁵⁴ Local DNA databases are not required to comply with any of these federal regulations. For example, they are free to include consensual DNA samples from people deemed merely suspicious, victims, victims' family members, and witnesses. These consensual samples have driven the growth of local databases.⁵⁵ Local DNA databases are also built with DNA processing from private laboratories.⁵⁶ Furthermore, local law enforcement is free to set its own protocols for including and searching partial DNA profiles in their databases and for expunging DNA records.⁵⁷

Laundry list of alt causes to distrust – Big Pharma, health care access and CDC credibility

Collins 2014 (Sam, health reporter, "Americans Don't Trust The Medical Profession" October 23 2014, <http://thinkprogress.org/health/2014/10/23/3583625/americans-skeptical-doctors/>, mmv)

Americans count among the least trusting of the medical profession, according to an international health care survey. The findings, which appeared in a recent issue of the New England Journal of Medicine, show significant levels of suspicion of doctors, especially among those who make less than \$30,000 annually. Researchers studied public health polls dating back four decades, including one conducted by a consortium of universities between 2011 and 2013 during which people in 29 countries answered survey questions. In that poll, 58 percent of Americans said they trust the medical profession, placing the United States in 24th place with Croatia. "It fits with decades of data on the American public's trust in institutions, in general." Michael Gusmano, a scholar at the Hastings Center, a Garrison, N.Y.-based research institute that focuses on health care, told WebMD. Skepticism of the medical profession hasn't happened without any reason. Experts point to unequal access to health care and the "commercialization" of American medicine as key factors at play in that damaged relationship. Some people say that members of the medical field often seem more concerned about protecting their financial interests than caring for patients, especially those from less affluent backgrounds. Big Pharma has historically tried to influence the advice that doctors give patients, something that may make Americans wary of the field in general. In exchange for their endorsement of prescription medications, physicians receive free samples and gifts that include coffee mugs emblazoned with the drug company's logo, tickets to sporting events, expensive dinners, and trips to exotic destinations. At the peak of Big Pharma's profitable relationship with the medical industry in 2007, more than 100,000 representatives made visits to more than 650,000 physicians across the country. This can sometimes have a direct effect on patients. A Centers for Disease Control and Prevention (CDC) study in August, for example, found that doctors in hospitals with a strong black patient base encouraged breastfeeding to expectant mothers at a rate 15 percentage points less than that of their white counterparts, due in part to a relationship between the facility and manufacturers of baby formula. Americans' mistrust of the medical industry has been on full display in the weeks since American Ebola patient zero Thomas Eric Duncan died in a Dallas hospital. Days after CDC officials assured Americans that the disease would spread no further, two nurses who treated Duncan tested

positive for Ebola. Many of the nurses who had direct contact with patient zero before he succumbed criticized the medical establishment, saying nurses at Presbyterian Hospital in Dallas treated Duncan for days in an open space in the emergency room under constantly changing protocols and without sufficient protective gear. The controversy has discouraged some Americans from trusting what CDC officials are saying about the United States' ability to contain the virus. According to one recent poll, nearly half of Americans don't think their local hospital could safely treat an Ebola case. That has facilitated the spread of panic about Ebola — anxiety that may pose a bigger threat to Americans than the virus itself. Instead of listening to federal health officials, many Americans have looked to sensationalized media reports and reckless words of commentators and politicians as indicators of Ebola's impact in the United States.

2NC – XT – Laundry List

3 alt causes to public trust – experience, in-fighting, and lack of leadership – the plan isn't enough, the industry needs to take the first steps

Keckley 2014 (Paul, PhD and independent health care industry analyst, “A Closer Look at Public Trust in Healthcare”, May 22 2014, <http://thehealthcareblog.com/blog/2014/05/22/a-closer-look-at-public-trust-in-healthcare/>, mmv)

1-Consumer trust in the health system is based on impressions and experiences over facts about its performance. Most consumers trust the doctors they use, but do little to validate that the accuracy of the treatment recommendations made or their costs. Most believe the drugs they use are efficacious and safe, and few take them as directed. Most think hospitals are expensive but pay little attention to costs and have no concept of the hospital's safety record. Most think health insurance is important but distrust insurers. Most don't have a clue about what the “US health system” is or how it operates, nor does more than a handful have a basis for comparing our system to others. Personal experiences are important but substantive facts about the system's performance are more useful in gauging its results. Though media coverage about fraud and bad outcomes in a treatment episode gets attention, the lion's share of the public's trust in the U.S. system is built on subjective impressions rather than facts. The bright spotlight of public opinion coupled with laws that open access to sensitive data about the health system's performance are exposing substantial flaws in the system—data about fraud, unnecessary tests and procedures, errors, misdiagnoses, customer experiences, profitability, conflicts of interest, the disconnect between costs and prices and so on. The data's there. And it's increasingly the focus of social media-fueled public interest and media attention. As the healthcare industry transitions to the digital age, hard data about its performance and malfunctions will be easily accessible and public trust in its performance in jeopardy. Personal impressions matter but data transparency matters more. 2-Our in-fighting compromises public trust. In the U.S. health system, we circle the wagons and shoot in: insurers blame drug companies, hospitals and doctors for the woes of the system. Hospitals despise plans that cut their payments. Drug and device manufacturers challenge insurers that cut their prices and force higher co-payments for their drugs. Primary care physicians, feeling abused and victimized, assail the system's hypocrisy about preventive health even as specialists earn more and investors flock to the latest technologies. Device manufacturers have love-hate relationships with Group Purchasing Organizations (GPOs) and so on. The deep-seeded fragmentation of the industry lends to its lack of coordinated care, redundant costs and

performance malfunctions. The public views the system's fragmentation and infighting as a major contributor to higher costs and poor service. And it is chipping away at the industry's reservoir of good will. 3-The U.S. healthcare industry has done a poor job in managing the public's trust. The reason is simple: we think we are the best system in the world and beyond reproach. We shun transparency fearing it exposes secrets of our system. We invest in relationships that benefit our own specific link in the healthcare food chain and assume others do the same. As a result, overall trust in the U.S. system is subordinated to promoting specific parts instead of the whole. We expect our marketing and PR professionals to operate with hamburger budgets and deliver filet mignon results. But the market is changing: employers are the major catalysts prompting attention to how the system of health operates. Consumers are keen to understand their treatment options independent of a physician's recommendation. Insurer determinations about treatment coverage and their premium-setting mechanics are ripe for public scrutiny as are hospital-physician financial relationships and inducements by drug and device manufacturers to gain a foothold in the \$500B supply chain market. And the Affordable Care Act requires a level of transparency that's certain to unsettle smugness even among the most confident. The U.S. healthcare industry is guilty of public trust neglect. My father was an opera singer and quite introverted. His most stinging criticism of anyone would be a simple observation: 'he believes his own publicity.' Opera singers, like many in our industry, invest heavily in publicity to tout their skills and accomplishments. But hundreds of news releases touting our successes can be offset by one documented report of poor performance. It's time we get serious about building trust and managing our reputation within our sectors and for the overall industry that's 17% of our GDP. Anecdotal impressions may be comfortable for some, but the factuality of our performance will be the public focus in the next phase of health reform. Our industry, like others, has its malfunctions. We can't afford to believe our own publicity. And we can ill afford to take public trust for granted.

Too many factors complicate public trust of the industry

Goold and Lipkin 99 (Susan Dorr Goold, MD, MHSA, MA, Received from the Division of General Medicine, University of Michigan Medical Center, Ann Arbor, Mich. AND Mack Lipkin, Jr., MD, New York University Medical Center, New York)("The Doctor-Patient Relationship: Challenges, Opportunities, and Strategies", J Gen Intern Med. 1999 Jan; 14(Suppl 1): S26-S33. doi: 10.1046/j.1525-1497.1999.00267.x)//ASMITH

A series of organizational or system factors also affect the doctor-patient relationship. The accessibility of personnel, both administrative and clinical, and their courtesy level, provide a sense that patients are important and respected, as do reasonable waiting times and attention to personal comfort. The availability of covering nurses and doctors contributes to a sense of security. Reminders and user-friendly educational materials create an atmosphere of caring and concern. Organizations can promote a patient-centered culture,²⁹ or one that is profit- or physician-centered, with consequences for individual doctor-patient relationships. Organizations (as well as whole health care systems) can promote continuity in clinical relationships, which in turn affects the strength of in those relationships. For instance, a market-based system with health insurance linked to employers' whims, with competitive provider networks and frequent mergers and acquisitions, thwarts long-term relationships. A health plan that includes the spectrum of

outpatient and inpatient, acute and chronic services has an opportunity to promote continuity across care settings. The competition to enroll patients is often characterized by a combination of exaggerated promises and efforts to deliver less. Patients may arrive at the doctor's office expecting all their needs to be met in the way they themselves expect and define. They discover instead that the employer's negotiator defines their needs and the managed care company has communicated them in very fine or incomprehensible print. Primary care doctors thus become the bearers of the bad news, and are seen as closing gates to the patient's wishes and needs. When this happens, an immediate and enduring barrier to a trust-based patient-doctor relationship is created. The doctor–patient relationship is critical for vulnerable patients as they experience a heightened reliance on the physician's competence, skills, and good will. The relationship need not involve a difference in power but usually does,³⁰ especially to the degree the patient is vulnerable or the physician is autocratic. United States law considers the relationship fiduciary; i.e., physicians are expected and required to act in their patient's interests, even when those interests may conflict with their own.⁹ In addition, the doctor–patient relationship is remarkable for its centrality during life-altering and meaningful times in persons' lives, times of birth, death, severe illness, and healing. Thus, providing health care, and being a doctor, is a moral enterprise. An incompetent doctor is judged not merely to be a poor businessperson, but also morally blameworthy, as having not lived up to the expectations of patients, and having violated the trust that is an essential and moral feature of the doctor–patient relationship.³¹ Trust is a fragile state. Deception or other, even minor, betrayals are given weight disproportional to their occurrence, probably because of the vulnerability of the trusting party (R.L. Jackson, unpublished manuscript).

Too many alt causes

Outdated legal codes

THEIR AUTHOR Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

The public health law infrastructure is equally deficient. The law establishes the mission, functions, and powers of public health agencies. Yet public health laws are highly antiquated, after many decades of neglect. Very little consideration has been given to modernizing these laws to reflect advances in public health practice and constitutional law. Reform of public health law is essential to ensure that public health agencies have clear missions and functions, stable sources of financing, adequate powers to avert or manage health threats, and restraints on powers to maintain respect for personal rights and liberties.

Underfunding and infrastructure

THEIR AUTHOR Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of

Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

As a result of chronic underspending, the public health infrastructure is badly deteriorated.² Public health agencies lack the capacity to conduct essential public health services at a level of performance that matches the constantly evolving threats to the health of the public. Critical components of that infrastructure include a well-trained workforce, electronic information and communications systems, rapid disease surveillance and reporting, laboratory capacity, and emergency response capability.

Faulty allocations and income inequality

THEIR AUTHOR Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public’s Health at Johns Hopkins and Georgetown Universities, November **2001** – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

In this civil and property rights society, the tone has been distinctly antigovernment. The State has been perceived as inefficient, bureaucratic, and burdensome. Citizens have opposed taxation and broad health and welfare spending as well as oppressive regulation. From a funding perspective, this has meant that health dollars have been allocated primarily to advanced biotechnology and health care, which serve the needs of individual patients, particularly those who can afford private health insurance. Funding for traditional prevention and population-based services represents only a small fraction of health spending, estimated at around 1 percent at the state level and less than 5 percent at the federal level.¹

2NC – XT – State Funding

Not all databases are funded by the federal government – and local databases might still have grown without federal funding

Kreag 2015 (Jason, Visiting Assistant Professor, University of Arizona James E. Rogers College of Law “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957, mmv)

3. Federal Funding Because local, non-CODIS databases are in some ways duplicative of CODIS, it is reasonable to presume that even if these databases had strong support from law enforcement officials, their expansion would be limited by cost-conscious local government officials not eager to fund them. This has not been the case, in part, because some local databases have been supported by federal, not local funds.⁶⁵ It is ironic that after allocating such a significant amount of money to develop CODIS,⁶⁶ the federal government is funding non-CODIS databases that are at least potential rivals to the CODIS network.⁶⁷ More importantly, federal funding has allowed local agencies to bypass the local budget process and the limitations it imposes on other law enforcement surveillance techniques.⁶⁸ The primary source of federal funding for local DNA databases are the federal forfeiture laws that return money to local law enforcement officials in exchange for their participation in federal task forces.⁶⁹ These laws allow the Department of

Justice to share the proceeds of the seized property with local agencies that “participated directly in the seizure or forfeiture of the property.”⁷⁰ Local law enforcement agencies have come to depend on this revenue stream,⁷¹ and it has been crucial to the evolution of local DNA databases. For example, resources from federal forfeiture laws fully fund the local database in Bensalem Township,⁷² and local officials view this as a reliable source of funds for the foreseeable future.⁷³ Without this revenue stream, it is unlikely that local databases would have developed as quickly as they have.

2NC – XT – Media

Media hype as well as corruption and high profile malpractice cases prove trust is too far gone – past efforts to restore it have fallen flat

Jacobs, 2005 (Alice, MD; Boston University professor of medicine director of Cardiac Catheterization Laboratory and Interventional Cardiology, "Rebuilding an Enduring Trust in Medicine," *Circulation*, 2005, circ.ahajournals.org/content/111/25/3494.full#xref-ref-3-1, mmv)

To be sure, we will learn about the emerging science and clinical practice of cardiovascular disease over the next four days. But there is an internal disease of the heart that confronts us as scientists, as physicians, and as healthcare professionals. It is a threat to us all—insidious and pervasive—and one that we unknowingly may spread. This threat is one of the most critical issues facing our profession today. How we address this problem will shape the future of medical care.¶ This issue is the erosion of trust.¶ Lack of trust is a barrier between our intellectual renewal and our ability to deliver this new knowledge to our research labs, to our offices, to the bedside of our patients, and to the public. Trust is a vital, unseen, and essential element in diagnosis, treatment, and healing. So it is fundamental that we understand what it is, why it’s important in medicine, its recent decline, and what we can all do to rebuild trust in our profession. Trust is intrinsic to the relationship between citizens around the world and the institutions that serve their needs: government, education, business, religion, and, most certainly, medicine.¶ Albert Einstein recognized the importance of trust when he said, “Every kind of peaceful cooperation among men is primarily based on mutual trust.”¹ In our time, trust has been broken, abused, misplaced, and violated. The media have been replete with commentaries, citing stories of negligence, corruption, and betrayal by individuals and groups in the public and private sectors, from governments to corporations, from educational institutions to the Olympic Organizing Committee. These all are front-page news. Perhaps the most extreme example is terrorism, in which strangers use acts of violence to shatter trust and splinter society in an ongoing assault on our shared reverence for human life.¶ Unfortunately, we are not immune in our own sphere of cardiovascular medicine. The physician-investigator conflicts of interest concerning enrollment of patients in clinical trials, the focus on medical and nursing errors, the high-profile medical malpractice cases, the mandate to control the cost of health care in ways that may not be aligned with the best interest of the patient—all of these undermine trust in our profession. At this time, when more and more public and private institutions have fallen in public esteem, restoring trust in the healthcare professions will require that we understand the importance of trust and the implications of its absence.¶ Trust is intuitive confidence and a sense of comfort that comes from the belief that we can rely on an individual or organization to perform competently, responsibly,

and in a manner considerate of our interests.² It is dynamic, it is fragile, and it is vulnerable. Trust can be damaged, but it can be repaired and restored. It is praised where it is evident and acknowledged in every profession. Yet it is very difficult to define and quantify.[¶] Trust is easier to understand than to measure. For us, trust may be particularly difficult to embrace because it is not a science. Few instruments have been designed to allow us to evaluate it with any scientific rigor. Yet, trust is inherent to our profession, precisely because patients turn to us in their most vulnerable moments, for knowledge about their health and disease. We know trust when we experience it: when we advise patients in need of highly technical procedures that are associated with increased risk or when we return from being away to learn that our patient who became ill waited for us to make a decision and to discuss their concerns, despite being surrounded by competent colleagues acting on our behalf.[¶] Many thought leaders in the medical field understand the importance of trust.³ When asked whether the public health system could be overrun by public panic over SARS and bioterrorism, Centers for Disease Control and Prevention Director Julie Gerberding replied, “You can manage people if they trust you. We’ve put a great deal of effort into improving state and local communications and scaled up our own public affairs capacity...we’re building credibility, competence and trust.”^{4¶} Former Health and Human Services Secretary Donna Shalala also recognized the importance of trust when she said, “If we are to keep testing new medicines and new approaches to curing disease, we cannot compromise the trust and willingness of patients to participate in clinical trials.”^{5¶} These seemingly intuitive concepts of the importance of trust in 21st century medicine actually have little foundation in our medical heritage. In fact, a review of the early history of medicine is astonishingly devoid of medical ethics. Even the Codes and Principles of Ethics of the American Medical Association, founded in 1847, required patients to place total trust in their physician’s judgment, to obey promptly, and to “entertain a just and enduring sense of value of the services rendered.”⁶ Such a bold assertion of the authority of the physician and the gratitude of the patient seems unimaginable today.[¶] It was not until the early 1920s that role models such as Boston’s Richard Cabot linked patient-centered medical ethics with the best that scientific medicine had to offer,⁶ and Frances Weld Peabody, the first Director of the Thorndike Memorial Laboratory at the Boston City Hospital, crystallized the ethical obligation of the physician to his patient in his essay “The Care of the Patient.”⁷ In one particularly insightful passage, Peabody captures the essence of the two elements of the physician’s ethical obligation: He must know his professional business and he must trouble to know the patient well enough to draw conclusions, jointly with the patient, as to what actions are indeed in the patient’s best interest. He states: “The treatment of a disease may be entirely impersonal: The care of the patient must be completely personal. The significance of the intimate personal relationship between physician and patient cannot be too strongly emphasized, for in an extraordinarily large number of cases both diagnosis and treatment are directly dependent on it.” Truly, as Peabody said, “The secret to the care of the patient... is in caring for the patient.”^{7¶} This concept that links the quality of the physician-patient relationship to health outcomes has indeed stood the test of time. Trust has been shown to be important in its own right. It is essential to patients, in their willingness to seek care, their willingness to reveal sensitive information, their willingness to submit to treatment, and their willingness to follow recommendations. They must be willing for us to be able.\

Private companies aren't agents of the government – means the plan can't curtail them – and they collect the most data

Roman-Santos 2011 (Candice, Corporate Counsel and Manager, Healthcare Compliance at Nevro, Associate, Enterprise Regulatory Law Group, Juris Doctor, Certificate in Health Law & Policy, Health Law at University of California, Hastings College of Law “Concerns Associated with Expanding DNA Databases” 2 Hastings Sci. & Tech. L. J. 267
<http://hstlj.org/articles/concerns-associated-with-expanding-dna-databases/>, mmv)

Although there is a Fourth Amendment concern associated with obtaining DNA samples, the Fourth Amendment applies only to government action and is inapplicable to private parties who do not act as agents of the government.[ccxi] This doctrine, however, does not preclude the possibility that law enforcement may be able to access existing repositories of DNA from cooperative private hospitals or laboratories, provided that the government had no involvement in how the DNA was originally obtained and that the state is not engaging in any search or seizure in acquiring DNA in this way.[ccxii] The National Bioethics Advisory Commission estimated that as of 1998, more than 282 million human biological specimens were collected and stored in the U.S. for research studies, newborn screening tests, organ banks, blood banks, forensic DNA databases, and for other purposes, which increases at a rate of 20 million samples per year.[ccxiii] The issue lies in the fact that an individual undergoing diagnostic tests or donating samples for clinical or research purposes has a reasonable expectation of privacy that their test results and DNA will not be shared with a non-medical third party without his or her consent.[ccxiv]

Private companies are collecting and storing information for local law enforcement

Kreag 2015 (Jason, Visiting Assistant Professor, University of Arizona James E. Rogers College of Law “GOING LOCAL: THE FRAGMENTATION OF GENETIC SURVEILLANCE” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583957, mmv)

II. IMPLICATIONS OF THE EXPANDED USE OF LOCAL DNA DATABASES The results from Palm Bay and Bensalem demonstrate that local databases have the potential to be a powerful law enforcement tool. Indeed, Director Harran concluded that local databases are “the best thing to come to law enforcement since fingerprints,”¹⁵⁰ and Palm Bay claims that its database prevented \$6 million worth of property crime.¹⁵¹ Given the reduction in property crime and the increased clearance rates credited to local databases, it may appear difficult to question law enforcement’s enthusiasm, particularly when the Supreme Court recently blessed the expansion of DNA databases in *Maryland v. King*.¹⁵² However, in addition to the promise of more efficient crime-solving, local databases carry the potential for serious negative implications that have not been fully considered by law enforcement. This Part discusses the forces that will help to solidify local databases as an accepted surveillance tool, categorizes and analyzes the potential negative effects of these databases, and sets the stage for reforms proposed in Part III A. Entrenching Local DNA Databases There are powerful external forces helping to ensure that once local databases are adopted, they quickly become routine surveillance tools. This Section focuses on three of these external forces: 1) current Fourth Amendment doctrine, which allows law enforcement to tap into the everexpanding pool of personal information collected and stored by

private companies; 2) a nascent genetic surveillance-industrial complex; and 3) growing public acceptance of law enforcement's use of genetic surveillance techniques Current Fourth Amendment doctrine—in particular the principles of the third-party doctrine¹⁵³—allows law enforcement to benefit from the vast amount of information the public voluntarily shares with private companies.¹⁵⁴ This has led some scholars to conclude that law enforcement will respond by altering their surveillance practices. Professor Paul Ohm predicts that “[a]s the surveillance society expands, the police will learn to rely more on the products of private surveillance, and will shift their time, energy, and money away from traditional self-help policing, becoming passive consumers rather than active producers of surveillance.”¹⁵⁵ Professor Ohm's instincts are correct about certain types of surveillance activities. It seems likely that police will be inclined to use information amassed by private sources, decreasing the need for law enforcement to conduct duplicative surveillance. However, not all information sought by law enforcement is captured in the private sector. Specifically, genetic surveillance is one area where law enforcement will continue to be producers, as opposed to consumers, of surveillance. Whereas Google, Facebook, and other companies will feed law enforcement's desire for digital surveillance, the expansion of local databases demonstrates that law enforcement will be the driver of collecting and analyzing genetic evidence. In addition, local law enforcement's use of genetic surveillance will be shaped by corporate interests.¹⁵⁶ Corporate interests have played a role in the development of local DNA databases since their inception.¹⁵⁷ The first local DNA database was designed jointly by a private DNA lab and the Palm Bay Police Department.¹⁵⁸ And private firms are integral to the continued expansion of these databases. Large firms, such as Bode Technology and Orchid Cellmark, view local law enforcement databases as potential revenue streams, particularly because they promise to promote the use of DNA beyond violent crimes (sexual assaults and homicides) to property crimes.¹⁵⁹ These firms see a business opportunity in processing the evidence swabs collected from property crimes. Indeed, in marketing their products, they trumpet the studies that have highlighted DNA's promise for solving these crimes.¹⁶⁰ Similarly, smaller firms have also sought to benefit from and to drive the expansion of local databases. These include SmallPond and IntegenX.¹⁶¹ These companies have been consistent participants in law enforcement conferences in the last several years,¹⁶² and they have sought meetings with local agencies to pitch their products. Furthermore, IntegenX offers to help potential buyers secure grants to purchase its products.¹⁶³ The influence of private firms on policing techniques is not new and is certainly not unique to genetic surveillance.¹⁶⁴ However, it is important to recognize that these private interests will influence the expansion, use, and long-term viability of this surveillance tool. And because these private interests have evolved simultaneously with local law enforcement's push to enter the genetic surveillance space, the prospect of a genetic surveillance industrial complex further entrenching the practice of local databases seems likely. Finally, the very use of these databases will also contribute to the public's acceptance of them. Even those with only a casual understanding of surveillance techniques accept without question law enforcement's ability to collect personal information—including photographs, fingerprints, addresses, etc.—for investigative databases. Furthermore, because CODIS has been around for 20 years, there is widespread understanding that law enforcement collects DNA profiles from at least some segments of the population. Thus, local databases are not a completely new surveillance tool. This incremental evolution of law enforcement investigative databases in general, and DNA databases in particular, will help to solidify local databases as a tolerated, if not accepted, law enforcement tool.¹⁶⁵

2NC – XT – Suspicion

Trust is at an all-time low – suspicion is deep-rooted and privacy doesn't solve

Fiaz **Fazili** (M.D., King Fahad Hospital Medina La Munawarah Kingdom Of Saudi Arabia, Surgery; Minimal invasive and acute care) June 16, **2015** “A Lost Trust”
<http://www.greaterkashmir.com/news/opinion/story/189486.html>

Medicine still is a noble profession. To most of us, medicine is more than a job of care providing- putting patients' interest first. Unfortunately, in quest of big business, nobility of noble this profession is vanishing, and the doctor-patient trust is running all time low. Sadly, there is a general perception in public that the ethics of medical profession have degenerated. Doctors are accused of not attending to patients with same zeal and compassion as it used to be. Contrarily, in their own private clinic attitudes often are different. There is a conflicts of Interest. Is your doctor paid to promote a drug or device? Are doctors prescribing what is best for you? Today, patients, or their relatives carry a lot of prejudice and preconceived notions when they enter a doctor's chamber for consultation; a mindset of suspicions that doctors also behave like businessmen. Recognition and avoidance of conflicts of interest represent a core issue of professionalism, and are well covered in State and Indian medical council bye-laws of, as most of our doctors are honest, follow the rules, avoiding situations in which the interest of the doctor is placed above that of the patient. Honesty is a major concern in medical ethics and carries an important value for a medical practitioner where doctor is perceived as a messiah – a healer. Quality of care varies dramatically between individual doctors and hospitals, but those differences are invisible to patients. Whether it is a systemic failure, lack of uniformity in standards of care, organizational disarray, trust deficit or attitude problem. A number of common problems arise within the 'expectation zone', environment, and circumstances. Valley medicos often cry insecurity, seek action and protection from concerned authorities. Isn't it time to lift the veil on this sad reality for finding some important remedial measures to restore the dignity, honor and trust of overwhelming majority of the doctors who don't succumb to kickbacks or other lucrative incentives from pharmaceutical companies, who are unwilling to prescribe a drug, or implant a device, refusing facilitation for conferences, symposiums and research? Generalizing a statement, doctors fleecing patients in their private clinics or nursing home, is a myth in our valley when you compare similar circumstances outside the state. Agreeably, there might be a few even in our state who disgrace the profession, as there are in any profession but factually majority of doctors are altruistic. I don't say that all doctors are like priests, not driven by a greed. Some among us do resort to practices that are unethical practices to make money. This menace once limited to corporate hospitals is now infiltrating the state administered hospitals through these dishonest elements who need to be identified and let the writ of law take its course. My humble appeal goes to public and patients for change in perception, don't look through tainted glasses on this profession. Our dedicated, intelligent health care staff need recognition of for the hard work they do.

2NC – XT – Prices

Massive pricing spikes deck public trust in the medical industry

Munos 2013 (Bernard, Forbes pharmaceutical innovation writer, “We The People vs. The Pharmaceutical Industry” April 29 2013, <http://www.forbes.com/sites/bernardmunos/2013/04/29/the-pharmaceutical-industry-vs-society/,mmv>)

The pharma industry is in a pickle. It is losing all its friends and handing over sticks to its enemies. In the last few weeks: Novartis lost a major patent dispute in India Merck was denied an injunction against a generic Januvia South Africa announced plans to tighten its patenting requirements to deny IP protection to incremental innovations, often used by drug companies to “evergreen” their patents Germany extended the application of its much-hated pricing formula to the country’s most popular drugs 100 leading oncologists have risen against drug prices, accusing the industry of having lost its moral compass, and demanding major price cuts All this adds up to a giant pushback against the astronomical drug prices that are becoming commonplace. It seems that price tags of \$100,000 or above are becoming the norm. Of 12 cancer drugs approved in 2012, 11 cost more than that. As more drugs are offered at that level and their sponsors get away with it, it seems to set a floor that emboldens drug companies to push the envelope. They are badly misjudging the brewing anger. The industry’s standard defense has been to run warm-hearted stories about the wonders of biomedical innovation, and to point out that drugs represent only 10% of healthcare costs. Both arguments miss the point. Everyone loves biomedical innovation, but the industry’s annual output of 25 to 35 new drugs is a lousy return for its \$135 billion R&D spending. And pointing out that there is a worst culprit on the block is no comfort to patients getting stuck with a \$20,000 co-pay. Perhaps the mood would be different if the industry was a model of efficiency, but this is hardly the case. Examples of massive waste are on display everywhere: Pfizer wants to flatten a 750,000-square-foot facility in Groton, CT, and won’t entertain proposals for alternative uses. Lilly writes off over \$100 million for a half-built insulin plant in Virginia, only to restart the project a few years later in Indiana. AstraZeneca shuts its R&D labs at Alderley Park and goes on to spend \$500 million on a new facility in Cambridge. For American patients, what must be called executive incompetence is part and parcel of drug unaffordability. And every product recall and billion dollar fine compounds the anger, not to mention the oversized compensation of the CEOs responsible for this mess.

2NC – XT – Current Protections

Current privacy protections impede research and harm public perception

Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. “The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research Growth.” 2009. P. 1-2. http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf////EMerz

The Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA), a regulation designed to protect the privacy of health information, continues to have a negative

impact on the nation's research enterprise, according to the latest survey of academic health center research administrators and principal investigators by the Association of Academic Health Centers (AAHC). Since the 2003 implementation of the Privacy Rule (45 CFR 160, 164), studies have shown that it has imposed barriers to research at academic health centers, the nation's major research institutions, thus slowing the pace of research, increasing the costs, and significantly hindering participation of individuals in important research studies. Research was not intended to be governed by the HIPAA Privacy Rule, but neither was it exempted from the regulation. However, the new constructs and restrictions on information mandated by the Rule have had untold consequences for the conduct of research and the advance of science and discovery in the United States. Despite repeated efforts by the research community to highlight the negative consequences of the HIPAA Privacy Rule, policymakers have made little attempt to address the Rule and consider options to remedy the situation. With the U.S. facing critical socioeconomic challenges, including an aging population and the desire for new treatments and cures for disease and illness, it is essential that policymakers reexamine the HIPAA Privacy Rule. The AAHC called for changes to the HIPAA Privacy Rule and recommended options to address these critical research issues based on evidence from a limited number of focus groups conducted with researchers throughout the country in 2007.⁴ This year, to broaden its information base, the AAHC developed a questionnaire that was administered online to 102 members of the AAHC's executive leadership group of Vice Presidents for Research as well as other senior leaders (e.g., legal counsel and chief compliance officers) who are members of the Vice Presidents for Research Workgroup on HIPAA. The vice presidents for research were also asked to forward the survey to 2-4 principal investigators at their institution in the interest of including the perspective of researchers along with that of senior research administrators.

2NC – XT – Women

Women have the largest influence on industry perception and they don't trust the government

Market Watch 2015 (Market Watch SOURCE: The Center for Talent Innovation, "Study Uncovers Healthcare Industry Trust and Knowledge Deficit Among Female Consumers", April 23 2014, <http://www.marketwatch.com/story/study-uncovers-healthcare-industry-trust-and-knowledge-deficit-among-female-consumers-2015-04-23-9173141>, mmv)

NEW YORK, NY, Apr 23, 2015 (Marketwired via COMTEX) -- Although women make the vast majority of healthcare decisions for themselves and others, 63 percent of women in the U.S., U.K., Germany, Japan, and Brazil lack confidence in the healthcare decisions they make, according to a study released today by the Center for Talent Innovation (CTI). The Power of the Purse: Engaging Women Decision Makers for Healthy Outcomes finds that women's low confidence is partly due to their lack of access to reliable information and trust in the industry. The report also uncovers the industry opportunity to connect with women by understanding their unique definition of health. While healthcare companies organize their product offerings by disease state, the majority of women define health holistically (as having spiritual and emotional well-being, and being physically fit and well-rested). Across markets, women make healthcare decisions for themselves (94 percent) and also decide for others (59 percent) which medicines to take, health regimens to follow, doctors to see, and how to live a healthy lifestyle. Yet, as primary decision-makers or "Chief Medical Officers" for the health and wellness of others, they lack the

tools to make informed decisions. More than half of women (53 percent) think they can get the best health information from the internet, but 31 percent of these women do not trust the information they receive online. The numbers get worse when it comes to women's trust in the healthcare industry. Seventy-eight percent of women do not fully trust their health insurance company, 83 percent do not fully trust the pharmaceutical companies that make their medicine and 35 percent do not fully trust their own primary healthcare provider. "At a time when the industry is suffering from only 50 percent prescription adherence rates among patients and the general population is getting less healthy, we find female CMOs can be healthcare companies' best allies to achieve better health outcomes for themselves and others," says Carolyn Buck Luce, executive in residence at Center for Talent Innovation. "The sponsoring companies of this report recognize the power of the female CMO purse and have committed to uncovering the solutions to better serve this market segment." To engage this market segment, the report finds, healthcare companies must first adopt a holistic definition of health. Women overwhelmingly list physical fitness and emotional and spiritual well-being in their definitions of health-far more often than they list the industry's definition, "being free of illness." Fully 79 percent of women surveyed say that health means "having spiritual and emotional wellbeing." Seventy-seven percent cite "being physically fit and well rested." Companies must also understand that decision-makers aren't all moms; 43 percent of working women without kids make healthcare decisions for others, and 47 percent of women who are not employed and without children make healthcare decisions for others. To help companies build meaningful connections with female healthcare decision-makers, the report uncovers behaviors -- by sector -- likely to drive trust and satisfaction among these consumers: Trusted healthcare providers: -- Report test results in an understandable way, according to 70 percent of women who trust and are satisfied with their primary healthcare provider -- Discuss preventative care and proactively manages their health, according to 60 percent of women who trust and are satisfied with their primary healthcare provider Trusted health insurance companies: -- Provide coverage for trusted doctors, according to 50 percent of the women who trust and are satisfied with their health insurance company -- Make preventative care affordable, according to 47 percent of the women who trust and are satisfied with their health insurance company Trusted primary pharmacists: -- Provide information to make decisions, according to 41 percent of women who trust and are satisfied with their primary pharmacist -- Ask about and listens to concerns/questions, according to 38 percent of women who trust and are satisfied with their primary pharmacist Trusted pharmaceutical companies: -- Provide clear information along with the prescription to help their patients understand the risks and side effects, according to 27 percent of women who trust and are satisfied with their pharmaceutical company -- Provide gender and ethnic-specific drug recommendations, according to 25 percent of women who trust and are satisfied with their pharmaceutical company "Understanding the behaviors that garner trust and satisfaction will assist the Chief Medical Officer in doing her job well," says Sylvia Ann Hewlett, founder and CEO at the Center for Talent Innovation. "Trusting relationships with healthcare professionals and the organizations they represent can go a long way towards bolstering women's confidence and trust." The healthcare industry employs a large number of women but many of their ideas, insights and capabilities have not yet been fully supported, endorsed, and promoted. As organizations employ many of the women who have real-world insights as "Chief Medical Officers" for themselves and others, they are failing to leverage the valuable assets that can lead to winning the trust of female consumers. The report features best practice examples that can be used as guides for other organizations working to better leverage their top female talent.

2NC – XT – Staff Shortages

Staff and expertise shortages take out the aff

Bernard **Choi** (Injury Prevention Research Centre, Medical College of Shantou University, Shantou, China and Department of Epidemiology and Community Medicine, University of Ottawa, Ottawa, Canada) 2012 “The Past, Present, and Future of Public Health Surveillance” *Scientifica* Volume **2012** (2012), Article ID 875253, 26 pages
<http://dx.doi.org/10.6064/2012/875253>

To avoid fragmentation in national surveillance efforts [107, 144], there is a need for federal agencies to provide national facilitation to foster interstate and intercounty collaboration. Central guidance can lead to coordination across states and counties, interstate technology transfer, and opportunity to learn from the successes and failures of other localities. Needless expense, unnecessary development time, and failure to rapidly share information on innovative systems can be avoided [205]. No attempt to meet the current challenges in public health surveillance will succeed unless it recognizes the fundamental importance of providing and maintaining a cadre of highly trained and motivated public health professionals in every local health agency in the country [5]. To use surveillance information to better prioritize, plan, deliver, and evaluate programming, public health staff must possess the required knowledge and skills. While it is neither feasible nor necessary for all staff to receive postgraduate academic training, a greater proportion of the public health workforce will need to acquire the knowledge and skills necessary to effectively understand and use surveillance concepts and techniques. Public health surveillance systems must be strengthened by (1) allocating resources, including human resources, for the effective use of health surveillance data and tools and (2) recognizing the need for existing staff to acquire new skills [77].

Budget cuts and staff shortages short-circuit all health surveillance

Edward **Richards** (Harvey A. Peltier Professor of Law and Director, Program in Law, Science, and Public Health at the Paul M. Herbert Law Center, Louisiana State University) **2009** “DANGEROUS PEOPLE ,UNSAFE CONDITIONS T HE CONSTITUTIONAL BASIS FOR PUBLIC HEALTH SURVEILLANCE” *The Journal of Legal Medicine*, 30:27–50,
http://biotech.law.lsu.edu/Articles/ULGM_A_369622_O.pdf

The Constitution grants broad authority for public health surveillance. As long as public health authorities do not use administrative searches as a subterfuge for criminal law searches, the courts will uphold these searches when they are conducted either pursuant to an area warrant or through the reg- ulated industries exception to a warrant requirement. Surveillance, however, is just the first step in protecting the public health and safety. Surveillance data must be combined with good epidemiologic analysis, and then become the basis for public health interventions. There have been few abuses of public health administrative searches. Public health authorities, if anything, have been too reticent to use proper surveillance techniques. Although some of this reticence is because of con- cerns about being seen as violating individual rights, most of it stems from lack of staff and other resources. 113 Despite the push on public health preparedness since the terrorist attacks on September 11, 2001, health departments around the United States continue

to suffer budget and staff cuts. The impacts of these cuts are exacerbated by legislatures pushing ever-increasing responsibilities on health departments without providing the budgets or staff to carry out these new tasks. 114 The hardest issue for public health policy makers is to avoid pressures to transform public health agencies into extensions of the Department of Homeland Security. As we have seen from the adoption of Draconian emergency powers laws, it is more difficult to maintain a balance between individual rights and community protection than to attempt to satisfy political pressures by swinging wildly between extreme positions.

Circumvention

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Individuals willingly give up their health records by using non-protected mediums- means state legislation can't solve

Terry 14 (Nicolas P. Terry. "Big Data Proxies and Health Privacy Exceptionalism." 2014. P. 19-21 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

Ironically **one of the greatest threats to an individual's health privacy is . . . the individual.** One of the first examples of theretofore HIPAA-protected data migrating to HIPAA-free space was during President George W. Bush's administration at a time when the slowing of the administration's provider-curated EMR program coincided with the launching of PHR platforms by Google and Microsoft.⁹⁶ As a result the HITECH Act architects attempted to protect for the first time health data that migrated from a protected to an unprotected (or marginally protected) zone. However, they chose to do so with a swiftly outmoded, downstream breach notification model.⁹⁷ In the interim different (and unregulated) **technologies have emerged that encourage patient rather than provider curation of health data.** The most obvious example is the federal government's "Blue Button" technology that allows patients to download their records to their own devices. The "Blue Button" approach to patient access and hence control of their health data has become a rallying cry for many (if not all) patient privacy advocates and has been encouraged by President Obama's administration. 101 Indeed, then ONC National Coordinator Farzad Mostashari announced a Blue Button Mash-Up challenge to build software for patients designed to combine their downloaded Blue Button information with other data sources.¹⁰² At root such patient curation of health data bespeaks autonomy and is symbolic of patient ownership of the data. However, it fails to take into account one practical limitation—the canonical version of the record will remain in the provider's control – and one legal limitation— that only the provider-curated copy is protected by HIPAA-HITECH. In contrast, the patient-curated "copy" attracts little meaningful privacy protection. Well-meaning privacy advocates should think carefully before promoting this autonomy-friendly "control" model until data protection laws (not to mention patient education as to good data practices) catch up with patient curated data. A similarly dichotomous result is likely as the medically quantified self develops. The quantified-self movement concentrates on personal collection and curation of inputs and performance. 103 Obviously, health, wellness and medically inflected data will likely comprise a large proportion of such data. A similar, if less formal, scenario is emerging around health and wellness apps on smartphones and connected domestic appliances such as scales and blood pressure cuffs. 104

Smartphones are crammed with sensors for location, orientation, sound and pictures that add richness to data collection.¹⁰⁵ And there is ongoing and explosive growth in the medical apps space that seeks to leverage such sensors. **More and more we are going to demand control of information about ourselves and generate medically inflected and core health data about ourselves.** These processes will in most cases lead to medically inflected data that exists outside of the HIPAA-HITECH protected zone.

Impossible to keep genetic data anonymous – data leaks inevitable – kills public trust

Gina **Kolata** (Medical reporter for the New York Times) June **2013** “Poking Holes in Genetic Privacy” http://www.nytimes.com/2013/06/18/science/poking-holes-in-the-privacy-of-dna.html?pagewanted=all&_r=0

For years now, a steady stream of research has eroded scientists’ faith that DNA can be held anonymously. The first shock came in 2008, when David W. Craig, a geneticist at TGen, a research institute in Phoenix, and his colleagues imagined a theoretical problem. Suppose you are trying to learn what percentage of intravenous drug users are infected with hepatitis, and you collect DNA from discarded needles and amass it in a database to look for signs of the virus in the genetic material. Is there any way, they wondered, to find a particular person’s DNA is in this soup of genes? Most researchers would have said the task was impossible, worse than looking for a needle in a haystack. But Dr. Craig and his colleagues found a way to do it, exploiting the four million or so tiny, and usually inconsequential, differences in DNA letters between one individual and another. With their method, using the combinations of hundreds of thousands of DNA markers, the researchers could find a person even if his or her DNA constituted just 0.1 percent of the total in the mix. So explosive was the finding that Dr. Craig deliberately chose to write about it only very technically. The N.I.H. understood what he had accomplished, though, and quickly responded, moving all genetic data from the studies it financed behind Internet firewalls to prevent the public or anyone not authorized from using the data and, it was hoped, to protect the identities of research subjects. But another sort of genetic data — so-called RNA expression profiles that show patterns of gene activity — were still public. Such data could not be used to identify people, or so it was thought. Then Eric E. Schadt of Mount Sinai School of Medicine discovered that RNA expression data could be used not only to identify someone but also to learn a great deal about that person. “We can create a profile that reflects your weight, whether you are diabetic, how old you are,” Dr. Schadt said. He and a colleague also were able to tell if a person is infected with viruses, like HPV or H.I.V., that change the activity of genes. Moreover, they were able to make what they called a genetic bar code that could be used to identify a person in a number of DNA databases. Then, this year, in perhaps the most disturbing exercise, Yaniv Erlich, a genetics researcher at the Whitehead Institute, used a new computational tool he had invented to identify by name five people from their DNA, which he had randomly selected from a research database containing the genes of one thousand people. Experts were startled by what Dr. Erlich had done. “We are in what I call an awareness moment,” said Eric D. Green, director of the National Human Genome Research Institute at the National Institutes of Health. Research subjects who share their DNA may risk a loss of not just their own privacy but also that of their children and grandchildren, who will inherit many of the same genes, said Mark B. Gerstein, a Yale professor who studies large genetic databases. Even fragments of genetic information can compromise privacy. James Watson, a discoverer of DNA’s double helix shape, had his genes sequenced and made the information public — except for one, the sequence for ApoE, a gene that has a variant linked to an increased risk of Alzheimer’s disease. Researchers noticed, though, that

they could still figure out if Dr. Watson had that variant by examining the DNA on either side of the gene he had removed. They did not reveal whether he had it. With so many questions about the privacy and security of genetic data, researchers wonder what research subjects should be told. Leaks and identification of study subjects will never be completely avoidable, said George Church, a Harvard geneticist. And as much as investigators might like to find a way to keep genetic data secure and private, he does not think there is an exclusively technical solution. “If you believe you can just encrypt terabytes of data or anonymize them, there will always be people who hack through that.” Dr. Church said. He believes that people who provide genetic information should be informed that a loss of privacy is likely, rather than unlikely, and agree to provide DNA with that understanding. Other researchers say the idea is not far-fetched, and some suggest that scientists be licensed before they are given access to genetic databases, with severe penalties for those who breach privacy. “My fear is not so much that someone will take everyone’s genomes and put them on the Web,” Dr. Gerstein said. “It is that a graduate student in some lab somewhere will naïvely post bits of genomes on his Facebook page. The idea is that before he could get access to genomes, he would be taught he can’t do that. And if he did he would lose his license.” The amount of genetic data that has been gathered so far is minuscule compared with what will be coming in the next few years, Dr. Altshuler noted, making it important to address the problems before the data deluge makes them worse. “We see substantial issues,” he said. “We want to have serious discussions now.”

2NC – XT – Police

Circumvention inevitable- police legally collect DNA all the time

Scherr 13 (Albert E. Scherr. Professor of Law, University of New Hampshire. “Genetic Privacy & the Fourth Amendment: Unregulated Surreptitious DNA Harvesting.” 2013. P. 448-449. <http://georgialawreview.org/wp-content/uploads/2015/02/Download-PDF-V47-I2-Scherr.pdf>)/EMerz

So why does the law regard genetic privacy issues in criminal and civil contexts differently? Why do surreptitious-DNA harvesting practices by private parties get appreciably more legal scrutiny than such practices by police? One broad-brush answer is that society places more value on the public-safety goal of solving crimes than on the needs of amateur genealogists, divorce lawyers, and genetic researchers. That broad-brush answer is unsatisfactory. Current Fourth Amendment jurisprudence on surreptitious harvesting creates an all-or-nothing dynamic. If a putative suspect—one for whom the police have some reasonable suspicion but not enough for a search warrant—abandons his DNA in a public place, the police can do with the sample what they will, without limitation. The police can do the same for a suspect for whom they have only a hunch. They can also do the same for someone for whom they have no suspicion, including a victim or a witness. They can do so without a suspect’s, a witness’s, or a victim’s consent or knowledge. If surreptitious DNA harvesting is not a “search” under the Fourth Amendment, the police can do whatever they want with anyone’s DNA.

2NC – XT – Federal

Federal oversight can't minimize health surveillance- the biggest offenders are private businesses that use big data

Terry 14 (Nicolas P. Terry. "Big Data Proxies and Health Privacy Exceptionalism." 2014. P. 13-16 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

Big data is so named because of its unprecedented volume and for its "complexity, diversity, and timeliness." Big data refers not only to the collection and storage of extremely large data sets but also the data mining and predictive analytic routines that process the data, the latter being understood as "[t]echnology that learns from experience (data) to predict the future behavior of individuals in order to drive better decisions."⁷⁴ Essentially big data is the latest type of business intelligence (BI), or, to frame it slightly differently, the latest BI analytics are what extract value from big data.⁷⁵ Not surprisingly, MBA-speak business jargon dominates the space. Thus, according to Gartner, Inc., "'Big data' is high-volume, -velocity and -variety information assets (sic) that demand (sic) cost-effective, innovative forms of information processing for enhanced insight and decision making."⁷⁶ It is important not to underestimate one of these three properties—high-variety. Big data does not use structured databases (or at least is not as reliant on them as previous generation systems such as credit reporting) but is capable of absorbing high-variety data. Data sources (or data pools) continually change and expand; yet big data is seems adept at digesting them. As described in a recent report by the Centre For Information Policy Leadership, While traditionally analytics has been used to find answers to predetermined questions, its application to big data enables exploration of information to see what knowledge may be derived from it, and to identify connections and relationships that are unexpected or were previously unknowable. When organisations employ analytics to explore data's potential for one use, other possible uses that may not have been previously considered often are revealed. Big data's potential to yield unanticipated insights, the dramatically low cost of information storage and the rapidly advancing power of algorithms have shifted organisations' priorities to collecting and harnessing as much data as possible and then attempting to make sense of it.⁷⁷ The analytics of big data seek to predict the behavior not only of populations or cohorts but also of individuals. In Predictive Analytics: The Power to Predict Who Will Click, Buy, Lie, or Die, computer scientist Eric Siegel explained the distinction as follows: Forecasting makes aggregate predictions on a macroscopic level. How will the economy fare? Which presidential candidate will win more votes in Ohio? Whereas forecasting estimates the total number of ice cream cones to be purchased next month in Nebraska, predictive technology tells you which individual Nebraskans are most likely to be seen with cone in hand.⁷⁸ In the context of health information the business intelligence grail is to identify and exploit a patient's differential health status. According to Neil Biehn with such segmentation "organizations can more easily identify anomalous buying behavior and make intelligent product and offer recommendations that are statistically more likely to be purchased. Biehn continues, "If two customers are alike but not buying the same products, the data analysis can advise which opportunities the sales team might be missing," concluding "[t]his is the type of Big Data viability that moves the needle in the real world."⁷⁹ The privacy implications of individuated big data analysis are profound. Beyond the expropriation or "using" objections to such data collection and processing, such as Commissioner Brill's critique quoted at the beginning of this article,⁸⁰ **the computer modeling of predictive analytics predicts a world of dehumanizing "data determinism,"** described by FTC Chairwoman Edith Ramirez as the judgment of persons "not because of what they've done, or what they will do in the future, but because inferences or correlations drawn by algorithms

suggest they may behave in ways that make them poor credit or insurance risks, unsuitable candidates for employment or admission to schools or other institutions, or unlikely to carry out certain functions.⁸¹ Finally, there is the “Doomsday” scenario—a big data breach. The industrial scale data-warehousing model is the antithesis of the “silo” model of data storage used in the pre-information age. The lack of data liquidity (with all of its informational disadvantages) inherent in that model meant that there was little profit or harm in an isolated security breach. The opposite is true with big data storage. However, there are reports that big data brokers are not immune from the same security breaches that are plaguing other businesses.⁸²

2NC – XT – Leaks

Genomic data breaches happen all the time- the health system does not have enough protections in place to secure private genetic information

McEwen et al 13 (Jean E. McEwen, Ethical, Legal, and Social Implications Program, Division of Genomics and Society, National Human Genome Research Institute, National Institutes of Health, Ethical, Legal, and Social Implications Program, Division of Genomics and Society, National Human Genome Research Institute, National Institutes of Health. Joy T. Boyer, Senior Program Analyst, and Kathie Y. Sun, Program Analyst. “Evolving Approaches to the Ethical Management of Genomic Data.” February 28, 2013. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3665610/>)/EMerz

The genetic studies and test protocols that dominated the field 15–20 years ago were generally highly targeted, and tended to view the risks to participants or patients (apart from the physical risks associated with blood drawing) as straightforwardly informational [17–19]. Thus, consent materials in use prior to the mid-2000s, if they mentioned non-physical risks at all, tended to focus on the potential for breach of privacy, with insurance and employment usually listed as the two areas of main concern [20–22]. Data security measures of the time were, by today’s standards, remarkably “low tech,” often consisting of little more than coding samples and data and storing samples and data in locked freezers and cabinets. Still, consent forms, if they addressed the issue at all, typically described the risk of a security breach as low; at the time that assessment seemed reasonably accurate, predating as it did the development of massive, web-accessible genomic databases and expanded data sharing norms. Early consent forms rarely addressed the issue of whether individual findings from studies would be returned to participants [20, 21]. The usual default presumption was that they would not be [23], because most findings emanating from studies of the time interrogated only limited regions of the genome, so the likelihood of generating incidental findings (apart from occasional evidence of undisclosed adoption or misattributed paternity [24]) was relatively low. Another feature of early consent forms was their characteristically narrow scientific scope [8, 20, 21]. Most described only the immediate study for which samples were being collected or the specific disease being analyzed; although the possibility of sharing with close collaborators working on the same disease was sometimes mentioned, obtaining broad consent to an unspecified range of future uses was the exception, not the norm. **Often, consent documents were simply silent about plans for any future sharing,** and in such cases, the **absence of an explicit prohibition against sharing was generally interpreted** (or, at least over time came to be interpreted) **as tacit permission to share** [23]. In 1994, long-percolating concerns among bioethicists about the practice of using stored, linkable samples without obtaining new consent from those from whom they had been obtained culminated in the publication of a highly influential paper that recommended against continuing this practice [25]. Following this recommendation, consent documents gradually began to be

written with greater specificity about whether, with whom, and for what purposes, samples and data would be shared. In practice, however, the recommendation was often interpreted as applying only to prospectively collected samples. Thus, as recently called to public attention in a best-selling book, archived samples collected under widely varying and sometimes questionable consent conditions – and cell lines derived from such samples - are often still being used today.

Medical identity theft is an expanding issue that current legal protections fail to prevent

Terry 14 (Nicolas P. Terry. “Big Data Proxies and Health Privacy Exceptionalism.” 2014. P. 8-10 https://www.ftc.gov/system/files/documents/public_comments/2014/01/00004-89091.pdf)/EMerz

With a legislative requirement to notify a data subject of a data breach, the data custodian’s duty is triggered upon loss of control of the data, making a breach notification rule the definitive downstream protective model. Breach notification laws proliferated because of the dramatic increase in identity theft.²⁷ Although all federal agencies are subject to a robust breach notification policy,²⁸ federal legislation to cover private parties has been proposed but not yet passed.²⁹ In contrast, and in the decade following California’s 2002 example, forty-six states and the District of Columbia have enacted breach notification laws.³¹ **More recently attention has turned to medical identity theft.**³² It has been argued that medical identities are highly valued by criminals because of the comprehensive data that are contained in, for example, a stolen electronic medical record (EMR).³³ A 2006 report from The World Privacy Forum focused attention on the issue,³⁴ and in 2009 the Office of the National Coordinator for Health Information Technology (ONC) commissioned a study on the subject from Booz Allen Hamilton.³⁵ Today both HHS’s Office of Inspector General³⁶ and the Federal Trade Commission ³⁷ web sites have information pages concerning medical identity theft. According to a 2012 Ponemon Institute study, 52% of health care organizations experienced one or more incidents of medical identity theft. The 2013 Survey on Medical Identity Theft (also conducted by the Ponemon Institute) estimated a 19 per cent increase in medical identity theft victims year-to-year.³⁹ Relatively few states include health data within their definition of the personal information subject to breach notification. Others, true to the US sector-based approach to privacy regulation, exclude data covered by, say, HIPAA or the Gramm-Leach-Bliley Act of 1999 (GLBA).⁴¹ HITECH introduced two closely related breach notification regimes. The first, introduced by section 13402, requires HIPAA covered entities and HIPAA BAs to provide notification following a breach of “unsecured protected health information.”⁴⁴ The second, courtesy of section 13407, imposes a similar duty on vendors of personal health records (PHR) ⁴⁵ and their third party service providers ⁴⁶ with regard to “Unsecured PHR Identifiable Health Information.”⁴⁷ Rulemaking authority and enforcement are vested in the HHS regarding the former and the (Federal Trade Commission) FTC regarding the latter. **The regulation of PHRs is a limited (but ultimately unsuccessful) attempt to expand health data protection** from a narrow sector provider based model (e.g., information held by a covered entity) to a data-type based model. Unfortunately it stopped short of a broad datatype model (e.g., by protecting the data itself held by any data custodian), limiting the custodian cohort to PHR providers.⁴⁹ It is an interesting question why HITECH added a breach notification data protection model. Certainly medical identity theft was being raised as an issue.⁵⁰ As likely this rethinking of the approach to data protection may have been triggered by the expansion of personal health records services

offered by non-health companies such as Google Inc.⁵¹ Maybe the HITECH architects could not agree on a way to open up the broader and established HIPAA model to apply to nontraditional custodians of health data (BAs aside) and so had to settle on a new but limited data protection model as the legislative alternative. Notwithstanding, the result was that HITECH authorized regulatory activity by the FTC that would mirror the work of HHS in the more narrowly defined, traditional health space. Ironically, however, by the time HITECH was passed the PHR business was slowing and Google Health, the PHR poster-child, soon would be closed.⁵²

Health information data breaches inevitable now – triggers all aff links

New York Times April 2015 “Patients' Medical Records Under Threat From Data Breaches”
<http://www.nytimes.com/aponline/2015/04/14/health/ap-us-med-breached-health-records-.html>

Your private medical information is under threat. That's according to a study that found almost 30 million health records nationwide were involved in criminal theft, malicious hacking or other data breaches over four years. The incidents seem to be increasing. Compromised information included patients' names, home addresses, ages, illnesses, test results or Social Security numbers. Most involved electronic data and theft, including stolen laptops and computer thumb drives. The study didn't examine motives behind criminal breaches, or how stolen data might have been used, but cyber-security experts say thieves may try to use patients' personal information to fraudulently obtain medical services. Cases that didn't involve malicious intent included private health information being inadvertently mailed to the wrong patient. Hackings doubled during the study, from almost 5 percent of incidents in 2010 to almost 9 percent in 2013. Hackings are particularly dangerous because they can involve a high number of records, said Dr. Vincent Liu, the lead author and a scientist at Kaiser Permanente's research division in Oakland, California. "Our study demonstrates that data breaches have been and will continue to be a persistent threat to patients, clinicians, and health care systems," Liu said. The study appears in Tuesday's Journal of the American Medical Association. A JAMA editorial says there's evidence that the incidents are leading some patients to avoid giving doctors sensitive information about their health, including substance abuse, mental health problems, and HIV status. "Loss of trust in an electronic health information system could seriously undermine efforts to improve health and health care in the United States," the editorial said. Patients should be alert to cyber threats, including "phishing" emails from hackers posing as doctors, hospitals or health insurance companies, said Lisa Gallagher, a cybersecurity expert at the Healthcare Information and Management Systems Society. Those messages require clicking on a link to get information, and patients should instead should call the purported sender to verify whether the email is legitimate, she said Patients should also double check doctor bills and other insurance company information. "Don't throw away your explanation of benefits. Take a look at them," Gallagher said. "If you see care that wasn't provided to you, or dates and names of providers that don't make sense, go to the provider and report that." For the study, Liu and colleagues analyzed an online database regulated by the U.S. Department of Health and Human Services and containing mandated reports of breaches in health information protected by federal privacy law. Over the four years, 949 data breaches were reported across the country. The numbers climbed annually, from 214 in 2010 to 265 in 2013. Nearly 60 percent involved theft.

Healthcare data breaches are inevitable

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf//IB>

These attackers may have resources ranging from modest financial backing and computing skills to a well-funded infrastructure. Additionally, the nature of the threats typically depends on the technical capability of the attackers. Moreover, with the growing underground cyber economy (Knapp and Boulton, 2006), an individual possessing adequate financial resources and with the intent to acquire data may be able to buy the services of sophisticated hackers to breach healthcare data.

Government Access to records greatly expands the risk of data disclosure

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf//IB>

Although health information privacy has been widely discussed in the social science and business press (Etzioni, 1999), the academic literature lacks systematic investigation to identify and classify various sources of threats to information privacy and security. Recent policy-based studies (such as NRC, 1997; Rindfleisch, 1997) broadly categorise privacy threats, or source of information security, into two areas: 1 organisational threats that arise from inappropriate access of patient data by either internal agents abusing their privileges or external agents exploiting a vulnerability of the information systems 2 systemic threats that arise from an agent in the information flow chain exploiting the disclosed data beyond its intended use (NRC, 1997). Organisational Threats: These threats assume different forms, such as an employee who accesses data without any legitimate need or an outside attacker (hacker) that infiltrates an organisation’s information infrastructure to steal data or render it inoperable. At the outset, these organisational threats could be characterised by four components: motives, resources, accessibility and technical capability (NRC, 1997).

Government will leak private data

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, “Information security and privacy in healthcare: current state of research,” Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf//IB>

Recent studies suggest that the broad spectrum of organisational threats could be categorised into five levels, listed in increasing order of sophistication (NRC, 1997): • Accidental disclosure: Healthcare personnel unintentionally disclose patient information to others (e.g., e-mail message sent to wrong address or inadvertent web-posting of sensitive data). • Insider curiosity: An insider with data-access privilege pries upon a patient’s records out of curiosity or for their own purpose (e.g., a nurse accessing information about a fellow employee to determine possibility of a sexually transmitted disease or medical personnel accessing potentially embarrassing health

information about a celebrity and transmitting it to the media). • Data breach by insider: Insiders access patient information and transmit it to outsiders for profit or revenge. • Data breach by outsider with physical intrusion: An outsider enters the physical facility either by coercion or forced entry and gains access to the system. • Unauthorised intrusion of network system: An outsider, including former employees, patients, or hackers, intrudes into an organisation's network from the outside to gain access to patient information or render the system inoperable. Systemic Threats: Etzioni (1999), in discussing the 'limits to privacy', observed that a major threat to patient privacy occurs, not from outside of the information flow chain, but from insiders who are legally privileged to access patient information. For example, insurance firms may deny life insurance to patients based on their medical conditions, or an employer having access to employees' medical records may deny promotion or terminate employment. Patients or payer organisations may incur financial losses from fraud including upcoding of diagnoses or for rendering medically unnecessary services.

They cant solve --- technological advances make illegal dissemination unpreventable

Ruebner and Reis, professor former professor of law at The *John Marshall* Law School, 1/1/2004 – (Ralph, Leslie, “Hippocrates to HIPAA: A Foundation for a Federal Physician-Patient Privilege, 77 Temp. L. Rev. 505 (2004)”, published in the Temple Law Review at The *John Marshall* Law School)//roetlin

HHS commented on the inherent conflict between technology and privacy, in particular, the connection between the increasing use of interconnected electronic information systems in the health care context and the loss of health information privacy. 6 3 In doing so, HHS emphasized the fact that advances in technologies used to collect and disseminate patient health information have "reduced or eliminated many of the financial and logistical obstacles that previously served to protect the confidentiality of health information and the privacy interests of individuals." 6 4 Simply, the pervasiveness of and access to medical information in electronic form creates the likelihood that such information will be **wrongfully disclosed** or used in a manner that may harm the patient. 6 5 Technological advancements in information systems "may provide a reason for institutionalizing privacy protections in situations where the risk of harm did not previously justify writing such protections into law." 6 6

Judicial Modelling

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No court influence now

Liptac 08, (Adam, New York Times US, “U.S. Court Is Now Guiding Fewer Nations,” September 17, 2008, <http://www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all>)//IB

But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem

to pay attention to the writings of American justices. “One of our great exports used to be constitutional law,” said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. “We are losing one of the greatest bully pulpits we have ever had.” From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate has fallen by half, to about six. Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72. The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, “they tend not to look to the rulings of the U.S. Supreme Court.” The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court’s fading influence, legal experts said. The new courts are, moreover, generally more liberal than the Rehnquist and Roberts courts and for that reason more inclined to cite one another. Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration’s unpopularity around the world. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience. “It’s not surprising, given our foreign policy in the last decade or so, that American influence should be declining.” said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago. Aversion to Foreign Law The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role, some foreign judges say. “Most justices of the United States Supreme Court do not cite foreign case law in their judgments,” Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. “They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems.”

****Genetic Surveillance****

Frontline

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There's no impact to genetic discrimination- their evidence is just rhetoric

Begley 4 (Sharon Begley, Senior health & science correspondent at Reuters. "Bill Seeking to Ban DNA Discrimination Isn't Really Necessary." February 6, 2004. <http://www.wsj.com/articles/SB107595572756521572>)/EMerz

When it comes to genetic discrimination, there is a yawning chasm between rhetoric and reality. As law professor Henry Greely of Stanford University puts it, "Genetic discrimination is a much greater threat in people's fears than it is in reality, today or in the foreseeable future....Failure to ban [it] will not make the sky fall, [or] the employment markets crumble." Genetic discrimination means being denied employment or health insurance (or being charged more for it) as a result of testing positive for a gene that raises your risk of developing a disease such as cancer or Alzheimer's. Since at least 1990, it has been cast as the dark underbelly of the human genome project, which dutifully set aside 3% to 5% -- almost \$100 million -- of its annual budget to study such ethical, legal and social issues. Francis Collins, director of the project, has called genetic discrimination "a vexing problem" and praised the Senate's "important" bill. The emperor, however, is wearing skivvies. Just as genome enthusiasts, and much of the media, have hyped the medical benefits of decoding humankind's double helix, so they (and we) have grossly overstated the threat and the reality of genetic discrimination. If you probe beneath the anecdotes, evidence of genetic discrimination melts away. Bioethicists and genetic counselors, for instance, say they've heard of people being fired or denied health coverage after testing positive for a risk gene, but concede they know of no such patients firsthand. When they do offer an actual case, it turns out that the discrimination was based not on a predictive genetic test (finding a genetic variant that raises the risk of cancer, perhaps) but on family history or actual symptoms of, say, the blood disorder hereditary hemochromatosis. That may be medical discrimination, but it isn't genetic discrimination as usually understood. In an effort to get beyond anecdote, a 2000 study examined the effect of state laws barring genetic discrimination in health insurance. To their surprise, Mark Hall and Stephen Rich of Wake Forest University in Winston-Salem, N.C., found that states with such laws had no fewer cases of genetic discrimination than states without them. Why? Because you can't have fewer cases than zero, and zero is about how much genetic discrimination the study turned up. "We found almost no cases of health insurers asking for or using the results of predictive genetic tests," Prof. Hall says. "The laws have so little impact because almost no genetic discrimination is occurring," as more-recent studies confirm. Dawn Allain, president of the National Society of Genetic Counselors, agrees: "We haven't seen any real cases of genetic discrimination." Health insurers have little financial incentive to set rates based on predictive genetic tests, Prof. Hall explains. For group coverage, it's much simpler to tote up last year's costs and factor in inflation. For individual coverage, people change carriers so frequently that even if they develop a disease 15 years down the road, as a genetic test might predict, it will likely be on another insurer's dime. Although the warnings of bioethicists (including, Prof. Greely sheepishly admits, "an earlier version of myself") haven't come true, some now argue that we need federal legislation for symbolic reasons, to protect people from even the theoretical risk of genetic discrimination. This "what harm does it do?" argument is OK, says William Nowlan, chief medical officer of the National Life Insurance Co., Montpelier, Vt., who has written widely on

the myth of genetic discrimination. But then let's admit that the Senate bill addresses a problem that exists solely in the public's imagination. As far as I can tell, the bill's only real benefit would be to allay the fears of people who reject genetic tests in the belief that a positive result could make them uninsurable and unemployable. That's a worthwhile goal. But it comes at a cost. **By enshrining genetic status in federal law, we reinforce the widespread and pernicious belief that DNA is destiny.** It isn't. Risk genes for common diseases aren't like those for the exceedingly rare Huntington's or Tay-Sachs, where carrying the gene means you definitely will get the disease. Instead, risk genes are low in what biologists call "penetrance:" They increase your chance of developing the disease, but to nothing like 100%. In one fascinating 2000 study, Swedish scientists calculated that genes account for less than half of the risk of developing 11 common cancers. The cancers with the highest genetic component, the study found, are prostate (42%) and colorectal (35%). A woman's risk of getting breast cancer if her identical twin does is only 13%. Supporters of the genetic discrimination bill should make clear that what they want to guard against is no more than a theoretical risk. They should make equally clear that the risk genes they're so worried about are not all they're cracked up to be.

Even if genetic surveillance contains invasive information, it doesn't require much protection- few people are qualified to read DNA

Lauss et al 13 (Georg Lauss, Arndt Bialobrzski, Matthias Korkhaus, Karoliina Snell, Johannes Starkbaum, Andréa E. Vermeer, Jukka Weigel, Herbert Gottweis, Ilpo Helén, Jochen Taupitz, Peter Dabrock. "BEYOND GENETIC PRIVACY PAST, PRESENT AND FUTURE OF BIOINFORMATION CONTROL REGIMES." 2013. http://private-gen.eu/uploads/media/PRIVATE_Gen_FINAL-REPORT_2013_01.pdf//EMerz

Ultimately, some genetic information might merit special treatment because it has a number of characteristics which, although they may be individually present in respect of other forms of information, are present to a high degree in the case of genetic information and combine to give it a special status in some contexts. [p.31] The report emphasizes the importance of context. Genetic information might not always be sensitive in itself. What makes genetic information – and arguably information in general – sensitive is its context and the way a piece of information is combined with other information. Since information about a person or a state of affairs takes on meaning only if it is put into a social context and if it is combined with other information, it was even be argued that genetic information is even better protected from widespread third-party misuse than other types of (medical) information because it requires a high level of expert knowledge and expert resources to “read” it and interpret it in meaningful ways. In a certain sense, it has a comparably high legibility threshold [24]. Moreover, empirical research has shown the likelihood that genetic information and its related research may be seen as problematic, but it appears that people perceive other types of information as being sensitive, as well, and that their concerns revolve around the concrete context in which data and materials are used and the intention behind a particular inquiry

Privacy-based critiques fail and undermine research

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish

Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, "Medical registries represent vital patient interests and should not be dismantled by stricter regulation," July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)/JL

3. Registries criticized for threatening privacy Accordingly, vital patient interests are in the balance in association with the EUTOS for CML and other similar registrations and data-sharing efforts. However, within the ethics and legal literature collaborations between medical registries of this kind are seen as controversial because they pose a potential threat to the individual privacy of the patients. Mark Rothstein has recently argued that collection and use of large quantities of health information create a substantial challenge for protecting the privacy of patients and research subjects that is accentuated when biological samples are involved [8]. De-identification, he suggests, does not solve the problem since the process of removing identifiers implies that someone will actually have to do it thus representing an intrusion in private matters. It has also been claimed that re-identification may be possible by using publicly available databases, provided that one have access to reference samples [9]. Rothstein suggests that rules about de-identification are insufficient for privacy protection and need to be complemented with rules about notice provisions to patients, such as informed consent, strategies for opt-out, and giving individual patients a degree of control over the use of data and, where relevant, biological samples. 4. **The critique fails for four reasons** In light of the experience with the EUTOS for CML registry we believe that Rothstein's argument fails for four reasons. 1. Rothstein foresees criticism of his proposal for leading to selection bias in research, delaying the introduction of new treatment and safety procedures in medicine, but he claims that at present there is an "insufficient empirical basis to assert that adding some level of privacy and autonomy protection to deidentified health information and biological samples will invariably and unreasonably disrupt biomedical research" (p. 8). However, as has been argued by several, inclusivity and universality are the keys to successful registry research [10,11]. There is a price to be paid since all requirements for informed consent, opt-out, re-consent, etc. imply that the registry will be affected both by those included and those not included. The likely result is incomplete information and data bank bias that will prevent researchers from tracking success and failure of treatment and drug efficacy and safety. The immediate victims of this will be the patients, with those suffering from rare diseases like CML paying the highest price. There are several examples of bureaucratic ethical review procedures and requests for consent that seriously jeopardized the possibility of doing biomedical research, at the end exposing patients to increased risks [12,13]. There are recent assessments available of the cost in lives caused by hurdles related to information and consent procedures [14]. 2. Rothstein acknowledges that research concerns should not be dismissed lightly, but, he continues: "On the other hand, the interests of patients and the public also deserve respect and consideration" (p. 8). His argument for privacy relies, as stated, on a perceived dichotomy between the clinical researcher on the one side with the patient and the public at the opposite side, a normative description of the relationship that is questionable. This dichotomization seems to be a rather common phenomenon [15]. As Dixon-Woods et al. have recently argued, the ethical, legal and sociological accounts of medical research that influence the policy debates describe research as operating in opposition to the norms and interests of the general public and of the patient [16]. Based on empirical studies in a pediatric oncology research context they were, in contrast to this alleged dichotomy, able to show how sentiments of coalition and partnership characterized the relationships between the patient families, their doctors and the researchers. 3. Rothstein argues for the need of increased protection of privacy and autonomy based on these interests as fundamentally protected by constitutional law. Wendy Mariner argues in a similar vein for the need of limiting intrusion into medical privacy and has suggested that a constitutional challenge could dismantle cancer registration [17]. Health is regarded as an important concern but must sometimes give way to inherent principles of law, e.g. protection of privacy [18]. That privacy is a vital interest of citizens and democratic societies is not controversial. However, the values that are associated with a secluded life are all kinds of social value [19]. They presuppose and acquire their meaning only in a context where various kinds of social relationships with other individuals are involved. To be banished to seclusion on a desert island, certainly implies that one will be left in peace, but it is not the kind of situation which people wishing to protect their private life, strive for. Individuals, as far as their own personal matters are concerned, have an interest in being left in peace but they also wish to participate in the possibilities that are available to citizens in a society. This includes having access to new medical knowledge attainable only when personal medical data is recorded and shared within the format of large well-managed registries. In order to further strengthen his argument Rothstein suggests that autonomy is only one aspect of the broader concept of "respect for persons" (p. 8) and that this should imply closer regulation of registry research. However, patients have interests also at the

end of the research line, e.g. in new possibilities to follow up the effects of medical drugs with regard to treatment response and adverse reactions, and if they became aware of the costs of stricter regulation undermining the possibilities of participating in the development of scientific knowledge they may be more likely to feel disrespected. 4. Rothstein is critical of partnership with commercial interests in association with biomedical research, something not uncommonly questioned by ethicists and lawyers [20]. However, we suggest that partnership between academic and commercial partners is essential for making progress in medical research and is intrinsic to concerns about assessment of drug efficacy, safety and effectiveness. This claim does not imply that one should be naïve. For the benefit of patients sharing of data should go in both directions, also when a pharmaceutical company enjoys a monopoly. Potential conflicts of interest may arise and should not be taken lightly. The increasing collaboration between industry and patients' organizations should be considered. However ELN provides an interesting example of how doctors and researchers may be able to collaborate with the pharmaceutical industry while preserving their own integrity. A working party has just started a controlled trial in order to find out when treatment of CML patients with TKI should be stopped because the patient will not benefit from prolonged treatment with the drug. Such a study may, arguably, not be in the best (economic) interest of the drug companies.

Genetic Surveillance Good

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At least 10,000 people are wrongfully convicted annually for crimes they didn't commit – the plan stop the exoneration process and is a helping hand in human rights abuse

King 2015 [Shaun “An exoneration happens every three days in America. What this really says about our justice system” March 24th 2015]

According to the National Registry of Exonerations at the University of Michigan, 1,569 men and women in the United States, most of them African American, have been completely exonerated after being wrongfully convicted and sent to prison. The number of people exonerated for wrongful convictions actually broke a record high in 2014 with 125 exonerations, including six people who were actually on death row awaiting execution. Less than every three days in our country, some man or woman is released back into society after spending a tragic portion of their life behind bars for a crime they never committed. Few injustices can compare to the horror of spending one hour in prison for something you didn't do. Ricky Jackson of Ohio spent 341,640 hours, or 39 years, behind bars before he was exonerated. Just a teenager when he was convicted, he was nearly a senior citizen when he was released. Jonathan Fleming was serving the 25th year of a 25-year sentence when he was finally exonerated after a wrongful conviction. Glenn Ford, on death row for 30 years in Louisiana, was 64 years old when he was released and was exonerated. Stricken with lung cancer, he was only expected to live a few more months. One study determined that nearly 10,000 people are likely to be wrongfully convicted for serious crimes annually. Another study estimates that as many as 340 people are likely to have been executed in the United States before they were properly exonerated. **This is a travesty**. Anyone who says otherwise is sick. Jump below the fold for more. But the conversation should not end at our conclusion that these wrongful convictions are a travesty. It appears, though, that an entire section of America refuses to believe that police or prosecutors can ever do any wrong at all. Except they do. Often. Detective Louis Scarcella of the NYPD is accused of framing suspects, forcing fake confessions, and using the same single eyewitness for multiple murders. Many men who were wrongfully convicted under his watch have recently been exonerated and 50 of his cases are under review. Chicago has now been called the "false confession capital" as more and more details are uncovered on how the city's police officers are torturing men and women to confess to

crimes they didn't commit. They were so good at it, in fact, that Detective Richard Zuley was brought from Chicago to Guantanamo Bay to directly oversee one of the most brutal torturing operation in modern history. The prosecutor of Glenn Ford, shipped off to death row at Angola State Prison in Louisiana in 1984, now openly admits that he was "sick ... arrogant, judgemental, narcissistic and very full of myself" when he sought the wrongful conviction of Ford, who spent 30 years of his life in one of the most brutal prisons in the world. Four police officers in Fort Lauderdale, Florida, were just caught sending texts to one another about "killing nigg*rs" and giving them the "early death penalty." This is not okay. It's wrong. Our justice system is altogether broken. This brokenness, though, must not be understood in some abstract way. It's broken because the people leading it are often sick, disturbed racists who care very little for those on the receiving end of their sickness. It's not good enough to simply give wrongfully convicted men an insufficient check and an apology. **We must repair the broken system so these instances go away for good.**

2NC – XT – Crime

Genetic surveillance stops crime

Lindley 11 (Brooke, reporter for CTV news Vancouver, "Could a new technique catch a serial rapist in B.C.?" <http://bc.ctvnews.ca/could-a-new-technique-catch-a-serial-rapist-in-b-c-1.597435> 1/18/11 JM)

A contentious DNA analysis that helped snag one of America's most notorious suspected murderers could be used in the hunt for a serial rapist in Vancouver, according to a lawyer who pushed to have it approved south of the border. DNA evidence has linked a single unknown man to three sex assaults in Vancouver, and police say he could be responsible for five more unsolved cases. But the genetic evidence taken at the scene of the assaults doesn't match anyone in the national DNA databank, and police have been left to plead with the public for tips. Vancouver police made a public appeal for help on Thursday, but five days later, there are no new **leads. In the U.K. and some parts of the U.S., police would have had one more option before hitting a dead end.** That's because laws in those places allow investigators to search for partial matches in the offender DNA databank and identify possible family members of unknown criminals. "Using familial DNA searching, you can continue to try and solve a case when those other steps have failed," said Rockne Harmon, a retired California deputy district attorney and one of the technique's biggest proponents. "We do know that crime seems to run in families for complicated reasons." Privacy advocates have lobbied against allowing the new technique in Canada, arguing that it submits relatives of convicted offenders to unfair genetic surveillance. But thanks to familial DNA searching, Los Angeles police were able to identify Lonnie Franklin Jr. as a suspect in the brutal "Grim Sleeper" killings -- the murders of at least 10 people over 25 years. When investigators compared genetic samples taken from the scenes of the Grim Sleeper murders with California's offender DNA database, there were no exact hits, but investigators were able to create a list of about 150 close matches -- potential family members of the vicious murderer. Analysts then compared the Y sex chromosomes from those 150 people with the Grim Sleeper's, and found a match so close, the offender had to be either the father or the son of the serial killer. As it turns out, Franklin's son had recently been arrested, and swabbed for DNA. When police followed the elder Franklin to a restaurant, they were able to take a sample from his cup, and found a perfect match for the Grim Sleeper's DNA. Familial DNA searching is currently not

permitted in Canada, and in the U.S., only California and Colorado allow it, although Virginia appears to be on the brink of approval. Harmon was the driving force behind California's decision to allow the unique searching technique, and he says that Canada should consider it, too. **"Why would you have a law that would keep you from something that can solve crimes?" he told ctvbc.ca. "It'll help make the world a safer place."**

Genetic research base is key to solving violent crimes and exonerating criminals

[David H. **Kaye**, Penn State Law "Trawling DNA Databases for Partial Matches: What is the FBI Afraid of?" 2009]

Across the globe, many countries have established DNA databases-collections of computer-searchable records of the DNA profiles of suspected or convicted offenders.¹ England started the first national criminal DNA database in 1995.² In the United States, the state and federal databases as combined in the National DNA Index System (NDIS) hold over seven million short tandem repeat (STR) profiles from convicted offenders as well as a growing number of people who were merely arrested or detained. ³ When investigators recover a DNA sample from the scene of a crime, they can search these databases to discover if any of the recorded profiles match. Such **"cold hits" from these database trawls have led police to serial rapists and murderers who have long eluded detection.** ⁴ Indeed, even dead men have been "accused" through this technology. ⁵ In addition, database trawls have considerable potential to solve common property crimes.⁶ In one case, an observant police inspector in Finland noticed a dead mosquito in a stolen vehicle. ⁷ The mosquito's body contained human blood from its last meal. Testing the blood against Finland's database yielded a DNA profile match, giving the police a likely suspect.⁸

****Health Surveillance****

Surveillance Good

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Despite privacy concerns - substantial numbers of patients are still engaging the medical system now

Erin **McCann** (Managing Editor of Healthcare IT News) November **2014** "Trust issues over health privacy persist" <http://www.healthcareitnews.com/news/trust-issues-over-health-privacy-persist>

Healthcare industry, listen up: You've got a consumer distrust issue on your hands. The majority of American consumers continue to have serious doubts over the privacy and security of their medical records – so much so that a sizable number of them actually withheld information from care providers over those concerns. This according to a new Office of the National Coordinator for Health IT survey, which took a pulse of consumer perceptions toward healthcare privacy and security. The numbers are telling. After surveying more than 2,000 consumers, ONC officials found that about three-quarters of them were either very or somewhat concerned over the privacy and security of their medical records. What's more, 10 percent of respondents withheld information from their healthcare provider who used an electronic health record. (This compared to the 6 percent who withheld data from providers who used paper medical records.) The differences between the two were not statistically different, ONC pointed out. The lion's share of Americans are also not keen on their medical records being sent electronically or through fax, with about 60 percent of consumers indicating concern over unauthorized access of their medical records when they're sent in these two forms. These numbers appear to align with a similar study conducted by Harvard researchers just last year. The study, which assessed the privacy perceptions of U.S. adults, found similarly that more than 12 percent of the 1,500 respondents withheld information from care providers over medical security concerns. Findings supported "the need for enhanced and sustained measures to ensure the confidentiality, integrity and availability of PHI," Harvard School of Public Health researchers wrote in the study. Despite all these concerns, as ONC officials highlighted in Tuesday's HIT Policy Committee meeting, most respondents still "wanted healthcare providers to use an EHR despite any potential privacy and security concerns," with some 76 percent indicating this. "In spite of the fact that a majority of Americans expressed concerns regarding the privacy and security of both their medical records and with sharing of their medical records, support for EHRs and electronic health information exchange remained consistently strong," said Vaishali Patel, senior advisor at the Office of the National Coordinator for Health IT.

Restrictions on health surveillance destroys medical research and disease prevention – anonymization and consent are too burdensome – turns the entire aff

Chris **Verity et al.** (Child Development Centre, Addenbrooke's Hospital, past chairman, British Paediatric Surveillance Unit Executive Committee, Agnus Nicoll, PHLS Communicable Disease

Surveillance Centre, and Donal Manning, Child Development Centre, Addenbrooke's Hospital)
2002 "Consent, confidentiality, and the threat to public health surveillance / Commentary"
British Medical Journal, International edition 324.7347 (May 18, 2002): 1210-3

Why is surveillance important? Since the 1980s the public has become increasingly concerned about health protection against real and perceived hazards, including HIV, bovine spongiform encephalopathy/variant Creutzfeldt-Jakob disease, food poisoning, possible adverse effects of medicines and vaccines, etc.¹⁶ People expect that health surveillance will be undertaken efficiently and effectively. When outbreaks of infectious disease occur, local public health doctors, regional epidemiologists, or, centrally, the Communicable Disease Surveillance Centre, mount rapid investigations to enable them to provide protective measures, identify hazards, and reduce the risk of further infections and disease. Is surveillance acceptable? When the rationale for surveillance is explained to colleagues in primary care and in hospitals, they are almost always cooperative, as are affected patients and healthy "controls," sometimes providing personal information over the phone. Similarly, feedback from parents of children with rare but important disorders indicates that they support surveillance and would not welcome changes that threaten its completeness or accuracy. No major effort, however, has been made to explain surveillance mechanisms or their importance to the public. Threats to health surveillance The present arrangements for health surveillance are threatened by the proposal that either explicit consent should be sought from patients for use of their personal data, or data must be completely anonymised. Obtaining explicit consent before sharing identifiable patient data Simple but unrealistic suggestions have been made to solve the complex problems surrounding surveillance, consent, and confidentiality One is that consent for reporting can readily be obtained from patients or parents. Almost all reporting and referral of clinical specimens relies on the cooperation of busy people such as clinicians and microbiologists who are providing patient care with growing workloads in an increasingly bureaucratic environment For example, over 90% of paediatricians return the British Paediatric Surveillance Unit's monthly surveillance card, but the data the card requests are purposely kept to a minimum in order to sustain good response rates.¹⁷ It is our considered opinion, and that of our colleagues, that if explicit consent for sharing data had to be obtained the completeness and timeliness of reporting would be dangerously disrupted. Obtaining explicit consent would be most difficult for single consultations—for example for an acute infection when the need for a report is often only appreciated some time after collection of the specimen or after initial diagnosis. It is usually impossible to determine at the time of a consultation which specimen will reveal a significant pathogen. For laboratory reporting, clinicians would have to ask for consent for sharing of data or specimens for every proposed investigation, or else pathologists would later be ringing up clinicians to ask them to trace and contact patients for consent. Neither system could be expected to work well. When approached, families almost always wish to cooperate,⁴ but reporting doctors do not readily want to add the task of obtaining consent to their other work commitments,^{4 18} as a sequential surveillance and research investigation undertaken by the Royal Colleges of Ophthalmologists and Paediatrics and Child Health on retinopathy of prematurity illustrates. In this study, 235 cases were initially reported through conventional surveillance (without seeking explicit consent from parents). Later, reporting doctors were asked to obtain consent because an additional research study involved seeking parental views. In some cases repeated reminders to clinicians were needed although there were only three parental refusals. Eventually consent was obtained for 188 of 221 eligible cases (85%), and each consent took on average 3 months to obtain (L Haines, personal communication, 2001). The percentage would have been far lower had not the investigators been

able, from prior knowledge of existing cases, to remind clinicians that consent was outstanding. Other specialties have had similar experiences. Introduction of the requirement for consent for cancer registration resulted in a 70% drop in notifications to the long established Hamburg cancer register, destroying its comparative value-it is no longer referred to in European publications (M Parkin, International Agency for Research on Cancer, personal communication, 2001). An American study on consent found that the requirement for consent led to selective exclusion of some patients and hence introduced bias.¹⁹ In the United Kingdom, a belief that patient consent was needed before inclusion in a general practitioner diabetes register contributed to ascertainment of only 60% of eligible diabetic patients,²⁰ mainly because some doctors never got round to obtaining consent (S Burnett, UCL London, personal communication, 1999). A disturbing recent development is that, notwithstanding official reassurances 9 10 12 some NHS trusts have instructed doctors not to transfer data about patients unless they do have consent, and this has inhibited some doctors who were keen to contribute to, for example, cancer registries. This has already impaired the work of the cancer registries, and the reporting of infectious diseases might be similarly affected. Anonymising data before transfer It has been suggested that removal of the identifiers from patient data will obviate the need for consent, but in a number of health surveillance studies the identifiers are essential links to other sources of health information about individuals that provide validation and eliminate duplication (table). An alternative suggestion is to use NHS numbers instead of such identifiers as names and dates of birth, but at present NHS numbers are rarely included in routine data sets, so this solution would also interfere with surveillance. Conclusions Health surveillance is essential to protect public health, and existing surveillance mechanisms work reasonably well. Surveillance could be seriously threatened if it was thought that there was an over-riding need to maintain patient confidentiality or always to have to seek explicit consent to sharing of data. We are very concerned that restrictive interpretations of some of the recent guidance on patient consent would so damage surveillance mechanisms that they would cease to protect the health of the public, thus resulting in preventable ill health and deaths.

Systemic data collection over a wide range of health issues is inevitable and required for a wide range of issues --- the plans reversal is bad --- it's a linear case turn

Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, 2001 – (Lawrence, “Health Information: Reconciling Personal Privacy with the Public Good of Human Health”, published in Healthcare Analysis vol 9,

A health care system supported by data on almost any relevant subject, accessible to a diverse and significant number of users, is an integral part of the vision for the health care system. Plans for the systematic collection, storage, use, and dissemination of a huge volume of uniform data sets in electronic form are already under way and have an **aura of inevitability**. This new health information infrastructure is the subject of reports published by the Congressional Office of Technology Assessment (Congressional Office of Technology Assessment, 1993, 1988, 1986), the General Accounting Office (Information Management and Technology Division, General Accounting Office, 1993a, 1993b, 1991), the National Academy of Sciences (Donaldson and

Lohr, 1994), the Department of Health and Human Services (Task Force on Privacy, U.S. Dep't of Health and Human Servs., 1993; Task Force on the Privacy of Private Sector Health Records, U.S. Dep't of Health and Human Servs., 1995), the Physician Payment Review Commission (Physician Payment Review Comm'n, Annual Report to Congress, 1994, 1993, 1992) 322 and the Centers for Disease Control and Prevention.¹ The U.S. Department of Health and Human Services issued final regulations on health information privacy in 2001 (Gostin, 2001). Contrary to the assertions of some privacy advocates, **powerful reasons exist for the broad collection and use of health data.** High quality data are needed to help consumers make informed choices among health plans and providers, to provide more effective clinical care, to assess the quality and cost effectiveness of health services, to monitor fraud and abuse, to track and evaluate access to health services and patterns of morbidity and mortality among under served populations, and to research the determinants, prevention, and treatment of disease.

2NC – XT – Solves the Aff

More surveillance is key to solve the aff impacts

White House 12 (The White House, from the President of the United States Barak Obama, “NATIONAL STRATEGY FOR BIOSURVEILLANCE”

https://www.whitehouse.gov/sites/default/files/National_Strategy_for_Biosurveillance_July_2012.pdf July 31 2012 JM)

A well-integrated, national biosurveillance enterprise is a national security imperative. Our ability to detect quickly and characterize a potential incident of national significance that affects human, animal, or plant health is of paramount importance. Rapid detection and enhanced situational awareness are critical to saving lives and improving incident outcomes, whether the result of a bioterror attack or other weapons of mass destruction (WMD) threat, an emerging infectious disease, pandemic, environmental disaster, or a food-borne illness. Beyond our need to protect domestic interests, and because health threats transcend national borders, the United States also plays a vital role within an international network of biosurveillance centers across the globe. For years, there have been dedicated efforts to promote and strengthen biosurveillance capabilities. There exists a strong foundation of capacity arrayed in a tiered architecture of Federal, State, local, tribal, territorial, and private capabilities. We can strengthen the approach with focused attention on a few core functions and an increased integration of effort across the Nation. In these fiscally challenging times, we seek to leverage distributed capabilities and to add value to independent, individual efforts to protect the health and safety of the Nation through an effective national biosurveillance enterprise. A key to improving all-hazards incident management is to focus efforts on collecting, analyzing, and disseminating information to facilitate timely decisionmaking, whether a health incident is a naturally occurring phenomenon, accidental, or deliberate in nature. From the individual, to primary care providers, to hospital practitioners, to state and local health officers, to Federal entities responsible for health emergency response, to the President of the United States, there exists an imperative to identify incidents early and to make decisions swiftly to save lives, even amidst great uncertainty. The goal is to achieve a well-integrated national biosurveillance enterprise that saves lives by providing essential information for better decisionmaking at all levels. Our Strategy is to integrate and enhance national biosurveillance efforts to answer specific key questions that guide decisionmaking in times of crisis: enable more rapid detection and foster improved situational awareness by further extending a dynamic, distributed national network of expertise and capabilities; and put into practice new thinking to facilitate decisionmaking processes in conditions of significant ambiguity. This **enhanced national biosurveillance capability will be applied broadly to identify and understand potential human, animal, or plant health impacts resulting from chemical, biological, radiological, and nuclear (CBRN) and environmental incidents,** as well as influenza and other public health trends, all of which may also be leveraged in the service of global health efforts. We must be resolved to strengthen life-saving biosurveillance capabilities within our existing resources. We can do this by leveraging more effectively our existing national network of expertise and capabilities, and through targeted enhancements that provide benefits across the enterprise. There are no higher priorities than the health, well being, and security of the American people.

Rigid health privacy protections collapses public health – expansive surveillance key

Amy **Fairchild** (associate professor in the Department of Sociomedical Sciences and assistant director for scholarly and academic affairs at the Center for the History and Ethics of Public Health at the Joseph L. Mailman School of Public Health, Columbia University in New York City) Ronald **Bayer** (professor of public health and codirector of the Center for the History and Ethics of Public Health at the Joseph L. Mailman School of Public Health, Columbia University in New York City) and James **Colgrove** (assistant professor in the Department of Sociomedical Sciences at the Joseph L. Mailman School of Public Health, Columbia University in New York City) December **2007** “Privacy and Public Health Surveillance: The Enduring Tension” <http://journalofethics.ama-assn.org/2007/12/mhst1-0712.html>

The discovery that cases of paralytic polio in 1955 were caused by a single manufacturer of Salk vaccine, the linkage of toxic shock syndrome to tampons in 1979, the identification of the sentinel cases of AIDS on the East and West coasts in the early 1980s, the recognition of West Nile, SARS, and avian flu at the turn of the twenty-first century—were all the result of surveillance systems, through which alert and troubled physicians could communicate with public health officials, thus enabling emerging patterns to be identified. In each instance, such vigilance made it possible to initiate measures that could limit the human toll. Surveillance serves as the eyes of public health. Name-based reporting of cases has provided the foundation for planning, intervention, and prevention and has been critical for epidemiological research into patterns of morbidity and mortality for a wide variety of diseases and conditions. Registries have been essential for tracking individuals and their conditions over time. Surveillance has also served to trigger the imposition of public health control measures, such as contact tracing, mandatory treatment, and quarantine. The threat of such intervention and long-term monitoring has provoked alarm and rendered surveillance suspect for those concerned about the unwarranted exercise of state authority in the name of public health. Thus the history of surveillance has been bounded by a promise and a specter. Over the course of the 20th century, public health officials reiterated the importance of surveillance, arguing that without the name and location of diseased individuals they worked "in the darkness of ignorance" and might "as well hunt birds by shooting into every green bush" [1]. It was the prospect of what surveillance might offer that raised hopes—for the delivery of services, for lifesaving knowledge, and for protection of individuals and communities. Hermann Biggs, a titanic figure in the history of public health, who was perhaps the most important late 19th- and early 20th-century architect and philosopher of U.S. public health surveillance, made it clear that names of the diseased were never collected "in order to keep clerks or adding machines busy" [2]. Toward the end of the 20th century, Surgeon General David Satcher would state the value of surveillance as plainly as had Biggs: "In public health, we can't do anything without surveillance. that's where public health begins" [3]. When surveillance opened the doors to vital services and knowledge, its subjects could well become among its most ardent advocates, thus underscoring a politics that goes beyond the politics of privacy. In the late 19th and early 20th centuries, as public health was extending the ambit of surveillance, the medical community reacted with hostility, particularly when it came to tuberculosis surveillance and seemingly threatened to intrude on the sanctity of the clinical relationship, over which the physician was guardian. Medical Record editor George Shrady thus complained of TB surveillance, The compulsory step taken is a mistaken, untimely, irrational, and unwise one....

The real obnoxiousness of this amendment to the sanitary code is its offensively dictatorial and defiantly compulsory character. It places the Board [of Health] in the rather equivocal position of dictating to the profession and of creating a suspicion of an extra bid for public applause [4]. "Already," he continued, "the profession as a whole has watched with jealous eye the encroachments of the Board upon many of the previously well-recognized privileges of the medical attendant" [4]. Over time, disease reporting was extended to chronic, noncontagious conditions such as cancer, birth defects, and occupational illnesses. Not only physicians but laboratories were often required to report cases to local health authorities. The surveillance of chronic diseases, of course, differs because these conditions do not represent a direct threat to the health of others. And, indeed, when state and local health departments first began tracking conditions like congenital malformations and cancers in the first half of the 20th century, these initiatives typically served epidemiological or research purposes only. These reporting efforts, critically, also became linked to the assessment and improvement of clinical care. Tumor registries, for example, emphasized patient care improvement since the 1950s and, currently, data from the National Cancer Institute's SEER program (Surveillance, Epidemiology, and End Results Program) are routinely used for quality improvement initiatives. It was not until the AIDS epidemic that activists challenged the long-standing tradition of name-based reporting. Even so, as AIDS has become a more treatable disease, resistance to reporting has all but vanished. In the 1990s, the promulgation of national standards to safeguard the privacy of medical records, as dictated by HIPAA (the Health Insurance Portability and Accountability Act), provoked intense public debate. But there was virtually no opposition to carving out an exception in the guidelines for the reporting of diseases to public health agencies. While there was initial uncertainty among physicians and researchers about whether hospitals could continue to provide cancer data to state registries, the Department of Health and Human Services made clear that HIPAA did not serve as an obstacle to reporting. In the early 20th century it was physicians who spearheaded opposition to surveillance; since the 1970s, patients have often been at the forefront of challenges to reporting diseases. Parents of children with disabilities, for example, successfully changed the terms of birth defects surveillance in Minnesota, requiring the state to allow unwilling parents to opt out of reporting. Patient advocates within the American Diabetes Association forced New York City health officials to place limits on an initiative to track cases of diabetes. But just as often, patients with serious illnesses have pushed for better tracking of their conditions. Breast cancer survivors have emerged as the most ardent defenders of universal name-based cancer reporting, recognizing how important surveillance and the research it makes possible is to their own well-being. Similarly, communities concerned about "cancer clusters" and environmental threats have demanded access to the data that only cancer registries can accumulate. Patients expect their privacy to be protected, of course, but also maintain that a rigid commitment to privacy could hobble the usefulness of registries. In these instances, public health officials, committed to the paramount importance of surveillance, have been extremely wary about disclosing any data that could potentially compromise individual privacy.

Surveillance of the health system key to stop a public outbreak

Khaled El **Emam** (founder and CEO of Privacy Analytics Inc, senior scientist at the Children's Hospital of Eastern Ontario (CHEO) Research Institute and Director of the multi-disciplinary Electronic Health Information Laboratory (EHIL) team) **2014** "Public Health Surveillance and

Privacy in the Age of Ebola” <https://privacyassociation.org/news/a/public-health-surveillance-and-privacy-in-the-age-of-ebola/>

Being able to introduce anonymization methods into practice to ensure data custodians are willing to share data for public health purposes is important in the age of such epidemics as Ebola. The efficiency with which we track and investigate outbreaks is directly related to the spread of the disease. There is an urgency to get access to data. And it is not always health data that is important. Ongoing public health surveillance systems would allow rapid detection of and reaction to outbreaks. But this can only happen if privacy concerns that currently act as a barrier are addressed. Privacy does not have to be an obstacle, but it is an issue that needs to be dealt with upfront when these surveillance systems are put into place. We cannot take for granted that data custodians are willing to share their data, even when there is an outbreak, as we saw during H1N1.

Registries don't hurt privacy and are key to solve diseases – empirics prove

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, “Medical registries represent vital patient interests and should not be dismantled by stricter regulation,” July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

The EUTOS for CML Registry **clearly illustrates the benefits of aggregated, long-term clinical data** for the assessment of drug effectiveness, in particular for orphan diseases but the same logic applies to all diseases, i.e. the more standardized, relevant and validated data available in quality registries, the better. Although values such as autonomy and privacy are important and should be safeguarded, it must be kept in mind that these registries exist for the good of patients and therefore it seems inconsistent and even unethical to hinder their optimal utilization. Transparency and safeguarding personal integrity are necessary to preserve trust; but rules and legislations to protect integrity should not prevent the development of registries and performance of clinical trials in both national and transnational collaborations. That would be detrimental to vital patient interest of reaping the benefits of collaborating with others.

2NC – XT – Research

Patients health will be worse off if there are more barriers to DNA research

Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. “The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research

Growth.” 2009. P. 3.

http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf////EMerz

The problems with the HIPAA Privacy Rule are extensive and are likely to be even broader than the survey suggests. Furthermore, there is no clear evidence that the Rule is achieving its intended purpose in the research arena. Given the longstanding history of the Common Rule in research, it would be most expedient and effective to exempt research from the HIPAA Privacy Rule and to defer to the Common Rule. The Common Rule — an essential safeguard that has worked successfully — has been responsible for ensuring the protection of research participants’ safety and privacy for more than 30 years. The negative impact of the HIPAA Privacy Rule on research ultimately translates into negative consequences for patients, with more terminally ill patients missing out on the opportunity to participate in clinical trials that have the potential to save their lives. To remedy this threat to research and the American people, revision of the HIPAA Privacy Rule is imperative. The AAHC recommends that research be exempt from the HIPAA Privacy Rule and that it be solely governed by the Common Rule. Furthermore, the AAHC recommends a revision of the Common Rule to incorporate more explicit standards for the privacy of health information and to augment the protections of the Common Rule to accommodate new technologies and guard against new threats to patient safety and privacy

The aff disrupts biomedical research – kills solvency

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, “Medical registries represent vital patient interests and should not be dismantled by stricter regulation,” July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

Rothstein foresees criticism of his proposal for leading to selection bias in research, delaying the introduction of new treatment and safety procedures in medicine, but he claims that at present there is an “insufficient empirical basis to assert that adding some level of privacy and autonomy protection to deidentified health information and biological samples will invariably and unreasonably disrupt biomedical research” (p. 8). However, as has been argued by several, inclusivity and universality are the keys to successful registry research [10,11]. There is a price to be paid since all requirements for informed consent, opt-out, re-consent, etc. imply that the registry will be affected both by those included and those not included. The likely result is incomplete information and data bank bias that will prevent researchers from tracking success and failure of treatment and drug efficacy and safety. The immediate victims of this will be the patients, with those suffering from rare diseases like CML paying the highest price. There are several examples of bureaucratic ethical review procedures and requests for consent that seriously jeopardized the possibility of doing biomedical research, at the end exposing patients to increased risks [12,13]. There are recent assessments available of the cost in lives caused by hurdles related to information and consent procedures [14].

Privacy legislation destroys scientists' motivation to conduct research- it's too expensive with protections in place

Steinberg and Rubin 9 (Mindy Steinberg and Elaine Rubin. Steinberg is a program associate at the Association for Academic Health Centers. Rubin is the vice president for policy and program at AAHC. "The HIPAA Privacy Rule: Lacks Patient Benefit, Impedes Research Growth." 2009. P. 3.

http://www.aahcdc.org/Portals/0/pdf/AAHC_HIPAA_Privacy_Rule_Impedes_Research_Growth.pdf///EMerz

In short, the majority of survey respondents believe the HIPAA Privacy Rule had a significant negative impact on the scope, pace, and costs of research. The greatest concern was expressed about the negative impact on the costs of research. Respondents also indicated they were aware of **research studies that were stopped or never pursued because of Privacy Rule** related problems. The negative perceptions of research leaders are especially significant. The HIPAA Privacy Rule imposes another limitation on America's ability to fulfill the promises of new science. **A lack of interest in scientific careers, and decreased federal funding of research when coupled with the HIPAA Privacy Rule, create a burdened and troubled environment for the future.**⁸

HIPAA's protections of individual health records have prevented vital research

Pritts 13 (Joy L. Pritt. "The Importance and Value of Protecting the Privacy of Health Information: The Roles of the HIPAA Privacy Rule and the Common Rule in Health Research." 2013. P. 1-2

<http://iom.nationalacademies.org/~media/Files/Activity%20Files/Research/HIPAAandResearch/PrittsPrivacyFinalDraftweb.ashx>///EMerz

The privacy of personal information, and of health information in particular, continues to be a vexing issue in the United States. As more and more health information is computerized, individuals express concern about their privacy and that they are losing control over their personal health information. To help allay public concerns, federal rules governing the use and disclosure of health information were promulgated under the Health Insurance Portability and Accountability Act (known as the HIPAA Privacy Rule). While the HIPAA Privacy Rule does not directly regulate researchers, it does restrict the manner in which health care providers may use and disclose health information for health research. Health researchers have been critical of the HIPAA Privacy Rule since its inception, concerned that it would interfere with valuable research. Various research organizations and others have requested that the Rule be revised to lessen its effect on research. Most recently, an Institute of Medicine (IOM) committee was formed and charged with reviewing the impact of the Privacy Rule on health research. This paper was commissioned by that committee, the IOM Committee on Health Research and the Privacy of Health Information: The HIPAA Privacy Rule.

Mass health surveillance is good – its key to medical effectiveness and drug development

Freedland 14 (Jonathon Freedland is the Guardian's executive editor. He also writes for the NYT and New York Review of Books. He won the Orwell special prize for journalism and the columnist of the year in What the Papers Say. "We now trust no one with our data – not even our doctors" 1/31/14 <http://www.theguardian.com/commentisfree/2014/jan/31/nhs-medical-data-trust-doctors-edward-snowden>)/CW

If you thought someone snooping around your emails and listening to your phone calls was bad, imagine them looking at your medical records. The private realm may be ever-shrinking – in an age when we reveal so much of ourselves online and when we know the eavesdroppers of the NSA and GCHQ are never far away – but if there's one thing we'd want to keep behind high walls, it's surely the intimate histories of our mental and physical health.¶ So there can be little surprise that privacy campaigners are recoiling at the expansion of NHS England's data collection, which from this spring will take in information from the place where most people experience the NHS: their GP's surgery. Until now, the NHS in England kept the stats from hospital visits but not from those day-to-day encounters with your local doctor. As 26.5m leaflets pop through letterboxes, explaining the new "care.data" project, groups such as medConfidential.org are urging patients to opt out in the name of basic privacy. One survey found that up to 40% of GPs plan to keep their own personal records out of the scheme. My first, unreflective instinct would be to stay out too – and others will surely feel the same way. Indeed, the appeal of that stance says much about the times we live in, both online and in the physical world.¶ For one thing, less than a year after Edward Snowden's revelations of mass surveillance, the notion that our medical records will remain closely guarded, viewed only by those doctors and scientific researchers who need to see them, arouses instant scepticism. Sure, we think. They said the same about our emails. After Snowden, many will assume that if the authorities want to know whether we are HIV-positive or once suffered from depression, they'll be able to find out with just one click. As medConfidential's Phil Booth told the FT: "Everyone agrees medical research is a good thing but, after the NSA scandal, people are getting wise to the dangers of these massive data sets." [paywalled link]¶ It doesn't even have to be that sinister. It wasn't that long ago that government ministers were apologising from the floor of the House of Commons after Revenue & Customs mislaid two discs containing the names, dates of birth, national insurance numbers and, where relevant, bank details of 25 million people. What, one wonders now, is to stop the geniuses who brought us that disaster messing up again, except this time losing not our tax details but the stories of our lives and bodies?¶ Advertisement¶ Campaigners worry too about who might want to take a look at all that info. Won't the big drug companies be desperate to pore over that information, the better to profit from our frailties? And if private health and life insurance companies get access to that data, won't they start charging higher premiums if they know what once took us to see the doctor?¶ Given all those worries, you can see why some want to opt out. And yet that first, gut instinct might be wrong. It's not just that the vast bulk of the information will be rendered anonymous, with individuals blurred out in all but the most controlled circumstances, or that there are strict rules in place over access to this information. Nor even that there is an explicit declaration that this data will not be shared with insurance or marketing companies – so no prospect of a Strepsils ad popping up on your screen just after you've seen your GP over a sore throat.¶ Rather, it's the great gain that this information will provide. Small, clinical studies only tell you so much. Sometimes it's mass data you need. It was mass

information that disproved the link between MMR and autism, or that spotted the connection between Thalidomide and birth defects, or between smoking and cancer. Ethically you can't conduct trials on pregnant women or children, so you're reliant on knowing what's happening in the population. If you can know that swiftly and at scale, you can act faster and more effectively. As the leaflet popping through the door puts it: "Better information means better care."¶ The pragmatic truth is that this logic extends even to the private drug companies. Like it or not, it's through pharmaceutical companies that new medicines are developed: they're the ones who fund the trials, turning research into medication. As Nicola Perrin of the Wellcome Trust, which strongly backs care.data, put it to me: "If we want access to the best possible drugs, the drug companies need access to the best possible information."¶ There is a principle at stake here too. In a subtle piece for the Socialist Health Association, Prof Dave Byrne recalls the traditional method of teaching medical students, in which a senior doctor on a ward-round would urge them to look at and learn from real-life individuals and their treatment: care.data is just a hi-tech version of that process, says Byrne, gathering together doctors' experience of treating patients. Viewed this way, our individual experience of treatment – suitably anonymised – is not our private property, even if it should remain private. Those who treated us have the right to use that experience to benefit others, to help the collective good.¶ But anonymity is the key. None of these arguments in favour of care.data works unless we can be sure those rules on access hold firm and that the identity of individual patients remains concealed – and not easily hacked as some currently fear. And yet online anonymity remains vexed. All too often it seems we don't have it when we should, whether through data loss or NSA-style state intrusion. At the same time, we have too much anonymity when we shouldn't: witness the social media trolls and abusers, or phoney, astroturf campaigners, able to stay hidden when they would surely shrivel if exposed to the daylight and forced to reveal their true identities.¶ The larger obstacle confronting this new scheme goes beyond the virtual realm. It is a change that is infecting almost every aspect of our shared lives: loss of trust. So the government can issue guarantees of privacy protection and our first thought is of missing discs, GCHQ eavesdroppers or perhaps hacked phones. Too many institutions have been exposed as having betrayed their unspoken promises, whether it's MPs, the security services, the police, the banks or the BBC.¶ For many years the NHS stood alone, immune to this trend, doctors topping every index of trust. But thanks to Mid-Staffs and scandals like it, the NHS too has been found wanting. Which is why a good idea like a project to share our broad, unnamed data can face such resistance. We take nothing on trust these days – not even the word of a doctor.

Aggregated data is good – doesn't hurt privacy and allows for effective treatment

Hansson et al 12 (Mats, Centre for Research Ethics & Bioethics at Uppsala University; Bengt Simonsson, Department of Medical Sciences at Uppsala University; Nils Feltelius, The Swedish Medical Products Agency; Joanna Forsberg, Centre for Research Ethics & Bioethics at Uppsala University; Joerg Hasford, Institut für med Informationsverarbeitung, "Medical registries represent vital patient interests and should not be dismantled by stricter regulation," July 2012, The International Journal of Cancer Epidemiology, Detection, and Prevention, p. 3-4)//JL

Development of medical registries with sharing of data is intrinsic for the protection of patient benefits and patient safety. If, linked to the medical record, and used also for clinical decision making in dialogue with the patient the

benefit and legitimacy of clinical registries might increase even more. The patient in our view should have the right to quality assured medical treatment and care and the clinicians and hospitals should have a corresponding duty to document relevant quality measures for long term follow up of treatment. There is a well-recognized duty to document at the individual patient level but today there is a lack of systematic collection and analysis of aggregated registry data. It was objected by one reviewer that registries for quality assurance are seldom considered a problem from a data inspection point of view, because the exact use of data is clearly specified at outset and the registries are used for the same, usually repetitive quality assurance analyses while research implies that new questions are being raised as science develops. However, there is an increasing awareness of the need for aggregated data for quality assessments and drug efficacy/safety assessments. Recent developments in genomics in fact blur the traditional line between quality assurance and research through the rapidly increasing possibilities to identify genotypes as well as environmental factors regulating the treatment benefit/risk scenarios. It is actually strange that the demand of mandatory quality assurance that is common in so many other areas in society is not implemented as rigorously in health care where lives are at stake each day. Furthermore, in order to assure the patient the best medical treatment available at each time research based on those registries is necessary and should in principle be approved and supported. From the patient's perspective there is no conflict between the interest of documentation in a medical record, the interest of follow-up and long-term assessment through medical registries (whether local, national or collaborative on a global level) and the interest of receiving the at each moment best available treatment based on research. This, we believe, holds not only for rare diseases like CML but also for all medical treatment.

2NC – MPX – Econ

Surveillance is key to solve economy—saves money, resources, and labor

Mirza et al 13 (Nabila, Tera Reynolds, Michael Coletta, Katie Suda, Ireneous Soyiri, Ariana Markle, Henry Leopold, Leslie Lenert, Erika Samoff, Alan Siniscalchi, and Laura Streichert researchers and analysts for OJPHI, “Steps to a Sustainable Public Health Surveillance Enterprise A Commentary from the International Society for Disease Surveillance” <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3733763/> July 2013 JM)

Recognize systematic and ongoing public health surveillance as a core public health function that is essential for population health, economic stability, and national security. Public health surveillance data is the foundation of public health programs and is required for a number of purposes, including: to demonstrate the size and impact of the public health problem being addressed by a program; to identify the population groups to which additional prevention efforts should be directed; to determine whether the problem is growing in size or abating; to provide feedback to data providers; and as part of an overall program evaluation strategy. The significant health impacts and economic costs of disease outbreaks illustrate the critical importance of effective public health surveillance and rapid response, as well as the cost of inaction [11]. Table 1 provides examples of the health and financial burdens posed by some naturally occurring and intentional infectious disease outbreaks. The values reported in Table 1 do not fully reflect additional indirect costs of diseases and their potentially crippling effects on a community, nor do they address costs that are underreported/ unreported due to lack of data. Higher rates of illness, for example, can lead to lower worker productivity [11], while premature mortality can reduce the size of the labor force, both of which have economic ramifications. There is growing evidence that these economic and societal costs can be mitigated by surveillance systems that are stable; a stable system provides the best foundation for identifying whether the problem being addressed is getting bigger or smaller or disproportionately affecting a section of the population, etc., while still allowing flexibility to provide useful information quickly about emerging issues. The optimum mix of stability and flexibility will depend on the purpose(s) of surveillance and the particular health condition under surveillance. For example, in the case of SARS, an effective surveillance system has the potential to decrease the size of an epidemic by one-third and the duration by 4 weeks, with significant cost savings [25]. Another study found that the early detection of an outbreak of highly infectious bacterial meningitis saved approximately \$2 for every dollar invested in infectious disease surveillance [26]. Yet another evaluation of surveillance practice found that technological improvements in a sentinel

influenza-like illness (ILI) surveillance system in Virginia saved over \$9,500 (1,992 hours) in staff-time during the 2007-2008 influenza seasons [27]. Ongoing surveillance can also inform the design and evaluation of prevention and intervention programs in order to control the escalating costs associated with chronic diseases in the U.S. and abroad [28]. Some experts forecast that chronic disease prevention programs could save up to \$48.9 billion per year by 2030 [29], while others predict applying electronic medical record implementation and networking to the prevention and management of chronic disease will exceed the currently projected \$81 billion in annual savings [30].

2NC – MPX – Military Readiness

Surveillance key to check tick-based disease outbreaks --- specifically likely on military installations

Peterson et al, masters in entomology qualifications of other authors: Medical Entomologist/epidemiologists, **2015** (Wade, “Tick-borne disease surveillance”, published in U.S. Army Medical Department Journal, jan-march edition, Academic OneFile)//roetlin Tick-borne diseases (TBDs) represent some of the world's most rapidly expanding arthropod-borne infectious diseases. (1) (p1) In the United States, ticks are responsible for more human disease than any other arthropod group. The incidence and the number of pathogens transmitted by ticks are increasing. For example, Lyme disease is now the most commonly reported arthropodborne illness in the United States. (2) Anaplasmosis, ehrlichioses, and rickettsioses are also on the rise. (1) (p1) In most parts of the world, TBDs are potentially serious health threats to troops, civilian employees, and residents at military installations. (2) (p6) Companion animals and military working dogs (MWD) are also at risk in areas where ticks and TBDs are endemic or emerging. Risk of TBD increases with the introduction of exotic tick species into new areas and the expansion of historical tick ranges. One example of exotic ticks that effects the United States is *Boophilus annulatus* and *B microplus*, also known respectively as the cattle fever tick and the southern cattle tick, that were imported here by Spanish colonists who brought tick-infested cattle and horses with them. These ticks transmit a severe disease to cattle called Texas fever or cattle fever that caused enormous losses to the US cattle industry in the past. Present efforts to keep this tick out of the United States exist as the Cattle Fever Tick Eradication Program. (3) Nilgai antelopes, native to India, Nepal, and Pakistan, that were released into southern Texas are also hosts to the cattle fever ticks, posing a threat as maintenance hosts of cattle fever. (4) There are many other examples of exotic tick introductions from migratory birds, exotic and wildlife species, and domestic animals. (5) Changes in climate may also alter the geographic distribution of tick vectors, and in turn, cause a change in the currently recognized demographic patterns, seasonality, and incidence of TBDs. (1) (p61) For example, the range of the Gulf Coast tick (*Amblyomma maculatum*) has historically been along the Gulf of Mexico and southern Atlantic coast as far north as South Carolina, and extending approximately 100-150 miles inland. However, resident populations of these ticks are now established in Arkansas, Oklahoma, and Kansas, (6) and they have been collected on the east coast as far north as Delaware and Maryland. (7) Another example is the lone star tick (*A americanum*) which has moved northward as far as Maine and westward into central Texas and Oklahoma. (8) Incidental introductions of these ticks, and the diseases they carry beyond endemic regions, occur with increasing frequency. This is likely due to the feeding of immature ticks on migrating birds, and the transportation of tick-infested livestock and wildlife into new areas. (6) These introductions may also come from pets belonging to people who move from one area to another. In addition,

suburbanization has contributed to the increase in TBD transmission in North America by bringing people and their pets close to ticks and by creating new tick habitat. (9) In the northeastern United States, the highest risk for Lyme disease occurs around the homes of those who have been infected. (10) As communities continue to expand into tick habitat, and people are encouraged to enjoy outdoor recreation and pursue activities such as urban farming, the risk for peridomestic exposure to ticks and TBDs may increase. The National Notifiable Disease Surveillance System (NNDSS) of the Centers for Disease Control and Prevention (CDC) maintains a list of diseases that are considered to be of public interest by reason of their contagiousness, severity, or frequency. The 7 TBDs on the NNDSS list are shown in the Table. Many of these diseases, which are caused by closely related tick-borne pathogens, can also be acquired internationally. There are also many TBDs that can be acquired abroad that do not occur in the continental United States. In addition to transmitting disease, ticks can cause irritation, pain, and swelling at attachment sites, otoacariasis (invasion of the auditory canal), paralysis, allergic reactions, and anaphylactic reactions. (11) Heavy infestations of ticks on animals can cause debilitation due to blood loss. Direct effects from TBDs include troop and MWD morbidity and mortality. There are also many indirect effects, such as illness of dependents or Department of Defense (DoD) civilian personnel, and related healthcare costs. Both types of effects can be mitigated through aggressive surveillance, public education, and prevention/control programs, together with prompt diagnosis and treatment. (2) (p6)

TICK BIOLOGY AND DISEASE TRANSMISSION

Ticks are grouped into 2 separate families. Family Ixodidae, also called hard ticks, have 4 developmental stages: egg, larva, nymph, and adult. The latter 3 each take one large blood meal and then molt to the next stage, or lay eggs in the case of the adult. Hard ticks have mouthparts with recurved teeth that allow them to firmly anchor themselves to hosts while feeding with the assistance of a cement-like substance secreted by the salivary glands. This allows them to feed for extended periods of time that can vary from 2 to 12 days or longer, depending on species, life stage, and gender. Family Argasidae, also called soft ticks, have the same 4 developmental stages, but most have multiple nymph stages. Soft ticks have mouthparts that allow them to hold fast to their host, as hard ticks do, but they do not secrete cement. Although some soft ticks can remain attached to the host for several days, (11) (p501) others can complete a meal within minutes to hours. (12) This is still much longer than other bloodsucking arthropods such as mosquitoes, and is one of the factors that contribute to their high vector potential because it increases the likelihood of pathogen ingestion and allows them to secrete large amounts of host-derived fluid and salivary secretions, which contain pathogens, back into the host. Other factors that make ticks efficient disease vectors include a highly sclerotized body that protects them from environmental stresses, high reproductive potential, and a long life span (compared to other blood feeding arthropods). Although the majority of TBDs are transmitted during normal feeding activity, they can be transmitted by other routes as well, including through regurgitation and feces. Argasid ticks can also release pathogens through excess liquid excreted from the coxal glands located adjacent to the first segment (coxa) of the front legs. (11) (p512)

Adding to their efficiency as vectors, the larvae and nymphs are very small. The presence of an immature tick on a host often goes unnoticed, enabling the tick to feed to repletion and drop off without detection, which increases the likelihood of pathogen transmission. **Ticks can also transmit more than one pathogen at a time.** For example, Ixodes ticks can simultaneously or sequentially infect their hosts with *Borrelia burgdorferi*, *Anaplasma phagocytophilum*, and *Babesia microti*. (1) (p61) Co-infections with these pathogens have been reported from wild and domestic animals, including dogs, as well as humans. These infections can result in more severe and longer illnesses and can complicate diagnoses. (1) (p493) Ticks are also effective disease

reservoirs. In some species, pathogens can be transmitted from the adult female to its offspring (transovarial transmission) and from one developmental stage to the next (transstadial transmission). Infected ticks can also transmit viruses to uninfected ticks while feeding simultaneously on an uninfected host. (11) (p512) Therefore, they can maintain and transmit infections even if they have not fed on an infected host. **SURVEILLANCE** Surveillance is the process of determining the presence of vectors and pests, estimating their general population levels, and determining if pathogens of concern are present in the population. It gives quantifiable data on which to base control and education programs and is the starting point in the prevention of any arthropod-borne disease. The analysis and interpretation of information gained from surveillance is the basis for developing quantitative and qualitative risk assessments that can be used to predict the occurrence of pest outbreaks or vector-borne diseases. (13) (p7) Various methods can be used to describe disease risk. One commonly used index is called the Entomologic Risk Index (ERI), an indicator of the number of infected ticks that a person might come into contact with over a set distance. The ERI is calculated as the number of infected ticks collected over a 1,000-meter drag (described below). Accurate ERIs are obtained by testing ticks for pathogens to determine tick infection rate. Public health officials can use indices like the ERI in public education efforts and to determine if, when, and what control measures should be implemented. (13) (p7)

That collapses military readiness

Peterson et al, masters in entomology qualifications of other authors: Medical Entomologist/epidemiologists, **2015** (Wade, "Tick-borne disease surveillance", published in U.S. Army Medical Department Journal, jan-march edition, Academic OneFile)//roetlin

Ticks are one of the major vectors of disease that threatens military personnel, families, and civilian employees on US military installations. (25) The presence of tickborne disease in military personnel, including our military working animals, may result in the loss of training days, decreased force strength, and may adversely affect unit readiness and effectiveness. Tick-borne disease also affects DoD civilians and the families of our troops. Soldier and unit readiness may be affected when family members and companion animals are sickened by TBDs. The information gained from tick surveillance regarding tick vectors, disease incidence, and pathogen prevalence is invaluable. It allows medical personnel to educate personnel regarding tick-bite and TBD recognition and prevention. Tick surveillance information also enables leaders to make decisions regarding the application of safety and control measures during training and operations to prevent TBDs. As with any disease, prevention of TBDs is highly preferable to treating the short- and long-term consequences once they occur. (1(p155))

Readiness solves lashout

Jack Spencer, 2k, Research Fellow in Nuclear Energy Policy at The Heritage Foundation's Roe Institute for Economic Policy Studies. "The Facts About Military Readiness" Sep. 15, 2k. accessed July 31, 2010 <http://www.heritage.org/Research/Reports/2000/09/BG1394-The-Facts-About-Military-Readiness/>

Military readiness is vital because declines in America's military readiness signal to the rest of the world that the United States is not prepared to defend its interests. Therefore, potentially hostile nations will be more likely to lash out against American allies and interests, inevitably leading to U.S. involvement in combat. A high state of military readiness is more likely to deter potentially hostile nations from acting aggressively in regions of vital national interest, thereby preserving peace.

1NC – Bioterror

Health surveillance solves bioterrorism - the aff guarantees an attack

Gostin, an internationally recognized scholar in law and public health, professor of Law at Georgetown University; Professor of Public Health at the Johns Hopkins University; and the Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities, November 2001 – (Lawrence, “Public Health Law In An Age Of Terrorism: Rethinking Individual Rights And Common Goods”, published on HealthAffairs vol 21 no. 6)//roetlin

The balance between individual interests and common goods needs to be recalibrated in an age of terrorism. Public health agencies should have a robust infrastructure to conduct essential public health services at a level of performance that matches evolving threats to the health of the public. This includes a well-trained workforce, electronic information, **surveillance**, and laboratory capacity. This paper explains modern efforts at public health law reform: a Model Public Health Statute and the Model State Emergency Health Powers Act (MSEHPA), which has been enacted wholly or in part by nineteen states and the District of Columbia. Next, the paper shows why existing public health laws provide a weak foundation for public health practice. Finally, the paper offers a systematic defense of MSEHPA, which has galvanized the public debate around the appropriate balance between public goods and individual rights. PROLOGUE: Following the 2001 anthrax attacks, an outbreak of concern about the inadequacies of the public health infrastructure caught the nation in the grip of a profound ambivalence about what we expect from government. For the past twenty years distrust of public institutions has severely dampened public health spending and so dominated the political landscape that even the Institute of Medicine's stern warning about deterioration of the infrastructure in 1988 did not generate renewed investment. Then, in the wake of the anthrax scare, the refrain suddenly became, “Why aren't we better prepared?” The following essay by legal scholar Lawrence Gostin suggests that our collective confusion about public health goes deeper than dollars. To perform its essential functions, the public health system needs legal authority to act. Yet most of its statutory foundations, which lie primarily in the domain of state government, have not been updated for half a century. Even before last fall's terrorist attacks, efforts were under way to develop new model laws for the states. The focus of the model legislation is to confer enough authority that public health agencies can mount adequate preparations, obtain information, and act in an emergency to protect those who are threatened. But some sacrifice of personal rights and freedoms is necessary to achieve this end, and these legal initiatives have been controversial. “In a country so tied to rights rhetoric..., any proposal that has the appearance of strengthening governmental authority was bound to travel in tumultuous political waters,” Gostin concludes. Three Perspectives that follow Gostin's paper highlight the extent of the disagreement that still exists, nearly a year after the model law was last revised. Gostin is ideally suited to clarify the

difficult issues involved. He is a professor of law at Georgetown University; a professor of public health at the Johns Hopkins University; and director of the Center for Law and the Public's Health, which drafted the Model State Emergency Health Powers Act at the request of the Centers for Disease Control and Prevention. In defense of a model act that was written to bring public health law into the modern age. Public and scholarly discourse in the late twentieth century became highly oriented toward "rights." The political community stressed the importance of individual freedoms rather than the health, security, and well-being of the community. The salience of individualism could be seen on both sides of the political spectrum. The ideological left favored a set of personal interests, principally autonomy, privacy, and liberty. This meant that individuals should be free to make choices, restrict the flow of health information, and have unfettered movement, without regard to the needs and desires of the wider community. The ideological right favored a set of proprietary interests, principally the freedom to contract, conduct business, use and develop property, and pursue a profession. This meant that entrepreneurs should be permitted to engage in free enterprise without the fetters of, for example, occupational health and safety regulations, inspections and products liability, zoning and nuisance abatements, and licenses. In this civil and property rights society, the tone has been distinctly antigovernment. The State has been perceived as inefficient, bureaucratic, and burdensome. Citizens have opposed taxation and broad health and welfare spending as well as oppressive regulation. From a funding perspective, this has meant that health dollars have been allocated primarily to advanced biotechnology and health care, which serve the needs of individual patients, particularly those who can afford private health insurance. Funding for traditional prevention and population-based services represents only a small fraction of health spending, estimated at around 1 percent at the state level and less than 5 percent at the federal level.¹ As a result of chronic underspending, the public health infrastructure is badly deteriorated.² Public health agencies lack the capacity to conduct essential public health services at a level of performance that matches the constantly evolving threats to the health of the public. Critical components of that infrastructure include a well-trained workforce, electronic information and communications systems, rapid disease surveillance and reporting, laboratory capacity, and emergency response capability.³ The public health law infrastructure is equally deficient. The law establishes the mission, functions, and powers of public health agencies. Yet public health laws are highly antiquated, after many decades of neglect. Very little consideration has been given to modernizing these laws to reflect advances in public health practice and constitutional law. Reform of public health law is essential to ensure that public health agencies have clear missions and functions, stable sources of financing, adequate powers to avert or manage health threats, and restraints on powers to maintain respect for personal rights and liberties. **The balance between individual interests and common goods needs to be recalibrated in an age of terrorism.** The attacks on the World Trade Center and Pentagon on 11 September 2001 and the subsequent dispersal of anthrax spores through the U.S. postal system reawakened the public to the importance of public health, safety, and security.⁴ The president's 2003 budget reflects changing priorities, with an influx of funding to prevent and respond to bioterrorism.⁵ However, even in this budget, disproportionate funding is devoted to biotechnology rather than to basic prevention and population-based services.⁶

Synthetic biology means that bioterror is inevitable

Rose, 14 -- PhD, recognized international biodefense expert

[Patrick, Center for Health & Homeland Security senior policy analyst & biosecurity expert, National Defense University lecturer, and Adam Bernier, expert in counter-terrorism, "DIY Bioterrorism Part II: The proliferation of bioterrorism through synthetic biology," CBRNePortal, 2-24-14, www.cbrneportal.com/diy-bioterrorism-part-ii-the-proliferation-of-bioterrorism-through-synthetic-biology/, accessed 8-16-14]

In Part I of this series, we examined how the advancement of synthetic biology has made bio-engineering accessible to the mainstream biological community. Non-state actors who wish to employ biological agents for ill intent are sure to be aware of how tangible bio-weapons are becoming as applications of synthetic biology become more affordable and the probability of success increases with each scientific breakthrough. The willingness of non-state actors to engage in biological attacks is not a new concept; however, the past biological threat environment has been subdued compared to that of conventional or even chemical terrorism. The frequency and deadliness of biological attacks has, thankfully, been limited; much of which can be attributed to the technical complexity or apparent ineptitude of the perpetrators developing biological weapons. Despite the infrequency and ineffectiveness of biological attacks in the last four decades, the threat may be changing with the continued advancement of synthetic biology applications. Coupled with the ease of information sharing and a rapidly growing do-it-yourself-biology (DIYbio) movement (discussed in Part I), the chances of not only more attacks, but potentially more deadly ones will inevitably increase. During the last half century terrorist organizations have consistently had an interest in using biological weapons as a means of attacking their targets, but only few have actually made a weapon and used it. The attraction is that terrorist activities with biological weapons are difficult to detect and even more difficult to attribute without a specific perpetrator claiming responsibility. Since 1971 there have been more than 113,113 terrorist attacks globally and 33 of them have been biological. The majority of bio-terrorism incidents recorded occurred during the year 2001 (17 of the 33); before 2001 there were 10 incidents and since 2001 there were 6 (not counting the most recent Ricin attacks). The lack of a discernable trend in use of bio-terrorism does not negate the clear intent of extremist organizations to use biological weapons. In fact, the capacity to harness biological weapons more effectively today only increases the risk that they will successfully be employed. The landscape is changing: previously the instances where biological attacks had the potential to do the most harm (e.g., Rajneeshees cult's Salmonella attacks in 1984, Aum Shinri Kyo's Botulinum toxin, and Anthrax attacks in the early 90's) included non-state actors with access to large amounts of funding and scientists. Funding and a cadre of willing scientists does not guarantee success though. The assertion was thus made that biological weapons are not only expensive, they require advanced technical training to make and are even more difficult to effectively perpetrate acts of terrorism with. While it is difficult to determine with certainty whether the expense and expertise needed to create biological weapons has acted as a major deterrent for groups thinking of obtaining them, many experts would argue that the cost/expertise barrier makes the threat from biological attacks extremely small. This assertion is supported by the evidence that the vast majority of attacks have taken place in Western countries and was performed by Western citizens with advanced training in scientific research. In the past decade the cost/expertise assertion has

become less accurate. Despite the lack of biological attacks, **there are a number of very dangerous and motivated organizations that have or are actively pursuing biological weapons.** The largest and most outspoken organization has been the global Al Qaeda network, whose leaders have frequently and passionately called for the development (or purchase) of Weapons of Mass Destruction (WMD). The principal message from Al Qaeda Central and Al Qaeda in the Arabian Peninsula (AQAP) has included the call to use biological WMDs to terrorize Western nations. Al Qaeda has had a particular focus on biological and nuclear weapons because of their potential for greatest harm. Osama Bin Laden, Ayman al-Zawahiri and Anwar al-Awlaki have all called for attacks using biological weapons, going so far as to say that Muslims everywhere should seek to kill Westerners wherever possible and that obtaining WMDs is the responsibility of all Muslims. Before the US-led invasion of Afghanistan, Al Qaeda had spent significant funds on building a bio-laboratory and had begun collecting scientists from around the world; however, the Afghanistan invasion and subsequent global War on Terrorism is thought to have disrupted their capabilities and killed or captured many of their assets. Despite the physical setbacks, this **disruption does not appear to have changed the aggressive attitude towards obtaining WMDs** (e.g., more **recently U.S. Intelligence has been concerned about AQAP attempting to make Ricin.**)[¶] **The emergence of synthetic biology and DIYbio has increased the likelihood that Al Qaeda will succeed in developing biological WMDs.** **The low cost and significantly reduced level of necessary expertise may change how many non-state actors view biological weapons as a worthwhile investment.** This is not to say that suddenly anyone can make a weapon or that it is easy. To the contrary making an effective biological weapon will still be difficult, only much easier and cheaper than it has been in the past.[¶] **The rapid advancements of synthetic biology could be a game changer, giving organizations currently pursuing biological weapons more options, and encouraging other organizations to reconsider their worth.** Because **the bar for attaining biological weapons has been lowered and is likely to continue to be lowered** as more advances in biological technology are made, it is important that the international community begin to formulate policy that protects advances in science that acts to prevent the intentional misuse of synthetic biology. **Disregard for this consideration will be costly. A successful attack with a potent biological weapon, where no pharmaceutical interventions might exist, will be deadly and the impact of such an attack will reverberate around the globe because biological weapons are not bound by international borders.**

Disease Impact D

1NC

Status quo solves – antifolates – breakthroughs have already happened and are going to trials
 Colin **Poitras** (writer for the UConn Today) July 23, **2014** “Possible Breakthrough in Battle Against Drug-Resistant Diseases” <http://today.uconn.edu/blog/2014/07/possible-breakthrough-in-battle-against-drug-resistant-diseases/>

In the war against drug-resistant diseases and so-called “superbugs”, the family of bacteria known as CREs are a particularly nasty bunch. The bacteria, whose scientific name is carbapenem-

resistant Enterobacteriaceae – include notorious strains of E. coli and Klebsiella and are a constant health concern in hospitals and nursing homes, where the germs breed in ventilators, catheters, and intravenous lines. CREs have been flagged as an “urgent threat” by the Centers for Disease Control and Prevention because of their strong resistance to antibiotics and easy transmission between humans. Some CRE bacteria are resistant to all known antibiotics. The mortality rate is high. As many as 50 percent of patients infected with CRE bacteria die because there is no drug to fight them. But two UConn scientists may be gaining new ground against the public health threat. Professors Amy Anderson and Dennis Wright, along with their students in the School of Pharmacy, have developed a group of drug compounds that appear to be particularly effective against CREs in early tests. A lead is a preliminary molecule that shows promise and is poised for further development. The potent compounds – part of a group of drugs known as antifolates – were a long time coming for the two, who have been searching for effective treatments for drug-resistant diseases like MRSA, E. coli, and Klebsiella pneumoniae for more than 10 years. Working with drug-resistant strains is particularly challenging for researchers, as the diseases constantly morph and evolve to fend off attacks to kill them. “It has been a **holy grail** to kill these types of CREs,” says Anderson, a professor of medicinal chemistry and interim head of the Department of Pharmaceutical Sciences. “These (CRE) bacteria have an extra thick, tight membrane meshed with proteins that makes it very hard for drugs to penetrate. We’ve spent years trying.” After testing hundreds of different compounds, delicately altering each one’s chemical structure with the hope of finding the magic recipe that would serve as a CRE knockout blow, Anderson and Wright recently started seeing positive results in one particular group. ‘Our goal was to inhibit a certain enzyme in the bacteria so it can’t function and the bacteria can’t survive,’ Anderson says. “When we finally got a very potent inhibition of the enzyme, that was definitely a eureka moment.” The pair recently received a five-year, \$2.7 million grant from the National Institutes of Health to further study these compounds and prepare them for clinical trials. Together, Anderson’s and Wright’s labs have received more than \$10 million in federal research support since they began working on the project. Wright, a professor of medicinal chemistry, synthesizes the new drugs; Anderson evaluates them and determines the atomic details of how they interact with their intended target. “We want to make compounds that are potent inhibitors of the growth of the bacteria and at the same time are safe, with good drug properties, so down the line they will be effective when used at a clinic,” says Wright. At this stage in the research, Anderson and Wright are trying to learn more about the physical and chemical processes that allow their compounds to penetrate the armor-like coating around CREs when so many others have failed. Understanding why their compounds are working may allow them to apply the same biological chemistry to different compounds that could be used to fight other persistent infections. Associate professor of pharmacy practice Jeffrey Aeschlimann from UConn Health is helping with the CRE drug characterizations. University of Montana professor of chemistry Nigel Priestley is assisting with testing in early animal pre-clinical trials. “Right now, what makes our compounds attractive is that they seem to have a very low rate of resistance,” says Wright. “We’ve made compounds that are very hard for these CREs to fend off.”

Multi-drug resistance is unlikely- Combination therapy

Cobey et al. 15, (Gabriel G. Perron, R. Fredrik Inglis, Pleuni S. Pennings and Sarah Cobey, Evolutionary Applications, "Fighting microbial drug resistance: a primer on the role of evolutionary biology in public health," 23 MAR 2015, <http://onlinelibrary.wiley.com/doi/10.1111/eva.12254/full>)/IB

The shortage of new antibiotics motivated the search for novel strategies to manage resistance evolution. For example, combination therapy showed that some antibiotics have nonlinear inhibitory activities when used together (King et al. 1981; Yeh et al. 2009). Extensive phenotypic screens revealed that many classes of antibiotics could inhibit the effects of other antibiotics given their modes of activity (Yeh et al. 2006), often caused by regulatory conflicts in the expression of the antibiotics' cellular targets (Bollenbach and Kishony 2011) or by reductions in bacterial growth rates (Ocampo et al. 2014). Subsequent studies have shown that such interactions could modulate resistance evolution (Yeh et al. 2009): Multidrug resistance is unlikely to evolve against sets of antibiotics that inhibit each other's activity, as resistance evolution to one antibiotic would expose the bacterium to the full efficiency of the second antibiotic (Michel et al. 2008). However, additional clinical trials are required to see whether this finding can be put into practice.

2NC – XT – Squo Solves

Squo solves antibiotic resistant bacteria

Kenneth **Ma** (Lawrence Livermore National Laboratory) October 7, **2014** "Bio researchers receive patent to fight superbugs" <https://www.llnl.gov/news/newsreleases/2014/Oct/NR-14-10-3.html>

Superbugs, or antibiotic-resistant bacteria, have been on the rise since antibiotics were first introduced 80 years ago. That's because these germ-fighting agents have lost their punch from being overprescribed and misused, allowing bacteria pathogens to develop immunities against them. As a result, superbugs sicken nearly 2 million Americans each year and roughly 23,000 people die annually from these infections, according to the Centers for Disease Control and Prevention. Many more people die from other conditions that are complicated by antibiotic-resistant infections. Lawrence Livermore National Laboratory scientists have figured out a way to reverse this trend by developing novel antibiotics that effectively kill superbugs. They were recently issued a patent for producing antimicrobial compounds that degrade and destroy antibiotic-resistant bacteria by using the pathogen's own genes against it. Their approach can be used to fight superbugs such as antibiotic-resistant E. coli, Salmonella, Campylobacter, Methicillin-resistant Staphylococcus aureus (MRSA), Bacillus anthracis and many others. Antimicrobial compounds available today are designed to treat a host of bacteria, not target specific ones. While this is effective in the short term, bacteria are able to modify themselves over time to prevent a number of antibiotics from inhibiting their growth, rendering the antibiotics useless. To prevent this, the LLNL team created a process to discover new antibiotics designed to eradicate targeted bacterium responsible for a specific infection. Their technique uses computational tools and genome sequencing to identify which genes inside a bacterium encode for lytic proteins that can be used to kill it. Lytic proteins are enzymes that normally produce nicks in cell walls that allow cells to divide and multiply. But used in high concentrations, these

enzymes cause rapid cell-wall degradation and cell rupture, a process known as lysis. Lytic proteins circumvent any defenses that bacteria have developed against today's broadly focused antimicrobials. Once genes encoding lytic proteins are identified in a bacterium, Lab researchers synthesize those genes and produce the lytic proteins in a laboratory setting. They are then experimentally introduced to the cell walls of targeted pathogens to destroy them. "We knew about these proteins because they were primarily coded and identified in bacteriophages, virus particles that attack bacterium and make copies of themselves," said Matthew Coleman, a member of the LLNL research team. "Bacteriophages need a way to get out of the bacteria once they make enough copies. So they encode a lytic protein, called an endolysin that breaks down the cell wall, causing the cell to die. The wall is what gives the cell its strength." The team's unique discovery was the existence of lytic proteins that are not associated with bacteriophages. They learned that bacteria themselves encode their own versions of these lytic proteins, which they use under tight regulatory control to remodel their cell wall during cell division. Tight regulatory production means that lytic protein is not overproduced because too much of it will kill the cells. The team conducted lab experiments that show lytic protein produced by bacteria killed pathogens more effectively than lytic protein produced by bacteriophages. LLNL's resources allowed the team to sequence genomes within a few weeks to obtain information on new pathogens, unknown bacteria species and even species yet to be sequenced. This data helps the team determine which genes encode lytic proteins and reproduce those proteins in large quantities to eliminate targeted pathogens. So far, the team's novel approach has been extremely effective in lab testing. In CDC experiments, the LLNL-produced lytic protein killed 100 percent of Bacillus anthracis cells, the bacterium that causes anthrax. "We can isolate these genes to support the development of effective antimicrobial agents for commercial and national needs," Coleman said.

Squo solves diseases

Anne **Trafton** (writer for the MIT News Office) September 21, **2014** "Battling superbugs"
<http://newsoffice.mit.edu/2014/fighting-drug-resistant-bacteria-0921>

In recent years, new strains of bacteria have emerged that resist even the most powerful antibiotics. Each year, these superbugs, including drug-resistant forms of tuberculosis and staphylococcus, infect more than 2 million people nationwide, and kill at least 23,000. Despite the urgent need for new treatments, scientists have discovered very few new classes of antibiotics in the past decade. MIT engineers have now turned a powerful new weapon on these superbugs. Using a gene-editing system that can disable any target gene, they have shown that they can selectively kill bacteria carrying harmful genes that confer antibiotic resistance or cause disease. Led by Timothy Lu, an associate professor of biological engineering and electrical engineering and computer science, the researchers described their findings in the Sept. 21 issue of Nature Biotechnology. Last month, Lu's lab reported a different approach to combating resistant bacteria by identifying combinations of genes that work together to make bacteria more susceptible to antibiotics. Lu hopes that both technologies will lead to new drugs to help fight the growing crisis posed by drug-resistant bacteria. "This is a pretty crucial moment when there are fewer and fewer new antibiotics available, but more and more antibiotic resistance evolving," he says. "We've been interested in finding new ways to combat antibiotic resistance, and these papers offer two different strategies for doing that." Cutting out resistance Most antibiotics work by interfering with crucial functions such as cell division or protein synthesis. However, some bacteria, including the formidable MRSA (methicillin-resistant Staphylococcus aureus) and CRE

(carbapenem-resistant Enterobacteriaceae) organisms, have evolved to become virtually untreatable with existing drugs. In the new Nature Biotechnology study, graduate students Robert Citorik and Mark Mimee worked with Lu to target specific genes that allow bacteria to survive antibiotic treatment. The CRISPR genome-editing system presented the perfect strategy to go after those genes. CRISPR, originally discovered by biologists studying the bacterial immune system, involves a set of proteins that bacteria use to defend themselves against bacteriophages (viruses that infect bacteria). One of these proteins, a DNA-cutting enzyme called Cas9, binds to short RNA guide strands that target specific sequences, telling Cas9 where to make its cuts. Lu and colleagues decided to turn bacteria's own weapons against them. They designed their RNA guide strands to target genes for antibiotic resistance, including the enzyme NDM-1, which allows bacteria to resist a broad range of beta-lactam antibiotics, including carbapenems. The genes encoding NDM-1 and other antibiotic resistance factors are usually carried on plasmids — circular strands of DNA separate from the bacterial genome — making it easier for them to spread through populations. When the researchers turned the CRISPR system against NDM-1, they were able to specifically kill more than 99 percent of NDM-1-carrying bacteria, while antibiotics to which the bacteria were resistant did not induce any significant killing. They also successfully targeted another antibiotic resistance gene encoding SHV-18, a mutation in the bacterial chromosome providing resistance to quinolone antibiotics, and a virulence factor in enterohemorrhagic E. coli. In addition, the researchers showed that the CRISPR system could be used to selectively remove specific bacteria from diverse bacterial communities based on their genetic signatures, thus opening up the potential for “microbiome editing” beyond antimicrobial applications. To get the CRISPR components into bacteria, the researchers created two delivery vehicles — engineered bacteria that carry CRISPR genes on plasmids, and bacteriophage particles that bind to the bacteria and inject the genes. Both of these carriers successfully spread the CRISPR genes through the population of drug-resistant bacteria. Delivery of the CRISPR system into waxworm larvae infected with a harmful form of E. coli resulted in increased survival of the larvae. The researchers are now testing this approach in mice, and they envision that eventually the technology could be adapted to deliver the CRISPR components to treat infections or remove other unwanted bacteria in human patients. “This work represents a very interesting genetic method for killing antibiotic-resistant bacteria in a directed fashion, which in principle could help to combat the spread of antibiotic resistance fueled by excessive broad-spectrum treatment,” says Ahmad Khalil, an assistant professor of biomedical engineering at Boston University who was not part of the research team. High-speed genetic screens Another tool Lu has developed to fight antibiotic resistance is a technology called CombiGEM. This system, described in the Proceedings of the National Academy of Sciences the week of Aug. 11, allows scientists to rapidly and systematically search for genetic combinations that sensitize bacteria to different antibiotics. To test the system, Lu and his graduate student, Allen Cheng, created a library of 34,000 pairs of bacterial genes. All of these genes code for transcription factors, which are proteins that control the expression of other genes. Each gene pair is contained on a single piece of DNA that also includes a six-base-pair barcode for each gene. These barcodes allow the researchers to rapidly identify the genes in each pair without having to sequence the entire strand of DNA. “You can take advantage of really high-throughput sequencing technologies that allow you, in a single shot, to assess millions of genetic combinations simultaneously and pick out the ones that are successful,” Lu says. The researchers then delivered the gene pairs into drug-resistant bacteria and treated them with different antibiotics. For each antibiotic, they identified gene combinations that enhanced the killing of target bacteria by 10,000- to 1,000,000-fold. The researchers are now investigating how these genes exert their effects. “This platform allows you

to discover the combinations that are really interesting, but it doesn't necessarily tell you why they work well," Lu says. "This is a high-throughput technology for uncovering genetic combinations that look really interesting, and then you have to go downstream and figure out the mechanisms." Once scientists understand how these genes influence antibiotic resistance, they could try to design new drugs that mimic the effects, Lu says. It is also possible that the genes themselves could be used as a treatment, if researchers can find a safe and effective way to deliver them. CombiGEM also enables the generation of combinations of three or four genes in a more powerful way than previously existing methods. "We're excited about the application of CombiGEM to probe complex multifactorial phenotypes, such as stem cell differentiation, cancer biology, and synthetic circuits," Lu says.

Recently discovered fungus solves antibiotic resistance

Catholic Online July 2014 "How one fungus may stop superbugs"

<http://www.catholic.org/news/health/story.php?id=56093>

Scientists at McMaster University in Ontario discovered a compound that instantly turned off a gene in several harmful bacteria that made them highly resistant to treatment with a class of antibiotics used to fight so-called superbug infections. There are still thousands of children who need just one light in the darkness. Aspergillomarasmine A (AMA), was the compound that was found in a soil sample extracted from a common fungus found in soil and mold. Antibiotic resistance is a growing public-health threat. Common germs such as Escherichia coli (E. coli) are becoming harder to treat because of increasing immunities to common antibiotics. In the United States alone, some two million people are infected with antibiotic-resistant diseases, and around 23,000 die as a result, according to information released from the Centers for Disease Control and Prevention (CDC). The World Health Organization (WHO) has called antibiotic resistant a threat to global public health. Using the compound, the Canadian team was able to disarm a gene-New Delhi Metallo-beta-Lactamase-1 (NDM-1) that has become the WHO's number one enemy since it was discovered in 2009. , "Discovery of a fungus capable of rendering these multidrug-resistant organisms incapable of further infection is huge " said Irena Kenneley, a microbiologist and infectious disease specialist at Frances Payne Bolton School of Nursing at Cleveland's Case Western Reserve University. "The availability of more treatment options will ultimately save many more lives."

Privacy Not Key

1NC

No internal link – patients don't care about privacy

McCarthy 15 (Kevin McCarthy covers healthcare tech and policy regulations, "Why EHRs do not harm the doctor-patient relationship" 6/3/15 <http://www.nuemd.com/news/2015/06/03/ehrs-do-not-harm-doctor-patient-relationship>)

It's no secret that the road to widespread implementation of electronic health records has been a difficult one for some clinicians. While large providers may have had the capital to throw at a problem like staff training and new equipment purchases, small practices were faced with financial and operational issues that, while challenging, proved not to be as unsolvable as some

critics had predicted. According to the U.S. Centers for Medicare and Medicaid Services, over 447,000 providers have implemented and been compensated for EHR systems in their offices.¶ Now that EHR software has become a large part of the medical industry, experts have turned their gazes back to an issue that dominated the discussion when federal agencies first started pushing the platform as reform alternative. The question of how EHRs affect the physician-patient relationship can seem simple at times - more screens separating clinicians from their patients can only seem wrong - but, as EHR Intelligence explained, the underlying factors may point to a different and more positive interpretation for EHRs in the workplace.¶ Office manners¶ The doctor-patient relationship goes all the way back to the days when house calls and personal physicians were only the domain of the super wealthy. Today, every patient has a right to expect their doctors to be open, polite, informative, and, most of all, confidential. Such a natural relationship fosters trust between both parties, and when outpatient treatments are the only ones possible, this level of mutual respect is necessary for both sides to move toward a positive care outcome.¶ However, with the rise of EHRs, especially on mobile devices, creating a meaningful doctor-patient relationship isn't as easy as it used to be. In an interview with EHR Intelligence, James Avallone, director of physician research for Manhattan Research, explained that EHR use is most certainly up, but its impact on the personal dynamics between patients and doctors is much less clear.¶ "Whether it is too much or too little, it is difficult for us to say from our perspective," Avallone said. "In the past four to five years, we have seen a fair share of complaints in terms of the efficiency of EHRs and how [they are] changing bedside manners for physicians overall. I do think we are starting to see some efficiencies come about in terms of efficient use of these platforms and that includes at the point of care. It is certainly something that physicians are getting used to as it becomes more ingrained in their day-to-day behaviors. They have had more time to streamline workflow and that is something that we are seeing in terms of how these devices are being used at the point of care."¶ Avallone noted that research from a recent Manhattan study found that 66 percent of physicians self-reported as being more efficient with their EHRs than in the past. While part of this may be due to a greater sense of familiarity with the product and how to fit it into workflows, EHR vendors have also caught up with the trends of the day by developing software that intuitively meshes with physicians' daily tasks.¶ A minor annoyance¶ While EHRs may be an easy target for opponents of the technology, studies show that EHRs are not a top concern among physicians who are worried about losing the trust and goodwill of their patients.¶ According to a 2013 study published in Health Affairs, only 25.8 percent of physicians reported that EHRs were threatening the doctor-patient relationship. Administrative burdens like the ICD-10 transition and HIPAA compliance regulations, on the other hand, were noted by more than 41 percent of those surveyed. ¶ If industry experts are truly concerned about protecting the quality of the doctor-patient relationship, then EHR software should not be the primary focus. Instead, it should be highlighted during discussions with patients to show them just how powerful it can be. From there, patients may not care so much about the time doctors spend inputting their information into a piece of software that could save their lives.

Healthcare privacy is not key to patient trust – they just don't care

Dan **Munro** (Writer for Forbes and Quora specializing in healthcare related topics) November 2014 “Trust Trumps Privacy In Battle For Patient Health Data”

<http://www.forbes.com/sites/danmunro/2014/11/09/trust-trumps-privacy-in-battle-for-patient-health-data/>

There's no shortage of advocates on behalf of the “free your health data” movement. The keywords, of course, are “your,” “health data” and “free” (as in donating your health data for the global benefit of clinical research). The latest demand was an article that appeared last week in Wired – You Should Share Your Health Data: Its Value Outweighs The Privacy Risk by Beth Seidenberg, MD (a partner at the venture firm Kleiner Perkins Caufield & Byers). Dr. Seidenberg's medical credentials are definitely compelling (including Chief Medical Officer of Amgen AMGN -0.82%), but it's always a red flag to me when a total stranger (especially one with medical credentials) boldly demands that I “should” do anything online – with my health – which includes my health data. While Dr. Seidenberg's demand is noble in the conclusion that we can all benefit from the clinical research, her argument is based squarely on the false premise that privacy is the largest gating factor in the reluctance of consumers (or patients) to share their health data. I'm sure that privacy is a reason for many, but it's certainly not for me. I know just how easy all health data can be breached – and wrote about it earlier this year when I logged onto the network of a 300+ bed hospital using just a browser and my desktop PC (here). It's not that the electronic door to the hospital was unlocked – or even open. There was simply no door at all. The only thing missing was a banner ad saying “Click here for free health data.” The larger trend for health data breaches (including this year's 2nd largest ever – 4.5 million by CHS) is alarming. But risk of data breach – cloaked as ‘privacy’ – is not the issue. At least it's not mine. The issue I see is much larger – trust. Given the importance of getting this priority right, it's really tone deaf for anyone anywhere to demand that we do anything with our personal health data. Dr. Seidenberg's demand makes sense, of course, because the interests of venture capitalists are well aligned with many commercial interests in healthcare – much of which has been optimized around revenue and profits – not safety and quality. The lack of trust I see is clearly evident in countless stories of courageous patients, battling openly (almost entirely at their own expense) for access to their health data. Privacy issues (and HIPAA) are often cited as the legal reason for prohibiting access, of course, but that's just an excuse. Absent data security (clearly evident) there is no privacy and the real reason masquerading behind these false claims isn't privacy protection – it's revenue protection. This isn't just hospitals. The data battle for many patients encompasses medical device manufacturers, pharmaceutical companies and electronic health record vendors too. Our collective rights as patients are entirely secondary – if at all. Here's one example that appeared just yesterday in the New York Times – Medical Records: Top Secret (by Elisabeth Rosenthal). The story outlines the continuing case of Mr. Drier – a patient Ms. Rosenthal wrote about previously who was billed \$117,000 after a 3-hour neck surgery. Mr. Drier's efforts to get his health record (for ongoing management of his health condition) resulted in this summary: The six-week ordeal included requests that needed to be made via regular mail, numerous phone calls, consent forms and an estimate for copying fees that totaled \$100. This was topped off by an actual visit to the hospital by Mr. Drier, who sat in an office until he had paper documents in hand. The problem is enormous – and longstanding. The above example is simply one case that highlights what little progress we've made in the course of 5 years. I reference that timeframe because this last September marked the 5-year anniversary of Dave deBronkart's battle cry at the Medicine 2.0 event in Toronto. He opened his keynote with this slide. Working

with his physician – Dr. Danny Sands – he was finally able to download his health record electronically. The data that came into view, however, was largely based on billing records and loaded with inaccuracies (including the fact that an x-ray from 2003 identified him as a 53 year-old woman). He summarized his experience with transferring his health data into Google GOOGL +1.71% Health (now defunct) this way: In other words, the data that arrived in Google Health was essentially unusable. Dave deBronkart – Imagine someone had been managing your data, and then you looked – April, 2009 Hugo Campos is another example. Hugo continues to work tirelessly on getting access to the data from the cardiac defibrillator inside his own chest. His TEDxCambridge talk highlights his dilemma and his ongoing battle with Medtronic MDT - 0.73% for access to the data his own heart generates – again to manage his own health. Like other device manufacturers, Medtronic believes they should own the data – and patients who actually generate the data have no legal rights. The ICD device collects a lot of data about its own function and about the patient’s clinical status. It’s a pretty complex little computer, but unfortunately, none of this very valuable data is made available to the patient who originates it. The best we can do is get a print-out or a hardcopy of an interrogation report (typically at 6 or 12 month intervals). These reports are designed for doctors – not really for patients – so a lot of patients are discouraged from even getting this information. It’s hard to read.” Hugo Campos – TEDxCambridge 2011 Earlier this year, I wrote about Anna McCollister-Slipp and her battle with the data that she needs to manage her Type 1 diabetes. So I have all of this incredible information literally 24/7 – not just from my prescription medical devices – but also from my Fitbit, from a Bluetooth blood pressure monitor, from my digital scale and from a variety of different iPhone apps that are used for nutrition tracking etc. None of it connects. They’re all in completely different data streams, and even though each of them provides something that would be an incredibly vital element for me to truly understand how to manage my disease, how to predict when I need to change insulin in response to exercise, or stress, or schedule changes, or whatever the case may be – I can’t get that information all in one place. Even though it’s electronic – even though it’s all downloadable in one form or another – it’s all on different platforms, different computing systems and it doesn’t work together. Anna McCollister-Slipp – The View Of Digital Health From An Engaged Patient These are just a few examples – there are millions more – most of which will remain forever silent for reasons of personal privacy (or embarrassment) and they all exist because the business models don’t support sharing data with the people who create it in the first place – patients. Venture capitalists are notably absent when it comes to funding any patient-centered solutions because there’s simply no way to avoid the first question – who pays? Healthcare needs our clinical (and genetic) data for the purpose of advancing diagnosis and treatment of disease. I get that. What’s hard to believe is the misaligned priority of demanding our health data in advance of important efforts to break down the impenetrable barriers of our own access – to our own data. Tone deaf may be a harsh characterization, but if it doesn’t apply here – where does it? There is no question that all this data has enormous value, but getting the priority right makes all the difference in establishing trust. As Dr. Peter Diamandis suggested in his keynote at CHIME earlier this month, “privacy is dead.” Whether he’s right or not is immaterial. Trust most certainly isn’t dead – and that trumps privacy everywhere. Especially in healthcare.

Patients don't actually expect privacy

Appari and Johnson 10, (Ajit, Eric, Tuck School of Business, "Information security and privacy in healthcare: current state of research," Dartmouth, 4, 2010, <http://www.ists.dartmouth.edu/library/501.pdf//IB>

Bansal et al. (2007) developed a set of constructs based on utility theory and prospect theory as antecedents of trust formation and privacy concern that impact users' personal disposition to disclose their health information to online health websites. In particular, they reported that users' current health status, personality traits, culture, and prior experience with websites and online privacy invasions play a major role in users' trust in the health website and their degree of privacy concerns. On the other hand, in a mail-based survey with adult patients in England, Campbell et al. (2007) found that about 28–35% of patients are neutral to their health information – such as age, gender, ethnicity, reason for treatment, medical history, personal habits impacting health, type of treatment obtained, side effects of treatment – being used by physicians for other purpose. Only about 5–21% of patients, however, expected to be asked for permission to use their information by their physicians. Similarly, only about 10% of the patients expected to be asked for permission if their doctors used their health information for a wide variety of purposes, including combining data with other patients' data to provide better information to future patients, sharing treatment outcomes with other physicians, teaching medical professionals and writing research articles about diseases and treatments.

2NC – XT – Multiple Factors

Single issue focus under patient-physician trust is flawed - key issues constantly shift

Steven **Pearson** and Lisa **Raeko** (Center for Ethics in Managed Care, Harvard Medical School and Harvard Pilgrim Health Care, Boston, Mass) **2000** "Patients' Trust in Physicians: Many Theories, Few Measures, and Little Data" <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1495476/>

The importance of trust in patient-physician relationships is not questioned, but our understanding of it has depended largely on the passionate thoughts and anecdotes of physicians who cherish the special bond they feel with their patients. For practicing clinicians and for those who teach medical students and residents, the elements of physician behavior that foster trust can continue to reflect the instincts of physician-theorists: competence, compassion, reliability, integrity, and open communication. A widely accepted empirical conceptualization and understanding of trust is yet to come. In recent years, other complex and once believed intangible concepts, those of "satisfaction"^{24,25} and "health status,"^{26,27} have yielded to rigorous qualitative and quantitative research, and investigators and policy leaders now have standardized instruments with which to measure these concepts in a wide variety of health care settings. Although attempts to operationalize patient-physician trust are in their infancy, with models emerging recently through the effort of investigators such as Kao and Safran, a refinement and convergence of techniques may soon allow trust to be measured and discussed as routinely and rigorously as many other elements of health care. For patient-physician trust to be strengthened, our ability to measure the mediators and outcomes of trust must mature. However, a single measure of patient trust is unlikely to achieve long-lasting predominance, nor should it. The evolving nature of the health care system will continue to cast new light on patient-physician relationships. There will be new

threats to trust that appear on the horizon, while other threats will be perceived to fade in importance. Much as the threat of overly paternalistic physicians provided the chief concern in the 1970s, researchers are now more interested in measuring patients' concerns about physicians' conflict of interest in the setting of strong financial incentives. As the focus of measures of trust have evolved, from the earliest measure of Dedrick and Anderson to the latest measure of Kao et al., measures of patient-physician trust must also continue to evolve to address changes in the health care system and in how our society views the key elements of trust.

****Impact Framing****

Yes War – General

Nuclear war is possible – India, Pakistan, China, North Korea, and terrorism

Duz 14 (Sergei Duz is a writer for the Voice of Russia, “Nuclear war more likely than ever: threat comes from South Asia and nuke terrorists” 1/2/14 http://sputniknews.com/voiceofrussia/2014_01_02/Nuclear-war-more-likely-than-ever-threat-comes-from-South-Asia-and-nuke-terrorists-1915/)

The main reason for this is the ongoing erosion of the non-proliferation regime, experts say. The Non-Proliferation Treaty has been continuously bashed as "unfair," but it is in fact the exclusive geopolitical environment and ensuing nuclear responsibility of a handful of states that has so far kept mankind away from the total wipeout.¶ The theory of reciprocal deterrence wasn't there all the time. A long two decades after the A-bomb was invented, the powers who had it in their arsenals thought of it as fair game, a weapon you could actually use in a conflict, rather than a deterrent.¶ The Cuban Missile Crisis came as a wakeup call. It brought home the danger of nuclear weapons and led to the non-proliferation regime as conceived by the so-called "nuclear club," which included the Soviet Union, the US, Britain, France and China. Under the NPT, only countries that made and set off a nuclear bomb prior to January 1, 1967 were granted the status of a nuclear power. Washington, London and Moscow were the first to sign the treaty in 1968, with Paris and Beijing committing themselves to it years later. But all of the signatories abided by the rules.¶ Those times have passed. NPT controls have become so loose and new nuclear powers so numerous, there's no counting them anymore. India, Pakistan, Israel and North Korea have never even applied for "nuclear club" membership. On the contrary, they created their own shadow club with no rules. The official club with all its nukes poses less threat to the human race than this bunch of neophytes. Volatility has spread, though South Asia plays a separate role in it.¶ "Some South Asian countries have a full arsenal of nukes," says Pyotr Topychkanov, a senior researcher at the International Security Center of the Institute of World Economy and International Relations at the Russian Academy of Sciences. "They have enough nuclear warheads and vehicles. They have only one equal in the Middle East, which is Israel. Iran has no nuclear weapons yet."¶ "The same is true of North Korea, which has weapon-grade fissile nuclear materials. They have built and tested explosive devices, but it's still a long way to fully-fledged nukes for them."¶ The countries that really cause concern are India, Pakistan and China. China and Pakistan are longtime partners, including their nuclear agenda. India borders on China and Pakistan and is certainly aware of this partnership. It doesn't have faith in either. Were a conflict to spark off, it would be trilateral and include not only India and Pakistan, but India, Pakistan and China."¶ About 30 to 40 countries are on their way towards nuclear status. Many of them are inches away, like Germany, Japan and Canada, who could have had an A-bomb long ago – but simply didn't wish to. The Sunni Saudi Arabia has hinted it will make a bomb the moment the Shiite Iran lays its hands on one.¶ The principle of uncontrolled nuclear proliferation was formulated back in 1965, when Pakistan's foreign chief Zulfikar Ali Bhutto said: "There's a Christian bomb, a Jewish bomb and now even a Hindu bomb. It's high time we got a Muslim bomb."¶ Nuclear terrorism is yet another problem. Terrorists can't make a nuke. But they do know how to pit countries and eventually provoke them to an inadequate response. There's no lacking of short-sighted politicians who can take that last step, for instance Republican Senator Steve Buyer who nudged the government after 9/11 to nuke Tora Bora caves, instead of sending a task force to

Afghanistan.¶ In that sense, the threat of a full-scale nuclear war has transformed into the menace of a local nuclear conflict, or even a string of them. You shouldn't be lulled by their seeming locality though, since a precise nuclear strike will be felt globally, says PIR Center Internet Project Director Andrei Baklitsky.¶ "A nuclear conflict will have dramatic consequences for all of us, because nuclear weapons are weapons of mass destruction. They are not selective. A nuclear attack in the Middle East would be most tragic, first of all, because of its huge oil fields, and a burning oil field is a big trouble. Secondly, any strike on the Middle East will skyrocket oil prices across the world and plunge the global economy back into an even worse economic crisis than before.¶ The consequences of using an A-bomb in an Indo-Pakistani conflict would be just as grave for these densely populated countries, driving millions of refugees out of their homes and turning agriculture lands into barren wastes."¶ Unfortunately, the world is home to many paradoxes. Despite a drop in amounts of nuclear weapons worldwide, the collapse of the bipolar world has made the risk of a manmade apocalypse palpable.

Nuclear war is possible – accidents and poor risk calculation

Gobry 14 (Pascal-Emmanuel Gobry is a writer and fellow at the Ethics and Public Policy Center. His writing has appeared at Forbes, The Atlantic, First Things, Commentary Magazine, The Daily Beast, The Federalist, Quartz, and other places, "The end of nuclear deterrence" 12/12/14 <http://theweek.com/articles/441584/end-nuclear-deterrence>)//CW

Since the end of the Cold War, the public mind has pretty much forgotten about the existence of nuclear weapons, except in the Middle East. And yet, they still exist — thousands and thousands of them, ready to destroy all of human civilization several times over. In response, a new nuclear disarmament movement is getting underway.¶ This week, I attended the Vienna conference on the Humanitarian Impact of Nuclear Weapons. (Full disclosure: one of the sponsoring organizations, the Nuclear Threat Initiative, invited me all expenses paid.) The conference was striking in describing the utter, absolute destruction that can be caused by nuclear weapons.¶ I came in as a supporter of the doctrine of nuclear deterrence, which says that the world's major power-brokers should have nuclear weapons as a way of preventing a new world war. Advocates of this doctrine point to the Cold War, which never went hot, as a success for deterrence.¶ But supporters of disarmament — including the Red Cross, Pope Francis, and, believe it or not, Henry Kissinger — say that's wrong. These are serious, sober-minded people, not just pie-in-the-sky activists, and they say that deterrence doesn't work in a multipolar world. Instead, the presence of nuclear weapons just creates an incentive for more proliferation, as small countries try to one-up their regional adversaries.¶ What's more — and this was the most striking thing at the conference — they point to the risks inherent in the existence of nuclear weapons. History has recorded many close calls in which nuclear weapons were almost fired. (This, in turn, could have led to a nightmare scenario where an accidental strike is met with a riposte, triggering Armageddon.) For example, in 2007, six U.S. nuclear warheads went missing because of a bureaucratic mistake. Then there's the story of the U.S. nuclear missile launch officer with the drug problem.¶ If this stuff can happen in the U.S., which has the oldest, best-funded, and most sophisticated nuclear force, one shudders to think about what might be going on in Russia or Pakistan. Given the way human nature and technology works, advocates warn, it is not a matter of if, but when a catastrophic accident will occur. The only solution is simply to ban nuclear weapons for good.¶ This is where I started rethinking my position. A lot of research has shown that human brains are wired in such a way that it is very difficult for us to rationally process risks that have a very low probability but a very high cost. This is essentially what caused the 2008 financial crisis: a very low risk was treated as non-existent, so that when the event occurred, the system collapsed. This is exactly the kind of risk we are talking about with nuclear weapons.

Peace isn't inevitable – framing it as such increases the risk of conflict by altering threat perceptions

Jehangir 12 {Hamza, Research Associate on a National Priorities Research Project (Texas A&M – Qatar), Masters of Arts, International Relations and Globalization (University of Salford, UK) and Bachelor of Social Science, International Relations (SZABIST, Islamabad, Pakistan), “Realism, Liberalism and the Possibilities of Peace,” E-IR, 2/19, <http://www.e-ir.info/2012/02/19/realism-liberalism-and-the-possibilities-of-peace/>}

When Plato said that **only the dead have seen the end of war**, his remarks **echoed** the history of his time. War was all too often of an occurrence in ancient Greece, so much so that it might've been considered a **necessity** in some cases but a **menace** in others. From Plato's time to the contemporary period of political science and international relations theorizing, philosophers and theorists have been primarily concerned with discovering human nature, its role in social and political life as well as ways and means of giving meaning to human life. Peace has been central to this process of inquiry and thought which has led humanity to its present condition. Theories of peace and war have been central to this cognitive exercise. However, in the last three centuries, relations between nation-states have **taken the central stage**. Theories have come to light which illuminate our understanding of how nations interact, what causes them to go to war, what motivations might they have to establish peace and how these causes and motivations might be managed to reach a stage where peace is not “an armistice in a war” as Thucydides (431 BCE) stated but “a virtue, a state of mind, a disposition for benevolence, confidence, justice” as Baruch Spinoza (1670) considered it to be. Nonetheless, there are still **considerable obstacles that remain in the pursuit of peace**. Theorists have outlined them and literature has shed light on these hurdles whereas in some cases the pre-occupation with peace has also **led towards a more hostile state of international affairs amongst nations** as well as peoples.

Yes great power war – realism, fear of worse alts, failed political processes, violent human nature – their evidence twists definitions to exclude our scenarios

Lyon 14 {Rod, director of the strategy and international program at the Australian Strategic Policy Institute, executive editor of The Strategist, “No, Great Power War Isn't Obsolete,” The Diplomat, 8/22, <http://thediplomat.com/2014/08/no-great-power-war-isnt-obsolete/>}

August has seen a wave of reflection on major war. It's a question we seem to revisit every time the key anniversaries of WWI and WWII roll around, but especially this year because it's the 100th anniversary of the outbreak of WWI. Some pundits are keen to draw parallels between 1914 and 2014—though on its face **it's not apparent** to me why 2014 should be more like 1914 than 2013. Academic strategists familiar with their disciplinary history will know that the issue of whether major war's obsolete received a detailed coverage back in Survival magazine in the late 1990s. To save readers the trouble of digging through their archives, one contributor, John Mueller, argued that it was obsolete—gone the way of slavery and dueling—while others wrestled partly over how to define obsolescence and even more over how to define major war. Was the Vietnam War “major?” Was the Cold War a “war?” Michael Mandelbaum argued that perhaps major war was just a poor policy option nowadays—because of the steep rise in the costs and the thin rewards for success. It's intriguing that the question about the obsolescence of war is typically qualified by the adjective “major.” No one seems particularly keen to claim that nasty little wars—in particular, nasty little wars in faraway places—are obsolete, perhaps because they patently aren't. From memory, Mueller didn't want to call those conflicts “wars,” though; he saw those more as “opportunistic predation” (That's the reason the cover of his book, *The Remnants of War*, features an image—from the Balkan conflict in 1991—of a thug swigging

from a bottle.)[¶] Then 9/11 came along and sideswiped that whole debate. The nasty little wars of the 1990s didn't stay in faraway places. A superpower got up and marched off to war—albeit a war against al Qaeda, its supporters, and all its works. Somewhere along the line the mission became conflated with a host of other problems, and Washington ended up obsessing about the Global War on Terror for longer than it probably should have done. But Washington's behavior at least answered one question related to the Big One: **did great powers still go to war? Yes.** Now, the question still unanswered—unanswered since 1945 if you think major war has to be hot; unanswered since 1991, if you think major war can be cold—is whether or not major powers still go to war with each other.[¶] Psychologist Steven Pinker has recently argued that the better angels of our nature are making us turn away from violence. I'm not wholly convinced by his argument—the better angels of our nature **seem pretty militant to me, and always have been.** (See Ephesians, 6:12.) But academic research from a few decades back suggests that great-power wars against each other aren't common. Jack Levy in his research on war in the international system between 1495 and 1975 found only nine of what he would call “world wars”—wars where almost all great powers were involved. Much more commonly, he found “interstate wars”—113 of which engaged a great power.[¶] I cite those figures to underline two points. First, if world wars are rare, maybe we don't need special explanations to say why there hasn't been one since 1945 (hot) or 1991 (cold). Second, that definition of major war is still a problem.[¶] Let's put aside the academic arguments and look straight at the case that most worries us. Is a great-power war between the U.S. and China possible? I think we could answer that question directly: possible, **yes**; likely, no. Great powers, especially nuclear-armed ones, don't go to war with each other lightly. But sometimes wars happen. And they aren't accidents. They're about international order. They're about, as Raymond Aron said, **the life and death of states.** And the **principal** reason for fighting them is that not doing so looks like a worse alternative.[¶] Moreover, the paths to war—including rare major-power war—are not reserved solely for conventionally-armed states. Where both powers are nuclear-armed we should expect a conflict, even one at the lower rungs of the escalation ladder, to be fought with a high degree of political control, and an understanding that the objectives of the conflict are limited. Naturally, it would help if both sides shared a common understanding of where the firebreaks were between conventional and nuclear conflict, and already had in place a set of crisis-management procedures, **but it's possible that neither of those conditions might exist.** (Neither would prevent a war, but both would provide a better sense of the likely escalation dynamics of a particular conflict.) Indeed, it's because major war is possible that we retain such a keen interest in war termination. Unconstrained escalation doesn't lead to a happy place.

Yes War – A2 Interdependence

Trade doesn't solve war – empirics prove it only applies for two Western nations

Hafner-Burton and Montgomery 12 (Emilie M. Hafner-Burton PhD is a professor at the University of California, San Diego. Alexander H. Montgomery is Department Chair and Associate Professor of Political Science at Reed College. He has a B.A. 1996, Physics, University of Chicago. M.A. 1999, Energy and Resources, University of California at Berkeley. M.A. 2003, Sociology, Stanford University. Ph.D. 2006, Political Science, Stanford University. He has published articles on dismantling proliferation networks and on the effects of social networks of international organizations on interstate conflict. His research interests include political organizations, social networks, weapons of mass disruption and destruction, social studies of technology, and interstate social relations. “War, Trade, and Distrust: Why Trade Agreements Don't Always Keep the Peace”)//CW

Many before us have been skeptical of the claim that interdependence promotes[¶] peace among states. It is well understood that international institutions can have[¶] adverse effects on conflicts among member states, mismanaging crisis situations[¶] and worsening conflict intensity (Gallarotti, 1991), or producing rivalry among[¶] states due to their relative social positions (Hafner-Burton and Montgomery,[¶] 2006). We are nevertheless among the first to directly tackle the principal claims[¶] supporting the liberal thesis that trade institutions dampen conflict, and to propose[¶] an explanation for why conflict often characterizes outcomes.[¶] This is important because we observe significant instances of violent conflict[¶] between PTA members: the 1990s alone included border clashes between[¶] Armenia and Azerbaijan, members of the Commonwealth of Independent[¶] States (CIS); the outbreak of war in the Great Lakes, with foreign involvement[¶] in the Democratic Republic of

Congo from Angola, Namibia, Rwanda, Uganda, and Zimbabwe, all members of the Common Market for Eastern and Southern Africa (COMESA); the Iraqi invasion of Kuwait and violent border clashes between Egypt and Sudan, all members of the Council of Arab Economic Unity (CAEU); and fighting between India and Pakistan, members of the South Asian Association for Regional Cooperation (SAARC). North and South Korea frequently are involved in violent incidents; both are members of the Global System of Trade Preferences Among Developing Countries (GSTP). A majority of these disputants are also members of the WTO. Powers contends that in Africa, 16% of all militarized international disputes registered by the Correlates of War data from 1950 to 1992 occurred between PTA members (Powers, 2003, 2004). These examples show clearly that members of the same trade institution can and do conflict, that conflict often breaks out into violence, and that commerce is frequently not enough to keep the peace. They stand in sharp contrast to the liberal expectation that trade institutions dampen conflict through an increase in trust. Trade institutions do increase repeated contact between members; however, contact does not necessarily build trust or a sense of community. The lessons of European integration theory suggest that building community through upgrading the common interest between PTA members requires a minimum level of homogeneity: a pluralist social structure, a high level of economic and industrial development, and ideological similarity (Haas, 1960). Security communities are also most likely to develop through economic relations among Western nations, as even the most institutionalized forms of integration in the developing world cannot be said to create the mutual identification at the core of the concept (Bearce, 2003). Although evidence suggests that economic integration has led to the formation of a collective identity and trust among member states of the European Union over time, it is well understood that “democratic features of liberal democracies enable the community in the first place” (Russett and Oneal, 2001: 166). The liberal argument that trade institutions dampen conflict by building trust among leaders to overcome commitment problems consequently chiefly applies to the Western world of advanced democratic nations. Yet the overwhelming majority of trade institutions manage trade between partners that include at least one developing or nondemocratic state, and there is no evidence to show that these institutions build trust over asymmetrical distribution of gains. Boehmer, Gartzke, and Nordstrom cogently argue that states that belong to many different international institutions may have a greater number of international interests to competitively defend and a greater array of opportunities to enact aggressive behavior in defense of those perceived interests (Boehmer et al., 2002). We extend this argument one step further; trade institutions create and shape states’ interests, affecting not only the number of potential issues for dispute, but also establishing conditions that can lead to distrust. Institutions do this by placing states in social positions of power within international relations, which shape expectations for behavior by defining which issues are legitimate for contestation via military means and enable states to coerce, bribe, reward, or punish each other. We address this possibility in the next section.

Leaders value short-term benefits of aggression over long-term economic harms – economic MAD fails

Solomon 15 (Jon Solomon is a writer at Information Dissemination, a naval information blog. He is citing Eric Lorber and Jacquelyn Schneider. Eric Lorber is a PhD candidate in Political Science at Duke and a JD candidate at the University of Pennsylvania Law School. His research focuses on civil-military relations, the use of force against non-state actors, and the credibility of security guarantees. He has been a fellow at the Duke University American Grand Strategy Program, worked for the RAND Corporation, and is currently an adjunct staff member at the Institute for Defense Analyses. Jacquelyn Schneider is a PhD student in Political Science at George Washington University. Her research focuses on the intersection of national security, technology, and political psychology and covers a diverse range of topics from intelligence to unmanned technologies to cyber policy. She has won awards for Best Graduate Student Paper at both the International Studies Association Annual

Meeting (Foreign Policy Section and International Security Studies Section) and the Southwestern Social Sciences Association Annual Meeting and is a two-time award winner of the AFCEA National Intelligence Writing Contest. She holds a B.A. in Economics and Political Science from Columbia University and a M.A. in Political Science from Arizona State University. “The Fallacy of “Mutually Assured Economic Destruction” 4/24/15 <http://www.informationdissemination.net/2015/04/the-fallacy-of-mutually-assured.html>///CW

In an excellent War on the Rocks article last week, Eric Lorber and Jacquelyn Schneider argued that economic sanctions cannot serve as standalone deterrents against aggression by another state. They noted in particular how prospect theory and credibility considerations affect the utility of threatened economic punishments as a deterrent within an opponent’s decision-making: ¶ “...while these new, sophisticated sanctions often cause medium- and long-term damage to a country’s economy, the prospect of such damage may not deter aggressive actors from taking immediate actions contrary to U.S. interests. For example, in the case of Russia, while the sanctions have certainly taken a toll, the Russian economy, when supported by capital reserves, is sufficiently resilient to put off the worst impacts of the sanctions for a few years. In the short-term, however, Russia has been able to annex Crimea and exercise significant influence in rebel-controlled areas deep in Eastern Ukraine. Thus, while the prospect of economic damage may loom down the road, this risk may be insufficient to deter an aggressive actor from pursuing short-term benefits... ¶ ...Likewise and in the Russia context, given the discord among European Union member states about how to respond to additional Russian aggression, Russia may not believe that the United States and the European Union will impose additional, extremely painful sanctions on the country, and therefore may not be deterred from engaging in additional destabilizing action in Ukraine.” ¶ They conclude that a defender must understand “the aggressive actor’s intentions and motivations” in order to determine whether deterrence by economic punishment is likely to succeed; ¶ “Policymakers in Washington need to do better than conclude that ‘these sanctions will cause economic pain, therefore they will deter.’ Rather, they must analyze whether the particular sanctions on the table will influence a malicious actor’s decision-making.” ¶ In other words, the opponent’s leaders’ political objectives and perceptions of the strategic circumstances (including pressures stemming from domestic popular passions) are central variables in determining a deterrence policy’s probable efficacy. ¶ While all deterrence policies face this challenge to some degree, it tends to especially impact deterrence by punishment. The amount of threatened pain must significantly exceed the opponent’s discomfort with continuing to honor the status quo. A threat of certain national economic catastrophe is not sufficient if opponent’s leaders value some other political objective more highly or suffer from exceptional ‘strategic desperation.’ Japanese leaders proved that exact point in their decision for war during the late summer and early fall of 1941. ¶ **This does not change if a threatened economic catastrophe would affect both the aggressor and the defender.** This is the premise behind ‘mutually assured economic destruction,’ a concept rooted in the longstanding idea that the likelihood of war between competing states decreases as their economic interdependence increases. In theory, two competing countries should be mutually restrained by the risk of devastating their entwined economies. One does not have to look that far back into history to see the fallacy in this thinking: the aggressors in both World Wars valued other objects more highly than the prospects of economic disaster (to the extent economics factored into their calculus at all).

Trade doesn’t solve war

Martin et. al. ‘8 (Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy

Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75, 2008)

Does globalization pacify international relations? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant’s Essay on Perpetual Peace (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.¹ Figure 1 suggests² however, that during the 1870–2001 period, the correlation between trade openness and military conflicts is not a clear cut one. The first era of globalization, at the end of the 19th century, was a period of rising trade openness and multiple military conflicts, culminating with World War I. Then, the interwar period was characterized by a simultaneous collapse of world trade and conflicts. After World War II, world trade increased rapidly, while the number of conflicts decreased (although the risk of a global conflict was obviously high). There is no clear evidence that the 1990s, during which trade flows increased dramatically, was a period of lower prevalence of military conflicts, even taking into account the increase in the number of sovereign states.

Yes War – A2 Deterrence

Deterrence fails – correlation isn’t causation and complex situations mean nuclear war is always possible – prefer magnitude to probability

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. He is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. “Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought” 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory>///CW

We cannot know for sure what caused the absence of great-power wars over the last seventy years.¹⁷ We are left with dueling counterfactuals and the need to bet and trust.¹⁸ The opponents of the goal of a world without nuclear weapons create a false dichotomy between what we know for a fact and what we hypothesize. On the one hand, they argue, is the hard fact of the nuclear peace; on the other hand are other hypotheses or counterfactual reasonings. But the nuclear peace is not a fact. It is a hypothesis, trying to link two observable facts: the existence of nuclear weapons in the world since 1945 and the absence of war between the United States and the Soviet Union during the same period. The fact is that the idea of the nuclear peace and competing explanations share the same status: all are hypotheses, requiring a rerun of the history of the last seventy years, without nuclear weapons to see whether war would have broken out. The nuclear peace hypothesis is no less a counterfactual than its rivals.¹⁹ It faces the challenge of proving a negative. In these circumstances, faith in the nuclear peace becomes a bet or a matter of trust.²⁰ Moreover, we know that complex and tightly coupled systems like nuclear weapons are doomed to fail eventually, even if the frequency of failure is very low. This is because their complexity and tight coupling don’t allow for anticipating and testing of every possible failure.²¹ Given this epistemological challenge, which relies ultimately on the trust one puts in one potential cause of peace at the expense of the others and on the expected timing of

nuclear versus non-nuclear disasters, at least one question arises: is seventy years a high enough standard of evidence for us to surrender our fate to nuclear weapons forever?²²

Multiple factors complicate nuclear deterrence

Lyon 15 (Dr Rod Lyon is a Fellow - International Strategy. Rod was most recently a Senior Analyst with ASPI. He has previously lectured in International Relations at the University of Queensland where he taught courses on conflict, international security, and civil-military relations. His research interests focus on a range of problems associated with global security, nuclear strategy and Australian security. He previously worked in the Strategic Analysis Branch of the Office of National Assessments between 1985 and 1996. As a Fulbright scholar in 2004, he was a visiting research fellow at Georgetown University in Washington DC, researching a project on the future of security partnerships in the post-September 11 environment. He was appointed to the National Consultative Committee on International Security Issues in April 2005. “The New Dilemmas of Nuclear Deterrence” 7/3/15 <http://thediplomat.com/2015/07/the-new-dilemmas-of-nuclear-deterrence/>///*CW*

With nuclear modernisation programs under way across a range of countries, Russia asserting its right to deploy nuclear weapons in the Crimea, NATO reviewing the role of nuclear weapons in the alliance, and a recent report in the US arguing for a more versatile arsenal of tactical nuclear weapons, it's clear the world's revisiting an old problem: how to build effective nuclear deterrence arrangements.[¶] Since the end of the Cold War, thinking about deterrence issues has been mainly confined to the academic and think-tank world. But policymakers are now having to re-engage with those issues. And the problem has a new twist: we no longer enjoy the luxury of a bipolar world. Indeed, as Therese Delpech observed in her RAND monograph *Nuclear deterrence in the 21st century*, nowadays ‘the actors are more diverse, more opaque, and sometimes more reckless’.[¶] Done properly, deterrence is a contest in threats and nerve, or—to use Thomas Schelling's phraseology—‘the manipulation of risk’. (The chapter so titled in Schelling's *Arms and influence* is a great starting point for anyone wanting to think through the broader deterrence problem.) That helps explain why some thought the concept ‘ugly’. It's hard to make a policy threatening massive damage to societies and civilians sound noble and aspirational. Still, the bad news is that the alternatives are worse. And if deterrence is going to remain the dominant approach in nuclear weapon strategy, we need to fit the strategy to the contemporary geopolitical environment.[¶] Historical experience of the deterrence problem is greatest in relation to two competing superpowers, separated by intercontinental distances, endowed with the resources to manage challenges, and both knowing well the costs of major war. We've had relatively little experience of nuclear deterrence in contests between giants and midgets (US v North Korea), between established and fast-rising powers (US v China), and amongst players in a multipolar system. Even our understanding of the role nuclear deterrence plays in relations between regional rivals (think South Asia) remains under-developed. It's entirely possible that the old superpower deterrence model might not fit those new challenges well. Indeed, maybe the old model doesn't even fit the US–Russian strategic relationship well these days: Russia's no longer governed by a sclerotic CPSU.[¶] Some years back INSS' Elaine Bunn (now a senior official in the Obama administration) wrote a paper unpacking the notion of ‘tailored’ deterrence introduced in the 2006 Quadrennial Defense Review. True, deterrence has always been characterized by particular strategic wrinkles, but Bunn's paper was an attempt to bring those wrinkles to the fore in relation to the possibility of a nuclear-armed North Korea, Iran, or transnational terrorist group. Her exploration of three different forms of tailoring—tailoring to specific actors and specific situations; tailoring capabilities; and tailoring communications—helps to illustrate the growing complexity of the deterrence challenge.[¶] It now seems likely that we're headed back into a set of complicated deterrence debates. A strategy that might make sense in one strategic setting—for example, a degree of restraint by a giant engaged in a conflict with a midget—might well risk flagging unintended messages in another. In the giant–midget case, almost any crossing of the

nuclear threshold by the giant risks imposing a set of desperate choices on the midget's leadership, and desperate choices tend not to be good ones.¶ Deterrence in the context of an established power versus a fast-rising power has a different wrinkle. One effect of a deterrence-dominated world is to reward passivity over initiative. As Schelling notes, in the world of the arthritic, passivity tends to be the default choice. But fast-rising powers aren't arthritic. Turning one aside from a revisionist agenda will probably be more challenging than deterring another established player.¶ Multipolarity brings its own wrinkles, including a more mixed set of adversarial relationships, asymmetrical contests, inadvertent signalling, and third-party exploitation of bilateral rivalries. Capability issues become more vexed: actors require the capabilities to deter and defend against another, but also the residual capabilities to remain a player in other contests. The pressure must surely be towards larger rather than smaller arsenals. And reputational issues become more dominant: just as Margaret Thatcher fought the Falklands War in part to show the Soviet Union that the West wouldn't buckle in the face of force, so too players in a multipolar nuclear world will want to show resolve in one contest because of its implications for others.¶ Finally, and perhaps most controversially, deterrence turns upon a credible threat to cross the nuclear threshold if push comes to shove. During the 1960s the US advocated a doctrine of flexible response, arguing for a model of deterrence that would fail in small packets rather than in one catastrophic breakdown. Notwithstanding the giant-midget problem outlined above, there's usually good sense behind such a doctrine: it makes deterrent threats more credible, avoids global annihilation in any initial crossing of the nuclear threshold, maintains a degree of 'intra-war deterrence' from the options still on the table, and optimizes prospects for negotiated war termination. But historically the doctrine invited questions about the relative balance between usability and credibility in US nuclear policy—questions buried rather than resolved by the end of the Cold War.¶ Tailoring, messaging, usability, credibility, and thresholds: I suspect policymakers will soon be thinking about all those questions again, across a range of deterrence relationships.¶

Asymmetry of multipolar world takes out deterrence theory

Goodby 15 (James E. Goodby has served in the US Foreign Service, achieving the rank of Career Minister, and was appointed to five ambassadorial-rank positions by Presidents Carter, Reagan, and Clinton, including ambassador to Finland. He taught at Georgetown, Syracuse, and Carnegie Mellon Universities and is Distinguished Service Professor Emeritus at Carnegie Mellon. Ambassador Goodby has worked with former Secretary of State George Shultz at Hoover since 2007. He is a research fellow at the Hoover Institution and a senior fellow with the Center for Northeast Asia Policy Studies at the Brookings Institution.¶ He was a Distinguished Service Professor at Carnegie Mellon University from 1989 to 1999 and is now a professor emeritus. Selected for the US Foreign Service through competitive examinations in 1952, Goodby rose to the rank of career minister in the Senior Foreign Service and was given five presidential appointments to ambassadorial rank, including ambassador to Finland (1980–81). During his Foreign Service career he was involved as a negotiator or as a policy adviser in the creation of the International Atomic Energy Agency, the negotiation of the limited nuclear test ban treaty, START, the Conference on Disarmament in Europe, and cooperative threat reduction (the Nunn-Lugar program).¶ Goodby's awards include the Presidential Distinguished Service Award, the State Department's Superior and Distinguished Honor Awards, and the Commander's Cross of the Order of Merit of Germany. He was named a Distinguished Fellow of the US Institute of Peace in 1992. He was the recipient of the inaugural Heinz Award in Public Policy in 1995. In 1996, he was awarded an honorary doctor of laws degree by the Stetson University College of

Law. "The New Dilemmas of Nuclear Deterrence" 7/3/15 <http://thediplomat.com/2015/07/the-new-dilemmas-of-nuclear-deterrence/>///CW

During the Cold War, nuclear deterrence was essentially a US-Soviet calculation. After the Cold War, China began to loom larger in US planning, but the premise that deterrence was essentially a bilateral interaction remained. In the future, situations that are not demonstrably bilateral may become the norm. Even now, but especially in the event global nonproliferation efforts fail to meet current challenges, the nuclear deterrence calculations of the United States and other states armed with nuclear weapons will have to be based on a much more complex set of global and regional dynamics. In such a system, if nuclear weapons were used or even if their use were threatened, there would be an action-and-reaction effect that might involve several nations, not just two as in the Cold War paradigm. For example, the alert status of nuclear delivery systems probably would be changed to a higher level of readiness by several nations. There might be movements of air and naval forces equipped with nuclear weapons. A great deal of ambiguity can be expected in the event of a nuclear explosion as to which nation had detonated a nuclear weapon. Once nuclear weapons attacks occurred, terminating the war could be difficult. Conceivably, three or four nuclear-armed states could become engaged in hostilities that might have originated with just one nation initiating a nuclear attack. The dynamics of nuclear conflict in the Middle East, South Asia, or Northeast Asia would require qualitatively different deterrent calculations from those the five Non-Proliferation Treaty nuclear weapons states have been accustomed to making. "Catalytic" nuclear war was one of the worries of the Kennedy and Johnson administrations. It meant that the United States could become engaged in a nuclear war because a nuclear-armed US ally had used a nuclear weapon and their common adversary, the Soviet Union, had decided to use nuclear weapons in response. Those worries would also figure in a complex world of perhaps fifteen or so nuclear-armed states, which would also include the unknown capabilities of terrorist groups and the likelihood that cyber-mischief would accompany any nuclear attack. How does one measure strategic stability in such a situation?

Luck, not deterrence, accounts for nuclear peace

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. His is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. "Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought" 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory/>///CW

Luck is too often taken as a confirmation that nuclear deterrence kept the peace.²⁸ But luck should not be misread as successful deterrence.²⁹ More accurately, as Thomas Schelling noted, leaders of nuclear-armed states can make threats that "leave something to chance"³⁰—recognizing that things could spiral out of control and nuclear weapons could be used even if they do not intend to use them—to make those threats more credible. But including luck in a successful deterrence strategy, as if you could control it, is both a conceptual confusion and a retrospective illusion.³¹ Luck was on our side this time, but this is not a consequence of purposeful action. For example, during the night of October 26–27, 1962, at the height of the Cuban missile crisis, an American U-2 spy plane strayed into Soviet airspace over the Arctic. Soviet fighter jets scrambled to intercept the U-2 while F-102 interceptors were sent to escort it

home and prevent Soviet MIGs from freely entering US airspace. Given the circumstances, the F-102s conventional air-to-air missiles had been replaced with nuclear-tipped ones and their pilots could decide to use nuclear weapons. According to Scott Sagan in *The Limits of Safety*, “the interceptors at Galena were armed with the nuclear Falcon air-to-air missiles and, under existing safety rules, were authorized to carry the weapons in full readiness condition in any ‘active air defense’ mission.”³² Fortunately, the spy plane turned back and the Soviet jets held their fire.³³ There are many other instances in which deterrence cannot account for favorable outcomes.³⁴ Robert McNamara was direct about the role of luck during the Cuban missile crisis: According to former Soviet military leaders, at the height of the crisis, Soviet forces in Cuba possessed 162 nuclear warheads, including at least 90 tactical warheads. [And the United States was not aware of that at the time.] At about the same time, Cuban President Fidel Castro asked the Soviet ambassador to Cuba to send a cable to Soviet Premier Nikita Khrushchev stating that Castro urged him to counter a U.S. attack with a nuclear response. Clearly, there was a high risk that in the face of a U.S. attack, which many in the U.S. government were prepared to recommend to President Kennedy, the Soviet forces in Cuba would have decided to use their nuclear weapons rather than lose them. Only a few years ago did we learn that the four Soviet submarines trailing the U.S. Naval vessels near Cuba each carried torpedoes with nuclear warheads. Each of the sub commanders had the authority to launch his torpedoes. The situation was even more frightening because, as the lead commander recounted to me, the subs were out of communication with their Soviet bases, and they continued their patrols for four days after Khrushchev announced the withdrawal of the missiles from Cuba. The lesson, if it had not been clear before, was made so at a conference on the crisis held in Havana in 1992. . . . Near the end of that meeting, I asked Castro whether he would have recommended that Khrushchev use the weapons in the face of a U.S. invasion, and if so, how he thought the United States would respond. “We started from the assumption that if there was an invasion of Cuba, nuclear war would erupt,” Castro replied. “We were certain of that. . . . [W]e would be forced to pay the price that we would disappear.” He continued, “Would I have been ready to use nuclear weapons? Yes, I would have agreed to the use of nuclear weapons.” And he added, “If Mr. McNamara or Mr. Kennedy had been in our place, and had their country been invaded, or their country was going to be occupied . . . I believe they would have used tactical nuclear weapons.” I hope that President Kennedy and I would not have behaved as Castro suggested we would have. . . . Had we responded in a similar way the damage to the United States would have been unthinkable. But human beings are fallible [emphasis added].³⁵ This fascinating account shows how lack of information, misperception, and ideology could have led to disaster if we had not been lucky. But false information, lack of information, and misperceptions were not the only reason why luck was the decisive cause of the positive outcome of the Cuban missile crisis. Limits of safety, limits of command and control, and organizational problems also have to be taken into account. As Scott Sagan wrote: Many serious safety problems, which could have resulted in an accidental or unauthorized detonation or a serious provocation to the Soviet government, occurred during the crisis. None of these incidents led to inadvertent escalation or an accidental war. All of them, however, had the potential to do so. President Kennedy may well have been prudent. He did not, however, have unchallenged final control over U.S. nuclear weapons.³⁶ Most-recent studies show that sloppy practices in nuclear weapons management have occurred at all levels of decision-makers, leaders, nuclear safety and security teams, and top-level military personnel in most nuclear-weapon states. They also show the limits of learning from past sloppy practices. Confidence in perfect nuclear safety is still a matter of wishing for the best and relying on luck.³⁷ One telling example of this occurred at Minot Air Force Base in North Dakota in

2007. This offers a well-documented case of multiple sloppy practices and suggests the limits of learning after the incident was identified. On August 29–30, 2007, six US nuclear-armed cruise missile warheads were mistakenly flown to Barksdale Air Force Base in Louisiana. They had been placed by mistake under the wings of a B-52; the weapons had not been guarded appropriately during a thirty-six-hour period. Had the plane experienced any problems in flight, the crew would not have followed the proper emergency procedures.³⁸ After this widely publicized case of sloppy practices,³⁹ US Secretary of Defense Robert Gates emphasized the need for responsibility in handling nuclear weapons: “The problems were the result of a long-standing slide in the Service’s nuclear stewardship. . . . For your part, you must never take your duties lightly. There is simply no room for error. Yours is the most sensitive mission in the entire US military.”⁴⁰ Change and improvement were supposed to follow, but even on the base where the incident took place and where the Secretary of Defense came to give his speech, it was necessary to repeat the order to leave no room for error. In April 2013, one officer from the 91st Missile Wing at the same Air Force Base in North Dakota was punished for sleeping on the job while having the blast door open behind him. (Sleeping wasn’t prohibited on a twenty-four-hour shift, but leaving the blast door open was.) He was one of two missile officers sanctioned that year for such a fault and he told his superiors that it wasn’t the first time.⁴¹ Air Force officers told the Associated Press that such violations of the safety procedures had happened more often than just in the two documented cases.⁴² The limits of safety, the limits of command and control, and the persistence of sloppy practices even in the US nuclear forces suggest that the role of luck is likely to have been even more important than we can document here. (three different groups) of the payload installed in those cruise missiles, those procedures were not followed.” The quotes for the account of this particular accident are taken from the unclassified account available in the February 2008 report from the Defense Science Board Permanent Task Force on Nuclear Weapons Surety, entitled Report on the Unauthorized Movement of Nuclear Weapons. There are no reliable records of nuclear weapons accidents or close calls in most nuclear-weapon states.

A2 Tepperman

Tepperman’s thesis ignores complexities and accidents – expert consensus

Shaw 9 (Douglas B. Shaw serves as the Associate Dean for Planning, Research, and External Relations at the George Washington University’s Elliott School of International Affairs with a concurrent appointment as an Assistant Professor of International Affairs. Doug previously served as Director of Policy Planning in the Office of the President at Georgetown University, on the U.S. Department of Energy’s Nuclear Material Security Task Force, at the U.S. Arms Control and Disarmament Agency, and in leadership roles for a number of non-governmental organizations including Physicians for Social Responsibility, the Lawyers Alliance for World Security, and the Institute on Religion and Public Policy. Doug holds a Ph.D. in international relations from Georgetown University and has lectured on nuclear nonproliferation and disarmament on four continents. “Newsweek misrepresents nuclear weapons scholarship” 9/1/9 <http://nukesonablog.blogspot.com/2009/09/newsweek-misrepresents-nuclear-weapons.html>///**CW**

Jonathan Tepperman’s thesis in his September 7th Newsweek article “Why Obama should Learn to Love the Bomb” that “a growing and compelling body of research suggests that nuclear weapons may not, in fact, make the world more dangerous” badly misrepresents the state of scholarship on this crucial topic. First, Tepperman references a handful of scholars to make his argument while dismissing the majority who disagree with him. George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn opposed this view in two op-eds in the Wall Street Journal and other leading scholars and practitioners participated in a 2007 conference at Stanford University, now memorialized as a 500-page volume, Reykjavik Revisited. Scores of experts are

summarily excluded from Tepperman's article.¶ Second, Tepperman suggests a robust understanding of how deterrence relates to today's challenges where none exists. Nuclear deterrence scholar Sir Lawrence Freedman observed a "lost generation" of nuclear weapons specialists in remarks at the Elliott School of International Affairs this spring and Commander of the U.S. Strategic Command, General Kevin Chilton, observed this summer "we have allowed an entire generation to skip class, as it were, on the subject of strategic deterrence." More scholarship is needed to translate "nuclear optimism" and other Cold War concepts into the Twenty-first Century.¶ Third, in over 2,700 words on deterrence, not one of them is "accident." This is a catastrophic flaw in characterizing scholarly debate on nuclear weapons. Kenneth Waltz, cited by Tepperman as "the leading nuclear optimist" underlines this point by co-authoring a book titled *The Spread of Nuclear Weapons: A Debate Renewed* with Stanford University's Scott Sagan who has done decades of careful scholarship to demonstrate the relevance of accidents to nuclear deterrence.¶ Tepperman's "iron logic" of deterrence is undermined by a more unstable plutonium logic that can only be understood by the combined lights of physics, engineering, political science, economics, and at least more than a dozen other disciplines that James Doyle of Los Alamos National Laboratory argues constitute "nuclear security science." The nuclear future ahead of us is long, imperfect, and badly in need of more research and more informed public debate.¶

A2 Empirics

Their empirics argument is historically false

Pelopidas 15 (Benoît Pelopidas is a lecturer (assistant professor with tenure) in international relations at the University of Bristol (Global Insecurities Center) and an affiliate of the Center for International Security and Cooperation at Stanford University. He has been awarded two international prizes for his research, from the International Studies Association and the James Martin Center for Nonproliferation Studies. His research focuses on the global politics of nuclear vulnerability, cases of near-use of nuclear weapons, and lessons learned from global nuclear history and French nuclear policies. He is currently completing an edited volume on the experience of the Cuban missile crisis worldwide as an early set of experiences of global nuclear vulnerability and its implications for security, responsibility, and alliance dynamics. "Challenging the Assumptions of Classical Nuclear Deterrence Theory: The War That Must Never Be Fought" 3/12/15, can be downloaded at <http://www.hoover.org/research/challenging-assumptions-classical-nuclear-deterrence-theory>///CW

The limits of nuclear deterrence as a peacemaker²³¶ Critics of abolition portray a world without nuclear weapons as warprone,¶ and believe that nuclear weapons are a necessary and sufficient,¶ cause for great-power peace. This is only the latest instance of an idea,¶ that has repeatedly been proven wrong, since at least 1860: the expectation,¶ that the unprecedented destructiveness of a new weapon system,¶ and the threat of its use will put an end to war. This was wrong for dynamite,¶ submarines, artillery, smokeless powder, the machine gun, and poison,¶ gas.²⁴ Was nuclear deterrence a necessary and sufficient cause for,¶ peace among great powers? Most critics of the idea of a world without,¶ nuclear weapons maintain that it was. They argue that the nuclear-armed,¶ states never fought a war against each other.²⁵ This can now be proven,¶ wrong. The 1969 border clash between China and Russia²⁶ and, more,¶ recently, the 1999 Kargil crisis between India and Pakistan show that,¶ the conventional wisdom that a nuclear-armed state cannot be attacked,¶ is historically inaccurate. Moreover, nuclear-armed states have been,¶ attacked by non-nuclear-weapon states on multiple occasions. US troops,¶ were attacked by Chinese forces in 1950 in Korea and by Vietnamese,¶ forces in the 1960s and 1970s; Israel was attacked by Syria and Egypt,¶ in 1973 and by Iraq in 1991; and in 1982, Argentina invaded the British,¶ Falkland Islands.²⁷ This narrows down the claims for nuclear weapons,¶ as peacemakers. More importantly, even this narrower claim needs,¶ to be reexamined taking into account two facts: (1) avoidance of several,¶ nuclear disasters was due to luck and cannot be explained by,¶ nuclear

deterrence; and (2) deterrence as a strategy has favored more, risk-prone strategies and in some cases made war possible instead of, preventing it.

High-Magnitude, Low Probability = Good

High magnitude, low probability events first

Bostrom 13

[Nick, Philosopher and professor (Oxford), Ph.D. (LSOE), director of The Future of Humanity Institute and the Programme on the Impacts of Future Technology, of course, he's also the inaugural recipient of "The Eugene R. Gannon Award for the Continued Pursuit of Human Advancement," "Existential Risk Prevention as Global Priority," Global Policy, Vol 4, Issue 1, <http://www.existential-risk.org/concept.html>]

1. The maxim rule 1.1. Existential risk and uncertainty An existential risk is one that threatens the premature extinction of Earth-originating intelligent life or the permanent and drastic destruction of its potential for desirable future development (Bostrom 2002). Although it is often difficult to assess the probability of existential risks, there are many reasons to suppose that the total such risk confronting humanity over the next few centuries is significant. Estimates of 10-20% total existential risk in this century are fairly typical among those who have examined the issue, though inevitably such estimates rely heavily on subjective judgment.¹ The most reasonable estimate might be substantially higher or lower. But perhaps the strongest reason for judging the total existential risk within the next few centuries to be significant is the extreme magnitude of the values at stake. Even a small probability of existential catastrophe could be highly practically significant (Bostrom 2003; Matheny 2007; Posner 2004; Weitzman 2009). Humanity has survived what we might call natural existential risks for hundreds of thousands of years; thus it is prima facie unlikely that any of them will do us in within the next hundred.² This conclusion is buttressed when we analyze specific risks from nature, such as asteroid impacts, supervolcanic eruptions, earthquakes, gamma-ray bursts, and so forth: Empirical impact distributions and scientific models suggest that the likelihood of extinction because of these kinds of risk is extremely small on a time scale of a century or so.³ In contrast, our species is introducing entirely new kinds of existential risk — threats we have no track record of surviving. Our longevity as a species therefore offers no strong prior grounds for confident optimism. Consideration of specific existential-risk scenarios bears out the suspicion that the great bulk of existential risk in the foreseeable future consists of anthropogenic existential risks — that is, those arising from human activity. In particular, most of the biggest existential risks seem to be linked to potential future technological breakthroughs that may radically expand our ability to manipulate the external world or our own biology. As our powers expand, so will the scale of their potential consequences — intended and unintended, positive and negative. For example, there appear to be significant existential risks in some of the advanced forms of biotechnology, molecular nanotechnology, and machine intelligence that might be developed in the decades ahead. The bulk of existential risk over the next century may thus reside in rather speculative scenarios to which we cannot assign precise probabilities through any rigorous statistical or scientific method. But the fact that the probability of some risk is difficult to quantify does not imply that the risk is negligible. Probability can be understood in different senses. Most relevant here is the epistemic sense in which probability is construed as (something like) the credence that an ideally reasonable observer should assign to the risk's materializing based on currently available evidence.⁴ If something cannot presently be known to be objectively safe, it is risky at least in the subjective sense relevant to decision making. An empty cave is unsafe in just this sense if you cannot tell whether or not it is home to a hungry lion. It would be rational for you to avoid the cave if you reasonably judge that the expected harm of entry outweighs the expected benefit. The uncertainty and error-proneness of our first-order assessments of risk is itself something we must factor into our all-things-considered probability assignments. This factor often dominates in low-probability, high-consequence risks — especially those involving poorly understood natural phenomena, complex social dynamics, or new technology, or that are difficult to assess for other reasons. Suppose that some scientific analysis A indicates that some catastrophe X has an extremely small probability $P(X)$ of occurring. Then the probability that A has some hidden crucial flaw may easily be much greater than $P(X)$.⁵ Furthermore, the conditional probability of X given that A

is crucially flawed, $P(X|\neg A)$, may be fairly high. We may then find that most of the risk of X resides in the uncertainty of our scientific assessment that $P(X)$ was small (figure 1) (Ord, Hillerbrand and Sandberg 2010).

Possibilistic thinking best for decision-making

Clarke 5

[Lee, member of a National Academy of Science committee that considered decision-making models, Anschutz Distinguished Scholar at Princeton University, Fellow of AAAS, Professor Sociology (Rutgers), Ph.D. (SUNY), “Lee Clarke's Worst Cases: An Interview with Lee Clarke,” UChicago press, <http://www.press.uchicago.edu/Misc/Chicago/108597in.html>]

Question: Why focus on worst cases? They probably won't happen, right? Why not focus on scenarios that have a greater degree of probability? Lee Clarke: One of the main ideas in Worst Cases is that we can use possibilistic thinking to balance probabilistic thinking. Over the past couple of hundred years probabilism has come to be thought of as the only way to reason rationally. But I think that it sometimes makes perfectly good sense to take worst case consequences into account when people are making decisions. For example, the chances of getting into a commercial airline crash are extremely low. People who fly know that, and that's why they're willing to defy gravity every day. **But they also know** what happens if the plane gets into serious trouble at thirty thousand feet. That's worst case, possibilistic thinking. It is reasonable to worry about both. It is true, in a sense, that worst cases probably won't happen. Still, as the political scientist Scott Sagan has said, things that have never happened before happen all the time. Just think of Chernobyl or 9/11. They had a low probability of occurring at any given time, but who would say now that we should have ignored them? It's the same kind of thing as when you buy life insurance. Is it likely that you will die today? Probably not. But if you have life insurance you're actually betting the insurance company that, in fact, you will die today. Is that irrational? Not at all. We say that people who don't buy life insurance are **irresponsible**.

Consequentialism Good

Public Health surveillance requires consequentialist framing- public health outweighs minor violations of rights most of the time

Petrini 13 (Carlo Petrini. Unità di Bioetica, Presidenza, Istituto Superiore di Sanità. “Ethics in Public Health Surveillance.” 2013. P. 352.

<http://www.scielosp.org/pdf/aiss/v49n4/v49n4a05.pdf>)EMerz

The ethical problems posed by public health surveillance have been specifically addressed in numerous studies in the past, and various factors have led to an increase in this interest in recent years, including the diffusion of new and unforeseen epidemics and a greater awareness of and sensitivity towards the issues involved [57]. The checklists shown above can help to assess the compatibility of public health surveillance programmes with ethical principles. One of the major problems highlighted by these tools is the fact that, given the virtual impossibility of obtaining informed consent, programmes for public health surveillance frequently necessitate an infringement of the principle of autonomy. Today it is widely accepted that “Overriding individual autonomy must be justified in terms of the obligation of public health to improve population health, reduce inequities, attend to the health of vulnerable and systematically disadvantaged persons, and prevent harm. In addition, data elements collected without consent must represent the minimal necessary interference, lead to effective public health action, and be maintained securely” [15]. Returning to Childress and co-authors, they suggest five useful

“conditions intended to help determine whether promoting **public health warrants overriding such values** as individual liberty or justice in particular cases”. These conditions encapsulate the key criteria referred to in the various checklists. They are: effectiveness; proportionality; necessity; least infringement; public justification” [55]. In summarising the criteria listed above it may also be helpful to refer to a proposal formulated by the noted biolaw expert Lawrence Gostin on the spread of Severe Acute Respiratory Syndrome (SARS). His concise proposal makes a suitable and practical conclusion: “Coercive measures, which violate individual rights, are acceptable when: - the risk to public health is demonstrable; - the intervention is likely to be effective, cost-effective, not overly invasive, fairly distributed; - the process for pursuing intervention is just and publicly transparent” [58].

Utilitarianism Good

Adopt a framework of public health utilitarianism – this avoids the traditional trap of sacrificing the few for the many but maintains the best possible consequences

Gostin 10 (Lawrence O. Gostin has more qualifications than any other card put out in the past 30 years. He is University Professor, Georgetown University's highest academic rank conferred by the University President. Prof. Gostin directs the O'Neill Institute for National and Global Health Law and was the Founding O'Neill Chair in Global Health Law. He served as Associate Dean for Research at Georgetown Law from 2004 to 2008. He is Professor of Medicine at Georgetown University, Professor of Public Health at the Johns Hopkins University, and Director of the Center for Law & the Public's Health at Johns Hopkins and Georgetown Universities. Prof. Gostin is the Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights. He also serves on the WHO Director-General's Advisory Committee on Reforming the World Health Organization. In 2007, the WHO Director-General appointed Prof. Gostin to the International Health Regulations (IHR) Roster of Experts and the Expert Advisory Panel on Mental Health. In a 2012 systematic empirical analysis of legal scholarship, independent researchers ranked Prof. Gostin 1st in the nation in productivity among all law professors, and 11th in in impact and influence. “Public Health Law, Ethics, and Human Rights: Mapping the Issues” <http://www.publichealthlaw.net/Reader/ch1/ch1.htm>///*CW*

The application of general ethical principles to public health decisions can be difficult and complicated. Since the mission of public health is to achieve the greatest health benefits for the greatest number of people, it draws from the traditions of utilitarianism or consequentialism. The “public health model,” argue Buchanan (2000) and his colleagues, uncritically assumes that the appropriate mode of evaluating options is some form of cost-benefit (or cost-effectiveness) calculation—the aggregation of goods and bads (costs and benefits) across individuals. Public health, according to this view, appears to permit, or even require, that the most fundamental interests of individuals be sacrificed in order to produce the best overall outcome.¶ This characterization misperceives, or at least oversimplifies, the public health approach. The field of public health is interested in securing the greatest benefits for the most people. But public health does not simply aggregate benefits and burdens, choosing the policy that produces the most good and the least harm. Rather, the overwhelming majority of public health interventions are intended to benefit the whole population, without knowingly harming individuals or groups. When public health authorities work in the areas of tobacco control, the environment, or occupational safety, for example, their belief is that everyone will benefit from smoking cessation, clean air, and safe workplaces. Certainly, public health focuses almost exclusively on one vision of the “common good” (health, not wealth or prosperity), but this is not the same thing as sacrificing fundamental

interests to produce the best overall outcome.¶ The public health approach, of course, does follow a version of the harm principle. Thus, public health authorities regulate individuals or businesses that endanger the community. The objective is to prevent unreasonable risks that jeopardize the public's health and safety— e.g, polluting a stream, practicing medicine without a license, or exposing others to an infectious disease. More controversially, public health authorities often recommend paternalistic interventions such as mandatory seat belt or motorcycle helmet laws. Public health authorities reason that the sacrifice asked of individuals is relatively minimal and the communal benefits substantial. Few public health experts advocate denial of fundamental interests in the name of paternalism. In the public health model, individual interests in autonomy, privacy, liberty, and property are taken seriously, but they do not invariably trump community health benefits.¶ The public health approach, therefore, differs from modern liberalism primarily in its preferences for balancing— public health favors community benefits, while liberalism favors liberty interests. Characterizing public health as a utilitarian sacrifice of fundamental personal interests is as unfair as characterizing liberalism as a sacrifice of vital communal interests. Both traditions would deny this kind of oversimplification.

Bioethics in the context of health surveillance requires that the government value public health over individual interests

Childress 2 (James Childress. University Professor and the John Allen Hollingsworth Professor of Ethics at the University of Virginia. “Public Health Ethics: Mapping the Terrain.” 2002. P. 171. file:///C:/Users/Emily/Downloads/Childress_et_al-2002-The_Journal_of_Law,_Medicine_&_Ethics.pdf)//EMerz

In view of public health's goal of producing net health benefits for the population, this meaning of public is very important. In measurement and analysis, the “numerical public” reflects the utilitarian view that each individual counts as one and only one. In this context, ethical analysis focuses on issues in measurement, many of which raise considerations of justice. For example, how should we define a population, how should we compare gains in life expectancy with gains in health-related quality of life, and whose values should be used in making those judgments? Second, public is what we collectively do through government and public agency - we can call this “political public.” Government provides much of the funding for a vast array of public health functions, and public health professionals in governmental roles are the focal point of much collective activity. In the United States, as Lawrence Gostin notes, government “is compelled by its role as the elected representative of the community to act affirmatively to promote the health of the people.” even though it “cannot unduly invade individuals' rights in the name of the communal The government is a central player in public health because of the collective responsibility it must assume and implement. The state's use of its police powers for public health raises important ethical questions, particularly about the justification and limits of governmental coercion and about its duty to treat all citizens equally in exercising these powers. In a liberal, pluralistic democracy, the justification of coercive policies, as well as other policies, must rest on moral reasons that the public in whose name the policies are carried out could reasonably be expected to accept.I Third, public, defined as what we do collectively in a broad sense, includes all forms of social and community action affecting public health - we can call this “communal public.” Ethical analysis on this level extends beyond the political public. People collectively,

outside of government and with private funds, often have greater freedom to undertake public health interventions since they do not have to justify their actions to the political public. However, their actions are still subject to various moral requirements, including, for instance, respect for individual autonomy, liberty, privacy and confidentiality, and transparency in disclosure of conflicts of interest.

Using a cost benefit analysis to address health surveillance is key to balance conflict of interests

Childress 2 (James Childress. University Professor and the John Allen Hollingsworth Professor of Ethics at the University of Virginia. "Public Health Ethics: Mapping the Terrain." 2002. P. 171. file:///C:/Users/Emily/Downloads/Childress_et_al-2002-The_Journal_of_Law,_Medicine_&_Ethics.pdf//EMerz

Conceptions of morality usually recognize a formal requirement of universalizability in addition to a substantive requirement of attention to human welfare. Whatever language is used, this formal feature requires that we treat similar cases in a similar way. This requirement undergirds casuistical reasoning in morality as well as in law. In public health ethics, for example, any recommendations for an HIV screening policy must take into account both past precedents in screening for other infectious diseases and the precedents the new policy will create for, say, screening for genetic conditions. Much of the moral argument will hinge on which similarities and differences between cases are morally relevant, and that argument will often, though not always, appeal to general moral considerations.* We can establish the relevance of a set of these considerations in part by looking at the kinds of moral appeals that public health agents make in deliberating about and justifying their actions as well as at debates about moral issues in public health. The relevant general moral considerations include: producing benefits; avoiding, preventing, and removing harms; producing the maximal balance of benefits over harms and other costs (often called utility); distributing benefits and burdens fairly (distributive justice) and ensuring public participation, including the participation of affected parties (procedural justice); respecting autonomous choices and actions, including liberty of action; protecting privacy and confidentiality; keeping promises and commitments; disclosing information as well as speaking honestly and truthfully (often grouped under transparency); and building and maintaining trust. Several of these general moral considerations - especially benefiting others, preventing and removing harms, and utility - provide a prima facie warrant for many activities in pursuit of the goal of public health. It is sufficient for our purposes to note that public health activities have their grounding in general moral considerations, and that public health identifies one major broad benefit that societies and governments ought to pursue. The relation of public health to the whole set of general moral considerations is complex. Some general moral considerations support this pursuit; institutionalizing several others may be a condition for or means to public health (we address this point later when we discuss human rights and public health); and yet, in particular cases, some of the same general moral considerations may limit or constrain what may be done in pursuit of public health. Hence, conflicts may occur among these general moral considerations

ICE Michigan 7

AT: Human Rights

alt causes

Agency to ensure legal compliance with HR obligations is key to restore credibility

Shattuck '08- CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University (John S., "Restoring U.S. Credibility on Human Rights," Vol. 35 No. 4, http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html) VD

U.S. Commission on Human Rights. A permanent institution could be created to monitor the U.S. government's compliance with its legal obligations on human rights. I urge you to endorse legislation pending in Congress that would establish a United States Commission on Human Rights with oversight authority and subpoena power. The legislation would require the executive branch to provide regular reports to the commission on its implementation of international human rights treaties such as the Torture Convention and the Geneva Conventions.

Counter-Terrorism Assistance Key to restore US credibility

Shattuck '08- CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University (John S., "Restoring U.S. Credibility on Human Rights," Vol. 35 No. 4, http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html) VD

Counterterrorism Assistance. The United States could provide assistance to other countries for counterterrorism operations that comply with basic standards on human rights. "Fighting terror" has become a convenient excuse for repressive regimes around the world to engage in further repression, often leading to more terrorism in an increasing cycle of violence. To break this cycle, this country could provide assistance and training to foreign military and law enforcement personnel in methods of fighting terrorism within the rule of law.

Promotion of Democracy and HR assistant is key to restore US credibility

Shattuck '08- CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University (John S., "Restoring U.S. Credibility on Human Rights," Vol. 35 No. 4, http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html) VD

Democracy and Human Rights Assistance. The United States should find appropriate ways to support those seeking to promote the rule of law, democracy, and human rights within their own countries. Democracy and human rights activists are the shock troops in the struggle against terrorism. But democracy and human rights can never be delivered from the barrel of a gun. Assistance to those working to build their own democratic societies must be carefully planned, sustained over time, and based on a thorough understanding of the unique circumstances and profound differences among cultures, religions, and countries. The new administration should work within a multilateral framework to assist those struggling around the world to bring democracy and human rights to their own societies.

Evoking the Doctrine of Responsibility to Protect is key to restore US credibility

Shattuck '08- CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University (John S., "Restoring U.S. Credibility on Human Rights," Vol. 35 No. 4, http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html) VD

Responsibility to Protect. The United States should join with other countries, alliances, and international organizations to prevent or stop crimes against humanity and genocide. Mr. President, you could invoke the Doctrine of Responsibility to Protect, adopted by the UN General Assembly in 2006, to work with other leaders to develop effective multilateral methods of preventing human rights catastrophes such as Rwanda, Bosnia, Kosovo, and Darfur. Diplomatic and economic tools should be

employed first to head off impending genocides, but multilateral military intervention must remain available under international law if other means have been exhausted.¶ By recommitting the United States to a foreign policy conducted within a framework of human rights and the rule of law, President Obama, you can restore America's moral leadership in the world, and, by doing so, strengthen U.S. national security.

US HR promotion will have no effect on other countries

Walt '13- Robert and Renée Belfer professor of international relations at Harvard University (Stephen W., "China grades America's human rights conduct," April 2013, <http://foreignpolicy.com/2013/04/23/china-grades-americas-human-rights-conduct/>) VD

One of the cool things about being as powerful and fortunate as the United States is that you get to preach to other countries about how they ought to behave. In that spirit, the U.S. State Department puts out a human rights report every year, and basically wags its finger at countries that don't measure up. Of course, the report tends to go easy on close allies, but it's still a useful document. Among other things, it provides data that scholars interested in human rights can use to test their ideas about the causes of violations and the policies that might alleviate them.¶ But as you might expect, the world isn't just sitting around and passively accepting report cards from Washington anymore. Case in point: China has just released its own human rights report on the United States, and it makes for rather interesting reading. It's hardly an objective assessment of life in America, of course, but much of the information contained within it is factually accurate. The incidence of gun violence and crime in the U.S. is far above the level of other industrial democracies, and having the world's highest incarceration rate is not exactly consistent with being the "Land of the Free." China's point is that the United States is being pretty hypocritical in singling out other countries, and maybe we ought to remove the log in our own eye before we start telling everyone else what to do. Add to this the recent bipartisan report confirming that Bush-era officials authorized the widespread use of torture and the fact that none of them has ever been indicted or prosecuted, and American hypocrisy on this score looks even more damning.¶¶ The Chinese report may not be objective, and the fact that U.S. leaders authorized torture does not mean Washington hasn't done plenty of morally admirable things too. But this gap between America's professed ideals and its actual behavior matters. Not just in moral terms, but in terms of power and global influence too. Smaller and weaker states are more likely to tolerate American primacy if they think the United States is a generally good society and led by individuals who are not just ruthlessly self-interested. They will be more willing to tolerate the asymmetry of power in America's favor if they think that power is used for the greater good. The more that others view the United States as hypocritical, self-absorbed, and indifferent to others, the more likely they are to ignore U.S. advice and to secretly welcome those moments when the U.S. gets taken down a peg or two. The 9/11 attacks produced an unusual outpouring of sympathy for the United States ("nous sommes tous Américains" headlined Le Monde), and we've seen a similar reaction in the wake of the Boston Marathon bombings. But such expressions of solidarity tend to be fleeting and especially when U.S. behavior gives opponents an easy way to heighten dissatisfaction with America's global role. What's going on here is a struggle for legitimacy in the eyes of the wider world, and it would be foolish to believe that we will win that struggle just because we're the "good guys." That may be how we see ourselves, but Americans are only 5 percent of the world's population, and plenty of other people around the world have a rather different view.

No US HR credibility- seen as hypocritical

Carasik '14- clinical professor of law and the director of the international human rights clinic at the Western New England University School of Law, (Lauren C., "Human rights for thee but not for me," <http://america.aljazeera.com/opinions/2014/3/the-us-lacks-moralauthorityonhumanrights.html>) VD

Last month U.S. Secretary of State John Kerry unveiled the State Department's comprehensive annual assessment of human rights around the globe. It painted a grim picture of pervasive violations. Notably absent from the report, however, was any discussion of Washington's own record on human rights. The report elicited sharp rebukes from some of the countries singled out for criticism. Many of them questioned the United States' legitimacy as self-appointed global champion of human rights. China issued its own report, 154 pages long, excoriating the U.S. record on human rights and presenting a list of Washington's violations. Egypt's Foreign Ministry called the report "unbalanced and nonobjective" and censured the U.S. for appointing itself the world's watchdog. Ecuador, Russia and Iran also criticized the report. By signaling that the world cares about human rights violations, the report provides a useful tool for advocates. While the omission of any internal critique is unsurprising, that stance ultimately undermines the State Department's goals of promoting human rights abroad. Abuses unfolding around the world demand and deserve condemnation. But it is difficult for the U.S. to don the unimpeachable mantle, behave hypocritically and still maintain credibility.

cred high now

Rights for undocumented immigrants improving drastically-municipal ID program proves

Medina '15- a multimedia journalist and documentary film-maker, (Daniel M., "Undocumented immigrants in New York get ID cards to open bank accounts," <http://www.theguardian.com/money/us-money-blog/2015/jan/12/undocumented-immigrants-id-cards-new-york>) VD

Lupe is a 35-year-old mother of three who immigrated to New York in 2003 from the eastern Mexican state of Veracruz. On Monday, she says, "The system will acknowledge for the first time that I exist."¶ The reason: New York City will unveil a new municipal ID program that could bring big changes for the city's large undocumented population. Though all residents will be eligible to apply for the new ID, called IDNYC, undocumented New Yorkers are expected to benefit most.¶ There are an estimated 500,000 undocumented immigrants in New York City, an underserved and, at times, exploited population that lives in the shadows of the city's gleaming skyscrapers.¶ In addition to a free one-year membership to the city's leading cultural institutions, the IDNYC card will provide undocumented immigrants with the ability to access state buildings and open bank accounts with a number of participating financial institutions. Those participating banks and credit unions will also be announced as early as Monday, according to city officials.¶ An ID card could be life changing for Lupe. She and her husband, both undocumented, have lived in Brooklyn's Bay Ridge neighborhood for more than a decade without the financial security of even a bank account. ¶ Banks, which require an ID for proof of residency, have turned away Lupe's Mexican passport as insufficient proof that she is a city resident. She says the isolation, in addition to the insecurity of living without an identity in a city that she and her family call home, has been trying.¶ For now, Lupe says the city's ID will provide her an immediate lifeline: "The ID will list my home address for those who question my status as a resident in this city."¶ "I'm basically invisible in this city without proper identification," said Lupe, who refused to provide her surname due to her immigration status. "My husband and I work hard every day, we have children and the security that something as simple as an ID card will give us cannot be overstated."¶ When he ran for office, Mayor Bill De Blasio promised an overhaul to the city's immigration policies as part of his "Tale of Two Cities" campaign. The ID clearly represents a first step, says Betsy Plum, director of special projects at the New York Immigrant Coalition, a city-based advocacy group.¶ "Something as simple as a form of identification could be a quality-of-life improvement for these New Yorkers," said Plum. "For example, if your employer unlawfully fires you and you want to contest it in court, you can't even get into a public building without an ID. There are real tangible benefits here."¶ One of those tangible benefits is legal protection from law enforcement in the case of an arrest, says Muzzaffar Chishti, an expert on US immigration policy who heads the office for the Migration Policy Institute, a Washington-based independent, non-partisan, nonprofit think tank, at New York University's School of Law.¶ "If you're arrested by police, police want to know who you are. The card makes it easier for the police to release you," said Chishti.

No HR abuse in Immigration policy

Veuger '14- resident scholar at the American Enterprise Institute and the editor of AEI Economic Perspectives. His research areas are political economy and public finance, (Stan V., "Good policy, good politics," <https://www.aei.org/publication/good-policy-good-politics/>) VD

After years of playing defense, apologizing for while doubling down on his lies about the Affordable Care Act, President Barack Obama has chosen to go on offense. Not against the junior varsity terrorists of the Islamic State group in any sort of new, more meaningful way, but on the domestic front, by finally taking action to shield large numbers of illegal immigrants from deportation. Later today, in a prime-time address, the president is expected to announce that he will grant millions of undocumented aliens, seemingly mostly those with close family ties to U.S. citizens (often their children), reprieve from deportation and some sort of permission to work legally. These actions appear to be wise ones, both on political and on substantive grounds. What the president is doing, in effect, is going from not enforcing federal immigration law (much like his predecessors) to announcing that he is not enforcing federal immigration law, and detailing more of the specifics of this non-enforcement. In other words, he's gone from not deporting 11 million people to not deporting 5 million or 3 million people. For a number of reasons this is, along practically all dimensions, good and helpful public policy.¶ First and foremost, it brings a sense of safety to the lives of the immigrants in question. They will no longer face the risk, small as it may currently be, of not being able to go home to their children. And hundreds of thousands, if not millions, of U.S. citizens will be able rest assured that their government will not one day decide to tear their families apart. The newly quasi-legal immigrants will also be able to make even more of a contribution to the American economy than they are currently, with their new-found work authorizations and ability to apply for jobs that require more of a legal status than they currently have. This should allow them to perform work they are better suited

for, without too much of a harmful impact on native workers; they have been here for a while, after all. Some native workers and employers will gain a bit, and some native workers will lose a bit – politicians hiring illegal immigrants to work on their lawns while running for office, for example – but the overall impact should be positive. And this positive impact will be felt by the nation’s treasury as well. Reasonable people can, of course, disagree about the exact composition of the group of immigrants to be regularized, but family ties are about as good a criterion as any.

Case

inherency

Plan is non-inherent- Efforts to end Racial Profiling now

Cardin 13 (Senator Benjamin Cardin from Maryland, “THE END RACIAL PROFILING ACT INTRODUCED IN BOTH THE U.S. HOUSE OF REPRESENTATIVES AND THE SENATE.” Introduced in Senate on 5/23/13, Date Accessed: 7/8/15, http://www.naacp.org/action-alerts/entry/the-end-racial-profiling-act-introduced-in-both-the-u.s.-house-of-represent_sZ)

The End Racial Profiling Act has now been introduced in the U.S. Senate by Senator Cardin (MD) (S. 1038) and in the U.S. House of Representatives by Congressman John Conyers, Jr. (MI) (H.R. 2851). The End Racial Profiling Act comprehensively addresses the insidious practice of racial profiling by law enforcement on five levels: first, it clearly defines the racially discriminatory practice of racial profiling by law enforcement at all levels; second, it creates a federal prohibition against racial profiling; thirdly, it mandates data collection so we can fully assess the true extent of the problem; fourth, it provides funding for the retraining of law enforcement officials on how to discontinue and prevent the use of racial profiling; and fifth, it holds law enforcement agencies that continue to use racial profiling accountable. We need to urge Members of both the House and Senate to co-sponsor and help move the bill through to passage as soon as possible. As painfully demonstrated over the past months, racial profiling is a serious problem in the United States, and can lead to deadly consequences. It is difficult for our faith in the American judicial system not to be challenged when we cannot walk down the street, drive down an interstate, go through an airport, or even enter into our own homes without being stopped merely because of the color of our skin. Training law enforcement officers how to more efficiently carry out the essential policing without avoid using this counter-productive procedure will not only help our nation’s criminal justice system at all levels, but it will trickle down to other groups as well, such as neighborhood watch organizations and citizens’ community groups, which often model themselves after their local police and which have taken on additional responsibilities in light of the budget cuts being faced by almost every locality and jurisdiction.

Programs currently exist to decrease gang violence- Proves the plan is not key

OJJDP No Date (Office of Juvenile Justice and Delinquency Prevention, “Gang Violence Reduction Program,” No Date, Date Accessed: 7/9/15, <https://www.nationalgangcenter.gov/spt/programs/71>, SZ)

The Gang Violence Reduction Program targeted mainly older members (ages 17 to 24) of two of the Chicago area’s most violent Hispanic gangs, the Latin Kings and the Two Six. Specifically, the Little Village program targeted more than 200 of the “shooters” (also called influential persons or leaders) of the two gangs. A steering committee was established to support the project. This group was composed of representatives from local churches, two Boys & Girls Clubs, a local community organization, a business group, other social agencies, the local alderman, and local citizens. The priority goal of the project was to reduce the extremely high level of gang violence among youth who were already involved in the two gangs; drug-related activity was not specifically targeted. The main goal was to be accomplished by a combination of outreach work, an Intervention Team, case management, youth services, and suppression. Outreach youth workers aimed to prevent and control gang conflicts in specific situations and to persuade gang youth to leave the gang as soon as possible. Virtually all of these youth workers were former members of the two target gangs. An Intervention Team (mainly the outreach youth workers, police, and probation officers) met biweekly and exchanged information on violence that was occurring (or about to occur) in the community. It provided intensive services to gang members, including crisis intervention, brief family and

individual counseling and referrals for services, and surveillance and suppression activities. Altogether, a good balance of services was provided. Project police were hired to target the two gangs and their most violent members. They used standard policing tactics employed elsewhere in the city by Chicago police in controlling gang violence. The outreach youth workers sometimes collaborated with the project tactical officers in the exchange of information that was vital to the police suppression role, and project police officers often encouraged gang youth to accept services. The suppression contacts reduced the youth's interest in and attachment to the gang. Services such as job placement reduced target youth's time spent with other gang members. The process evaluation of the program revealed that it was well-implemented, achieving an "excellent" rating on 8 of the 18 program-implementation elements: interagency and street (intervention) team coordinators; criminal justice participation; lead agency project management and commitment to the model; social and crisis intervention and outreach work; suppression; targeting, especially of gang members; balance of services; and intensity of services. The outcome evaluation examined the effects of the Little Village project on the approximately 200 targeted, hard-core gang youths during the period in which they were served by the program. Self-reports of criminal involvement showed that the program reduced serious violent and property crimes, and sharp declines were also seen in the frequencies of various types of offenses. The program was more effective with older, high-rate, violent gang offenders than with younger, less violent offenders. Active gang involvement was also reduced among project youths, but mostly among older members, and this change was associated with less criminal activity. Most youth in both targeted gangs improved their educational and employment status during the program period. Employment was associated with a general reduction in youths' criminal activity, especially drug selling

Gang violence decreasing- prefer recent statistics

Brenoff 15 (Ann Brenoff is a Huffington Post Senior Writer/Columnist, "Behind LA's Dramatic Decline In Gang Violence," 2/24/15, Date Accessed: 7/8/15, http://www.huffingtonpost.com/2015/02/24/gang-violence-decline_n_6656840.html, SZ)

From 1988 to 1998 -- known to some as the "decade of death" -- close to a thousand people per year were killed in Los Angeles. Gangs didn't run all the neighborhoods, but the ones they did, they terrorized. Drugs moved openly on street corners, drive-by shootings occurred with dispiriting frequency, and wearing the wrong color T-shirt on the wrong street could be interpreted as a death wish. It all seems improbable now. There are still terrible parts of the city, where brutality and blight reign, but to say that LA is a city unchanged is to ignore the statistics. From 2008 to 2012, violent crime across the nation went down about 16 percent, according to a recent cover story on the subject for Pacific Standard magazine. But in Los Angeles that drop was notably more precipitous in gang areas, the magazine notes: 30 percent in Compton, 50 percent in Bell Gardens and 50 percent in El Monte. Gang-related homicides in Los Angeles have gone down 66.7 percent over the past eight years, and gang-related crimes have seen a 55.3 percent dip since 2005. So, what accounts for this drastic decline? The only thing that everyone -- from police representatives to community organizers to Sam Quinones, the author of the Pacific Standard piece -- can agree on is that there's no single answer. But if you consider the six theories below, and how they interact and build on each other, you can begin to see why city officials say Los Angeles hasn't been this safe since the Eisenhower administration.

Local police enforcement solves Gang violence

Weinberger 15 (Jodi Weinberger is a reporter for the Portland Tribune, "Gang violence declines in 2014," 1/22/15, Date Accessed: 7/9/15, <http://www.pamplinmedia.com/go/42-news/248105-116263-gang-violence-declinesin-2014>, SZ)

Gang violence in Gresham decreased last year following targeted efforts by the police department and city staff. Police Chief Craig Junginger reported this week that only one homicide was gang related in 2014, a sharp decrease from 2013 when five of the seven homicides were linked to gangs. "I think we're making inroads," Junginger

said. “We’re on the right track and we’ll continue our current strategies and add more in the upcoming year.” With grant funding, the police department was able to hire two gang outreach workers in 2014 which allowed the department to increase visibility in many neighborhoods. Police take a multipronged approach to decreasing gang violence with much of it being referring families and children to social services as a gang deterrent. Prevention work starts in the middle schools, Junginger said, when students are most susceptible to joining gangs. Other strategies include keeping a close watch on vacant or foreclosed homes for gang activity. “They have been able to board up properties and keep gangs out,” Junginger said. Undercover cops in plain clothes often patrol the MAX train stations as well where much of the violence happens as rival gang members may cross paths. Following an incident, Gresham works collaboratively with Portland on “cool down strategies” which includes saturating the area where the incident took place with law enforcement to lessen the chance of retaliation. A new partnership program with the Multnomah County District’s Attorney — Prosecution and Law Enforcement Unified Strategies — will use data to target specific drivers of crime in Rockwood, Junginger said. “It’s based on a theory that a lot of times crime can be boiled down to a handful of individuals,” said Joe Walsh, Gresham’s gang prevention adviser.

AT: overstretch

Turn- the Plan prevents Police from being able to enforce law effectively

MacDonald 04 (Heather MacDonald is an American political commentator and journalist, “The Illegal-Alien Crime Wave,” Published in The City Journal Winter 2004, Date Accessed: 7/8/15, http://www.city-journal.org/html/14_1_the_illegal_alien.html, SZ)

Some of the most violent criminals at large today are illegal aliens. Yet in cities where the crime these aliens commit is highest, the police cannot use the most obvious tool to apprehend them: their immigration status. In Los Angeles, for example, dozens of members of a ruthless Salvadoran prison gang have sneaked back into town after having been deported for such crimes as murder, assault with a deadly weapon, and drug trafficking. Police officers know who they are and know that their mere presence in the country is a felony. Yet should a cop arrest an illegal gangbanger for felonious reentry, it is he who will be treated as a criminal, for violating the LAPD’s rule against enforcing immigration law. The LAPD’s ban on immigration enforcement mirrors bans in immigrant-saturated cities around the country, from New York and Chicago to San Diego, Austin, and Houston. These “sanctuary policies” generally prohibit city employees, including the cops, from reporting immigration violations to federal authorities. Such laws testify to the sheer political power of immigrant lobbies, a power so irresistible that police officials shrink from even mentioning the illegal-alien crime wave. “We can’t even talk about it,” says a frustrated LAPD captain. “People are afraid of a backlash from Hispanics.” Another LAPD commander in a predominantly Hispanic, gang-infested district sighs: “I would get a firestorm of criticism if I talked about [enforcing the immigration law against illegals].” Neither captain would speak for attribution. But however pernicious in themselves, sanctuary rules are a symptom of a much broader disease: the nation’s near-total loss of control over immigration policy. Fifty years ago, immigration policy might have driven immigration numbers, but today the numbers drive policy. The nonstop increase of immigration is reshaping the language and the law to dissolve any distinction between legal and illegal aliens and, ultimately, the very idea of national borders. It is a measure of how topsy-turvy the immigration environment has become that to ask police officials about the illegal-alien crime problem feels like a gross faux pas, not done in polite company. And a police official asked to violate this powerful taboo will give a strangled response—or, as in the case of a New York deputy commissioner, break off communication altogether. Meanwhile, millions of illegal aliens work, shop, travel, and commit crimes in plain view, utterly secure in their de facto immunity from the immigration law.

AT: organized crime

No security challenges – No connection between terrorism and organized crime – Proves no impact

Williams 14 (Phil Williams is a published author, has a PhD, and teaches and researches Security studies, foreign policy analysis, transnational organized crime, terrorism, “Organized Crime and Terrorism,” LACC Working Paper No. 2/2014, Date Accessed: 7/13/15, <https://lacc.fiu.edu/research/publications/working-paper-2-williams.pdf>, SZ)

The security challenges posed by terrorist-criminal cooperation and by terrorists engaged in drug trafficking, extortion, kidnapping and other activities are relatively modest.

Convergence and cooperation cannot be ignored, but do not represent the kind or level of threat sometimes claimed. Moreover, there is a downside for terrorists in both cooperation with traffickers and appropriation of trafficking methods. For terrorists, cooperation creates risks of betrayal by pragmatic criminals, especially those who have no affinity for the cause. Moreover, cooperating with criminals also increases the possibility of infiltration by law enforcement and intelligence agents. Similarly, trafficking and other criminal activities can undermine both the status and legitimacy of a terrorist organization, as well as cause internal arguments and even divisions over the allocation of increased resources. Governments can also develop counter-narratives that tarnish the appeal of high-minded terrorists by emphasizing their linkage to common criminals and common criminality. In the final analysis, therefore, not only can the threat be contained, but it might also provide opportunities that can be exploited by the United States and its allies.

Their authors are exaggerating – No real threat of organized crime

Williams 14 (Phil Williams is a published author, has a PhD, and teaches and researches Security studies, foreign policy analysis, transnational organized crime, terrorism, “Organized Crime and Terrorism,” LACC Working Paper No. 2/2014, Date Accessed: 7/13/15, <https://lacc.fiu.edu/research/publications/working-paper-2-williams.pdf>, SZ)

The notion of a nexus between criminal and terrorist organizations surfaced during the 1990s. The term narco-terrorism, however, was coined even earlier than this. Ironically, it initially referred to the Medellin drug trafficking organization in Colombia using terrorist tactics to coerce the government into abandoning its policy of extraditing drug traffickers to the United States; subsequently, its meaning was reversed and it was predominantly used to describe terrorist organizations using narcotics trafficking as a funding mechanism. After September 11, in particular, it was frequently used to refer to the FARC and the Taliban using income from the drug business to fund their insurgent activities. Meanwhile, the broader notion of a criminal-terrorist nexus that emerged during the 1990s, inspired by events in the Balkans, focused less on the appropriation of criminal activities by terrorists or terrorist activities by criminals, and more on direct cooperation between criminal and terrorist organizations—a cooperation that soon became enshrined in the concept of a criminal-terrorist nexus. The Madrid bombings in 2003, in which the attacks and their preparation were financed with the proceeds of drug trafficking, are also portrayed as an example of a nexus in action. This argument challenges widespread allegations of an emerging crime terrorism or trafficking-terrorism nexus, as well as a broader analytic trend emphasizing threat convergence. It suggests that most claims about the nexus are based on little more than flimsy anecdotal evidence, from which unwarranted and exaggerated inferences are drawn. One or even a few examples of cooperation between criminals and terrorists do not make a nexus. And they certainly do not provide evidence of a “grand shift” whereby “international drug traffickers and international terrorists are in a hedonistic marriage of design . . . linked at the hip, and . . . extremely wealthy.”¹ Yet such grandiose claims abound, fueled by worst-case thinking and unwarranted generalizations from the few to the many.

Threat of Organized crime is exaggerated

Andreas 14 (Peter Andreas is a Professor of Political Science and International Studies at Brown University, “Transnational Crime,” Written for CQ Researcher August 2014, Date Accessed: 7/12/15, <http://photo.pds.org:5012/cqresearcher/document.php?id=cqresrre2014082906>, sz)

For the most part, transnational crime is a fuzzy new term for an old practice: smuggling. Although the speed, content, methods and organization of smuggling have varied greatly across time and place, the basic activity has not fundamentally changed. Even though the global reach of some smuggling groups has accelerated with the integration of the global economy, the image of an octopus-like network of crime syndicates that runs the underworld is fiction. Even the most sophisticated smuggling schemes tend to be defined more by fragmentation and loose, informal networks than by concentration and hierarchical organization. And no so-called drug cartel actually fits the definition of a cartel. We are often told that the volume of organized transnational criminal activity has surged in recent decades. Of course, we have no idea how true those statistical claims are — they tend to be assertions and guesstimates rather than reliable and verifiable empirical evidence. Still, cross-border organized crime would simply have to keep pace with the illicit economy to grow at an impressive rate. But that does not necessarily mean it has increased as an overall percentage of global economic transactions. Indeed, the liberalization of trade in recent decades has sharply reduced incentives to engage in smuggling practices designed to evade taxes and tariffs, historically the backbone of illicit commerce.

And, Either organized crime has no effect on the economy - or it actually increases economic growth

Canadian Department of Justice 15 – (1/7/15, “Economic and Organized Crime: Challenges for Criminal Justice”, http://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rp02_12-dr02_12/p4.html#sec4_1), “LJH”

Others argue that aggregate crime statistics are meaningless, given how widely the sub-components vary in nature and social consequence, and that certain types of crimes, judged in strictly economic terms, constitute a net benefit by generating new incomes to some citizens. (Indeed, some go further, arguing that much economic activity in the underground economy is actually good in so far as it challenges “bad” laws that retard economic development.) [13] The reality is that both sides are right, for they are talking about two quite different things. Predatory crimes are crimes purely of redistribution of existing wealth . They do not generate new goods and services and therefore do not increase total income flows. Therefore, barring indirect consequences like the costs of increased security (which could be argued either way), their net effect on Gross National Product (GNP) is zero. By contrast, market-based crimes involve the production and distribution of new goods and services . Judged in strictly economic terms, they should have a positive impact on GNP. Indeed, it is now standard procedure in many countries to try to estimate the value of underground transactions in both legal and illegal goods and services, provided they are based on consensual exchanges, and to add that value to their existing national income data to get a better picture of just how “well” their economies are doing. Commercial crimes are more complex to judge. The essence of a commercial crime is to apply illegal methods to the production and distribution of legal goods and services that would otherwise be produced by someone else using legal methods. The supplier, for example, using illegal methods to reduce costs, does not gain at the expense of other suppliers or its own workers; it is a matter purely of redistribution. There is no net effect on the economy's total production of goods and services. The gains made by the supplier at the expense of customers by cutting quality or engaging in deceptive marketing, arguably the supply of goods and services conforming to what the customer thinks he or she is getting, are actually reduced. GNP, adjusted for the quality of goods, should fall in this case. On the other

hand, it is remotely possible that, on occasion, the commission of a commercial offence helps expand the supply of goods and services. If, for example, the fraud takes the form of something like illegal disposal of hazardous wastes, with the result that costs to consumers are reduced at the expense of environmental degradation, depending on how the economic impact of the environmental damage is reckoned, the result could be an actual increase in GNP even though sensible environmental accounting would dispel any notion this represents a net gain in economic welfare. Similarly, with social crime, the net effect depends entirely on how the measurement is done. If national income is estimated in the normal way, by examining total value of market transactions, then any production of new goods and services unambiguously increases society's total GNP and, with it, supposedly, economic welfare. [14] This is all the more true because in this case, unlike that of market-based crime, the new goods and services, being legal, can be directly measured. But if national income is measured in a broader way to take account of potential depreciation of human and ecological capital, there are unintended costs which should be subtracted. It is impossible to say a priori what the net effect will be. In all cases, when assessing the overall economic effects of criminal acts, it is necessary to distinguish between the immediate impact of the act at the micro level, and the consequences of increased expenditure for policing, prosecution and correction at the macro level. If an economy is at full employment, arguably the diversion of resources into economically unproductive activity associated with crime control is a net loss. But if the economy has unemployed resources, increased expenditure on police, prosecution and imprisonment operates just like any other net injection of funds to produce a positive multiplier effect. Indeed, one of the reasons the US economy did not stumble badly in the post-Cold War period may be that increased expenditure for the prison-industrial complex more than offset reductions in what previously went to the military-industrial complex. Over the last decade, the military budget has fallen about US\$50 billion, while the crime-control budget has risen by about \$100 billion. Furthermore, that the US employs so many people in construction and maintenance of prisons, and jails such a large percentage of its economically active population, may itself account for the fact that the US unemployment rate is lower than that of other wealthy Western countries.

The US isn't key to the global economy

Kenny 2015 (Charles; Why the Developing World Won't Catch the U.S. Economy's Cold; May 4; www.bloomberg.com/news/articles/2015-05-04/why-the-developing-world-won-t-catch-the-u-s-economy-s-cold; kdf)

Last week the U.S. Commerce Department announced that first-quarter GDP growth for 2015 was an anemic 0.2 percent. This immediately sparked fears that a U.S. slowdown could lead to a global recession. But the cliché about America sneezing and the rest of the world catching the cold doesn't hold like it used to. The U.S. isn't as contagious as it was, and developing countries in particular are far more robust to economic shocks. That's good news for everyone. It means less volatility in Asia, Africa, and Latin America, which contributes to happier people, greater political stability, and stronger long-term growth—all of which should help lift the U.S. out of its own doldrums. A team of IMF researchers has looked at the long-term record of the world's economies when it comes to growth and recession. They measured how long economies expanded without interruption, as well as the depth and length of downturns. Over the past two decades, low and middle-income economies have spent more time in expansions, while downturns and recoveries have become shallower and shorter. This suggests countries have become more resilient to shocks. In the 1970s and '80s, the median developing economy took more than 10 years after a downturn to recover to the GDP per capita it had prior to that slump. By the early 2000s, that recovery time had dropped to two years. In the 1970s and '80s, countries of the developing world spent more than a third of their time in downturns, but by the 2000s they spent 80 percent of their time in expansions. The first decade of the 21st century was the first time that developing economies saw more expansion and shorter downturns than did advanced economies: Median growth in the developing world was at its highest since 1950 and volatility at its lowest. Developing countries still face a larger risk of deeper recession when terms of trade turn against them, capital flows dry up, or advanced economies enter recessions themselves. But the scale of that risk has diminished. That's because low and middle-income economies have introduced policy reforms that increase resilience: flexible exchange rates, inflation targeting, and lower debt. Economies with inflation-targeting regimes see recovery periods less than a third as long as economies without targeting, for example. Larger reserves are associated with longer expansions. And median reserves in developing countries more than doubled as a percentage of GDP between the 1990s and 2010. Median external debt has dropped from 60 percent to 35 percent of GDP over that

same period. Such policy changes account for two-thirds of the increased recession-resilience of developing countries since the turn of the century, suggest the IMF researchers—leaving external factors, such as positive terms of trade, accounting for just one-third. That's good news for the developing world—not least because volatile growth is particularly bad for poorer people, who are most at risk of falling into malnutrition or being forced to take children out of school, which has long-term consequences for future earnings. That might help explain the relationship between growth volatility, slower reductions in poverty, and rising inequality. Sudden negative income shocks can also be a factor in sparking violence: When rains fail, the risk of civil war in Africa spikes, and when coffee prices in Colombia fall, municipalities cultivating more coffee see increased drug-related conflict. The African analysis suggests that a five percentage-point drop in income growth is associated with a 10 percent increase in the risk of civil conflict in the following year. Finally, because volatility increases the uncertainty attached to investments, it can also be a drag on overall long-term economic performance. Viktoria Hnatkovska and Norman Loayza of the World Bank estimated that moving from a comparatively stable to a relatively volatile growth trajectory is associated with a drop in average annual growth of as much as 2 percent of GDP. Lower volatility in the developing world and its associated long-term growth performance is also good news for the U.S. A strong global economy is still a positive force for growth in every country, including developed nations. And with the developing world accounting for about one-third of trade and GDP at market rates, as well as three-fifths of U.S. exports, its role in supporting American economic performance has never been greater. Those hoping for a recovery in U.S. output should be grateful for stronger economic immune systems in the rest of the world.

No existential threat from terrorists

Mueller and Stewart, 2/24/15 (John, Political scientist at Ohio State; Mark, engineer and risk analyst at the University of Newcastle in Australia; “Terrorism poses no existential threat to America. We must stop pretending otherwise”;
[//JPM">http://www.theguardian.com/commentisfree/2015/feb/24/terrorism-poses-no-existential-threat-to-america\)//JPM](http://www.theguardian.com/commentisfree/2015/feb/24/terrorism-poses-no-existential-threat-to-america)

One of the most unchallenged, zany assertions during the war on terror has been that terrorists present an existential threat to the United States, the modern state and civilization itself. This is important because the overwrought expression, if accepted as valid, could close off evaluation of security efforts. For example, no defense of civil liberties is likely to be terribly effective if people believe the threat from terrorism to be existential.¶ At long last, President Barack Obama and other top officials are beginning to back away from this absurd position. This much overdue development may not last, however. Extravagant alarmism about the pathological but self-destructive Islamic State (Isis) in areas of Syria and Iraq may cause us to backslide. ¶ The notion that international terrorism presents an existential threat was spawned by the traumatized in the immediate aftermath of 9/11. Rudy Giuliani, mayor of New York at the time, recalls that all “security experts” expected “dozens and dozens and multiyears of attacks like this” and, in her book The Dark Side, Jane Mayer observed that “the only certainty shared by virtually the entire American intelligence community” was that “a second wave of even more devastating terrorist attacks on America was imminent”. Duly terrified, US intelligence services were soon imaginatively calculating the number of trained al-Qaida operatives in the United States to be between 2,000 and 5,000.¶ Also compelling was the extrapolation that, because the 9/11 terrorists were successful with box-cutters, they might well be able to turn out nuclear weapons. Soon it was being authoritatively proclaimed that atomic terrorists could “destroy civilization as we know it” and that it was likely that a nuclear terrorist attack on the United States would transpire by 2014.¶ No atomic terrorists have yet appeared (al-Qaida’s entire budget in 2001 for research on all weapons of mass destruction totaled less than \$4,000), and intelligence has been far better at counting al-Qaida operatives in the country than at finding them.¶ But the notion that terrorism presents an existential threat has played on. By 2008, Homeland Security Secretary Michael Chertoff declared it to be a “significant existential” one - carefully differentiating it, apparently,

from all those insignificant existential threats Americans have faced in the past. The bizarre formulation survived into the Obama years. In October 2009, Bruce Riedel, an advisor to the new administration, publicly maintained the al-Qaida threat to the country to be existential.¶ In 2014, however, things began to change.¶ In a speech at Harvard in October, Vice President Joseph Biden offered the thought that “we face no existential threat – none – to our way of life or our ultimate security.” After a decent interval of three months, President Barack Obama reiterated this point at a press conference, and then expanded in an interview a few weeks later, adding that the US should not “provide a victory to these terrorist networks by over-inflating their importance and suggesting in some fashion that they are an existential threat to the United States or the world order.” Later, his national security advisor, Susan Rice, echoed the point in a formal speech.¶ It is astounding that these utterances – “blindingly obvious” as security specialist Bruce Schneier puts it – appear to mark the first time any officials in the United States have had the notion and the courage to say so in public

AT: racial profiling

DHS and ICE prohibit racial profiling – passage of the 2013 DHS Commitment to Nondiscriminatory Law Enforcement and Screening Activities proves

Department of Homeland Security '15 (Department of Homeland Security ;March 19, 2015 ;Acquisition and Use of License Plate Reader Data from a Commercial Service DHS/ICE/PIA-039; pg.8-pg.9; www.dhs.gov/sites/default/files/publications/privacy-pia-ice-lpr-march2015.pdf; 7-12-15; mbc)

ICE, in coordination with the DHS Chief Privacy Officer and the DHS Officer for Civil Rights and Civil Liberties, has included in this PIA a discussion of civil liberties issues raised by the use of LPRs to more completely address public concerns regarding the use of this technology. The inclusion of an individual rights and liberties discussion in this PIA will improve transparency and assist the public understanding of ICE's use of LPR technology. In addition to the above framework of privacy and civil liberties protections, existing DHS policies will foster the proper use of LPR data. DHS prohibits the consideration of race or ethnicity in investigation, screening, and law enforcement activities in all but the most exceptional instances. Accordingly, consistent with law and DHS policy, LPR data may not be collected, accessed, used, or retained to target or monitor an individual solely on the basis of actual or perceived race, ethnicity, or nationality. The following is the Department's official policy⁷ on this issue: "Racial profiling" is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. The Department of Homeland Security (DHS) has explicitly adopted the Department of Justice's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in 7 Janet Napolitano, "The Department of Homeland Security's Commitment to Nondiscriminatory Law Enforcement and Screening Activities" (Apr. 26, 2013). Privacy Impact Assessment ICE/LPR Page 8 June 2003. It is the policy of DHS to prohibit the consideration of race or ethnicity in our daily law enforcement and screening activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest. Of course, race or ethnicity-based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises, may be considered, as stated in the DOJ Guidance.

Fear of racial profiling stems from the perception of police bias – Aff can't solve

Simmons '12 (Kami Chavis; 2011; Beginning to End Racial Profiling: Definitive Solutions to an Elusive Problem; Kami Chavis Simmons is a Professor of Law and Director of the Criminal Justice Program at Wake Forest University School of Law. In 2015, she was appointed as a Senior Academic Fellow at the Joint Center for Political And Economic Studies.; poseidon01.ssrn.com/delivery.php?ID=289004112008113090031125110096017099025007057017006013098023078026017103009087090105005060043107058047118070066087085015006116019059007023093124006070074013100107011091032002072106083009115008101004120019099067104004015001116082104012093073114105006&EXT=pdf&TYPE=2; 7-12-15; mbc)

Many Americans have had interactions with police officers and other law-enforcement agents, and the majority of these police-citizen encounters occur in the context of traffic stops.' Although

mildly inconvenient, traffic stops are necessary not only for enforcing traffic rules and deterring traffic violations, but they are generally beneficial for broader public safety concerns. For many people, traffic stops are simply part of life. For many racial minorities, however, especially African-American and Latino men, 2 even a routine traffic stop takes on an entirely different meaning. Historically, the relationship between racial minorities and police has been strained, and many members of racial minority groups believe that law enforcement officers unfairly target them because of their race or ethnicity.³ It is widely known that many Americans, especially minorities, believe that police officers use race as a "proxy" for criminal involvement. There is strong evidence that racial minorities believe law enforcement officers engage in racial profiling. African-Americans have long argued that police officers scrutinize their behavior more closely, and many report that they are fearful of arrest even if they have done nothing illegal.⁴ The majority of African-Americans believe that racial profiling is wrong, yet is pervasive within their communities.⁵ The September 11th tragedy and increased attention surrounding immigration from Mexico, however, have caused other minority groups such as Arab-Americans and Latinos to become increasingly concerned that law-enforcement officers also unfairly target them based on their race or ethnicity. 6 Stories of the humiliation and helplessness of families stranded in the rain with their belongings strewn alongside the highway are commonplace for many members of society.⁷ Undoubtedly, the pernicious practice of racial profiling, or at least the perception that this practice occurs, has caused many citizens to alter their routine to avoid the indignity of yet another police stop. Unfortunately, there is a growing body of evidence that suggests that the perception that police unjustly target minorities is not merely an unsubstantiated feeling, but an uncomfortable reality. While all forms of police misconduct or corruption are disturbing, racial profiling occupies a unique place among such harmful practices because it presents several unique issues that make it difficult to address through standard police accountability measures. Society entrusts lawenforcement officers with a wide-breadth of discretion in order to perform their everyday duties.⁸ While the fast-paced nature of law enforcement necessitates discretion, if left unchecked, broad grants of discretion can lead police officers to abuse their position and engage in misconduct ranging from falsifying evidence, participating in violent excessive uses of force, and engaging in racial profiling. Many forms of police misconduct and corruption leave tangible evidence that allows law-enforcement agencies to implement remedial measures to alleviate the problem. ⁹ Racial profiling, however, is an elusive practice that can easily remain shrouded from view.

Courts rarely recognize victim's claims of being racially profiled – can't solve

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Remedying an elusive practice such as racial profiling remains a challenging issue for the judiciary and reformers must rely on other avenues for a solution. For example, even where evidence demonstrates that minorities are disproportionately stopped and searched, courts rarely recognize the victim's claim or provide relief.²¹ Thus, it is clear that courts will not be the

catalysts of change. This Article argues that while courts may be reluctant to provide judicial remedies, police departments themselves should not ignore the perceptions and should take measures to reduce any possible profiling and increase partnerships with communities. An indication that a police department may be engaging in racial profiling has a detrimental and far-reaching impact not only on the individuals who experience it first-hand, but also on other members of the targeted community. Ultimately, this pernicious practice threatens to undermine legitimacy in law enforcement and the criminal justice system for large segments of society, which impacts society as a whole. Part III concludes by suggesting proactive remedies institutions and policymakers should consider to alleviate the tensions between communities and police office with respect to racial profiling. Data collection efforts are imperative to educating the public and police agencies about racial profiling, but these efforts fall short as a long-term remedy. Therefore, in addition to data collection during traffic stops, this Article proposes several policy solutions that the federal government and state legislatures should implement to address racial profiling within local law enforcement agencies.

Profiling is situational, not about race

Cutler 15 (Michael Cutler is an Immigration and Naturalization Service Senior Special Agent for thirty years, "IMMIGRATION AND POLITICAL RACIAL 'PROFILING,'" 7/2/15, Date Accessed, 7/7/15, <http://www.frontpagemag.com/fpm/259319/immigration-and-political-racial-profiling-michael-cutler, sz>)

What is ignored by many journalists is that law enforcement must use profiling in order to be proactive and effective. However, ethical law enforcement profiling involves far more than the race or simple outward appearances of suspicious people. Effective and fair profiling must include situational and behavioral factors as integral components of such an effort. When I was an INS agent conducting surveillance in Harlem as part of a team of NYPD and DEA agents in conjunction with a narcotics investigation, we would take notice if, for the sake of argument, we spotted a Caucasian young man behind the wheel of a new high-priced vehicle, such as a BMW, with out-of-state license plates driving slowly up a block near a known drug location. If he was looking around furtively, as though he was expecting to meet someone, we might well have stopped him and ask who he was looking for and check his license, etc. Certainly we were basing our stop of the vehicle on a "profile" that had many components. More often than not, such stops yielded invaluable information and often led to arrests and seizures of narcotics and weapons. However identifying voters by a single element -- whether it is race, religion or ethnicity -- constitutes a different sort of profiling and one that is as insidious and ugly as it gets. To talk about the "Latino vote" is to postulate that all Latinos will vote the same way and presupposes that all Latinos have the same values, orientations and concerns. This is racism and bigotry plain and simple. It is unfair, it is insulting and it is divisive. The notion of the supposedly monolithic "Latino voter" does great harm in a number of important ways. It creates the false impression that immigration is all about race. In point of fact, our immigration laws are, as they should be, utterly and completely blind as to race, religion and ethnicity. Our immigration laws have two primary goals: protect innocent lives and the jobs of American workers. Nothing could be more reasonable. Title 8 U.S. Code § 1182: (Inadmissible Aliens) enumerates various categories of aliens who are to be prevented from entering the U.S. You will notice that there is nothing in this section of law that makes any distinction about such superficial issues as race, religion or ethnicity. The list of excludible classes of aliens includes aliens who suffer dangerous communicable diseases, severe mental illness, are fugitives from justice, aliens who are convicted felons, spies, terrorists, war criminals, human rights violators, and others whose presence would undermine national security and/or public safety. This section of law also addresses the issue of protecting the jobs, wages, and working conditions of the American worker. Here is the relevant portion of this section of law: (5) Labor certification and qualifications for certain immigrants (A) Labor certification (i) In general Any alien who seeks to enter the U.S. for the purpose of performing skilled or unskilled labor is inadmissible, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that — (I) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the U.S. and at the place where the alien is to perform such skilled or unskilled labor, and (II) the employment of such alien will not adversely affect the wages and working conditions of workers in the

U.S. similarly employed. What does race have to do with the enforcement of our immigration laws? Making this an issue about race is unfair, unreasonable and pits Americans against Americans, creating the impression that Americans who want our borders secured and immigration laws enforced hate anyone of Latino ethnicity. This is a vicious lie. This is the equivalent of saying that if you lock your doors at night you are a xenophobic and anti-social misanthrope.

Absent of intentional forms of structural discrimination, police officer bias still maintains minorities' perception of racism

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Furthermore, racial profiling remains elusive and difficult to remediate because, even in the absence of intentional forms of discrimination, individual officers may be motivated by their unconscious racial biases. Despite much progress on racial issues, racial discrimination is not a "relic of the past" but instead remains a contemporary feature of modern society.⁶⁹ Today, overt displays of discrimination are rare, but racial prejudice "often goes unrecognized even by the individual who responds unconsciously to such motivation., ⁷⁰ For example, several psychological studies testing implicit bias demonstrate that images of African-Americans evoke more fear than other groups and confirm that members of minority groups, particularly African-American males, are associated with aggressive behavior.⁷¹ Whether or not there is definitive proof of discrimination, it is indisputable that many members of minority groups perceive that many police officers harbor and exercise racial animus when policing communities of color.⁷² This perception itself can be damaging to the credibility and legitimacy of a law-enforcement agency. practical impact for certain individuals or the police officers who work within those communities to keep residents safe. With or without the imprimatur of a court decision, it is indisputable that many members of minority groups perceive an injustice, and this perception is dangerous and harmful to both the community and law enforcement. Even the perception that certain groups are treated unfairly undermines the legitimacy of the law enforcement agency, and thus has a deleterious effect on crime control and prevention.

Legal immigrants experience the psychological burden of being portrayed as illegal by the police force

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Racial profiling leads to the societal stigmatization of victims known as a "racial tax. 74 Both the individual and the targeted community as a whole suffer psychological and emotional harms of racial profiling. Casual observers may view multiple police stops as a mere inconvenience, but in reality this "mere inconvenience" is really a harsh form of social stigmatization. Those who become targets of racial profiling suffer the emotional and psychological burden of racial profiling, and some members of minority groups have reported psychological harms of humiliation and depression as a result of racial profiling.75 The "broad taint of suspected criminality" 76 that burdens the entire ethnic or racial group that has been profiled, has been referred to as a "racial tax. 77 Randall Kennedy, a professor at Harvard Law School, burdens placed upon African-American, Arabic, Latino and Asian minorities for their membership within their specific race/ethnic group.78 The "tax" has a particularly acute impact upon those of Latino descent, since they are often forced to prove their citizenship in addition to suffering the injustice of racial profiling.79 Officers create an environment where Latinos are "cast as foreigners," and those of the working class in emerging Latino communities are questioned more often since they might bear a resemblance to the "stereotypical image of what illegal immigrants supposedly look like."80 Because a large majority of Latinos live in the United States are citizens or legal immigrants, this means that legal and lawful residents unjustly bear the burden of these "citizenship encounters.", Each of these forms of racial taxation unduly burdens the targeted group, for no other reason than a person's membership to that group. 82

AT: Immigration Federalism

AT: Science Diplomacy

Visas are exploitative and exclusionary – don't solve scientific diplomacy

Rygiel '10 [Kim, Assistant Professor of Political Science at Wilfrid Laurier Univ. *Globalizing Citizenship*, 2010. Pg 5-6. Available Online via the University of Wisconsin's EBook Collection]

As forms of human mobility grow (e.g., displacement, asylum, travel for work, study, family, and leisure), and as regulatory controls become more restrictive, “legalized,” regular, and regulated forms of migration produce irregular, and what has increasingly become “illegalized,” forms of movement across borders (De Genova 2002). The increased implementation of border controls on the part of governing authorities has enabled the greater segregation (and differential treatment) of “‘legitimate’ mobilities such as leisure and business, from ‘illegitimate’ mobilities such as terrorism and illegal immigration” (Amoore 2006, 336). This “illegalization” of migration is produced by greater securitization, particularly by wealthy postindustrial societies in the North. In the process, certain bodies are perceived as threatening, disruptive, and risky and, therefore, in need of being securitized, regulated, and controlled. At the same time, these bodies are rendered vulnerable and are perceived as an invaluable source of cheap and exploitable labour (Bacon, 2008; Bigo 2002 and 2007; Bigo and Guild 2005; Ceyhan and Tsoukala 2002; Coleman 2005; Epstein 2007; Pickering and Weber 2006). Since 2001, they have frequently taken the form of the immigrant, the refugee or asylum claimant, and the undocumented migrant; however, they are also exchangeable and racialized, such that people of colour and those from countries in the South, as well as people of Muslim, Arab, and/or Middle Eastern background, have come to be viewed as risky subjects (Thobani 2004). It is within this context, then, that citizenship has increasingly become a way of governing individuals and populations. Despite the criss-crossing and transgression of territorial state borders and the reconfiguration of the state as a result of globalization, citizenship as a form of governing has been strengthened through innovative strategies and technologies of power, becoming an increasingly effective way of controlling populations in a globalizing environment. The reason for this is that, under the logic and discourse of citizenship, a host of strategies have been implemented to further open borders and liberalize trade and the flow of capital in ways that simultaneously maintain the role of the state with regard to controlling population and enforcing security. This is why Barry Hindess (2003, 24) argues that we can best understand this seeming contradiction between the promotion of open borders for goods, on the one hand, and the simultaneous restriction on the mobility of people, on the other, “if we view them both as parts of the one regime of population control.” This has been especially evident since the events of 11 September 2001 [9-11], which have led to the increasing use of citizenship as a means of governing the tension between an increasingly deterritorialized political economy and a territorialized political system. This is the context within which the principle arguments are situated.

Science Diplomacy Impact Defense

Science diplomacy doesn't spill over

Hormats 3/12 - Served Under Secretary of State for Economic Growth, Energy, and the Environment (Robert, “Science Diplomacy and Twenty-First Century Statecraft”) AAAS

<http://www.sciencediplomacy.org/perspective/2012/science-diplomacy-and-twenty-first-century-statecraft> (LT)

SCIENCE diplomacy is a central component of America's twenty-first century statecraft agenda. The United States must increasingly recognize the vital role science and technology can play in addressing major challenges, such as making our economy more competitive, tackling global health issues, and dealing with climate change. American leadership in global technological advances and scientific research, and the dynamism of our companies and universities in these areas, is a major source of our economic, foreign policy, and national security strength.

Additionally, it is a hallmark of the success of the American system. While some seek to delegitimize scientific ideas, we believe the United States should celebrate science and see it—as was the case since the time of Benjamin Franklin—as an opportunity to advance the prosperity, health, and overall well-being of Americans and the global community. Innovation policy is part of our science diplomacy engagement. More than ever before, modern economies are rooted in science and technology. It is estimated that America's knowledge-based industries represent 40 percent of our economic growth and 60 percent of our exports. Sustaining a vibrant knowledge-based economy, as well as a strong commitment to educational excellence and advanced research, provides an opportunity for our citizens to prosper and enjoy upward mobility. America attracts people from all over the world—scientists, engineers, inventors, and entrepreneurs—who want the opportunity to participate in, and contribute to, our innovation economy. At the same time, our bilateral and multilateral dialogues support science, technology, and innovation abroad by promoting improved education; research and development funding; good governance and transparent regulatory policies; markets that are open and competitive; and policies that allow researchers and companies to succeed, and, if they fail, to have the opportunity to try again. We advocate for governments to embrace and enforce an intellectual property system that allows innovators to reap the benefits of their ideas and also rewards their risk taking. Abraham Lincoln himself held a patent on an invention, a device for preventing ships from being grounded on shoals. He said in his “Second Lecture on Discoveries and Inventions” in 1859 that patents “added the fuel of interest to the fire of genius, in the discovery and production of new and useful things.” The practice of science is increasingly expanding from individuals to groups, from single disciplines to interdisciplinary, and from a national to an international scope. The Organisation for Economic Co-operation and Development reported that from 1985 to 2007, the number of scientific articles published by a single author decreased by 45 percent. During that same period, the number of scientific articles published with domestic co-authorship increased by 136 percent, and those with international co-authorship increased by 409 percent. The same trend holds for patents. Science collaboration is exciting because it takes advantage of expertise that exists around the country and around the globe. American researchers, innovators, and institutions, as well as their foreign counterparts, benefit through these international collaborations. Governments that restrict the flow of scientific expertise and data will find themselves isolated, cut off from the global networks that drive scientific and economic innovation. While the scientific partnerships that the United States builds with other nations, and international ties among universities and research labs, are a means to address shared challenges, they also contribute to broadening and strengthening our diplomatic relationships. Scientific partnerships are based on disciplines and values that transcend politics, languages, borders, and cultures. Processes that define the scientific community—such as merit review, critical thinking, diversity of thought, and transparency—are fundamental values from which the global community can reap benefits. History provides many examples of how scientific cooperation can bolster diplomatic ties and cultural exchange.

American scientists collaborated with Russian and Chinese counterparts for decades, even as other aspects of our relationship proved more challenging. Similarly, the science and technology behind the agricultural “Green Revolution” of the 1960s and ‘70s was the product of American, Mexican, and Indian researchers working toward a common goal. Today, the United States has formal science and technology agreements with over fifty countries. We are committed to finding new ways to work with other countries in science and technology, to conduct mutually beneficial joint research activities, and to advance the interests of the U.S. science and technology community. Twenty-first century statecraft also requires that we build greater people-to-people relationships. Science and technology cooperation makes that possible. For example, through the Science Envoy program, announced by President Obama in 2009 in Cairo, Egypt, eminent U.S. scientists have met with counterparts throughout Asia, Africa, and the Middle East to build relationships and identify opportunities for sustained cooperation. With over half of the world’s population under the age of thirty, we are developing new ways to inspire the next generation of science and technology leaders. Over the past five years, the Department of State’s International Fulbright Science & Technology Award has brought more than two hundred exceptional students from seventy-three different countries to the United States to pursue graduate studies. Through the Global Innovation through Science and Technology Initiative, the United States recently invited young innovators from North Africa, the Middle East, and Asia to post YouTube videos describing solutions to problems they face at home. The top submissions will receive financial support, business mentorship, and networking opportunities.

Science diplomacy’s impact is marginal – it doesn’t create real diplomacy

Dickson 10 - director of SciDev.net (David, “Science in diplomacy: “On tap but not on top”, 6/28

<http://scidevnet.wordpress.com/category/science-diplomacy-conference-2010/>

There’s a general consensus in both the scientific and political worlds that the principle of science diplomacy, at least in the somewhat restricted sense of the need to get more and better science into international negotiations, is a desirable objective. There is less agreement, however, on how far the concept can – or indeed should – be extended to embrace broader goals and objectives, in particular attempts to use science to achieve political or diplomatic goals at the international level. Science, despite its international characteristics, is no substitute for effective diplomacy. Any more than diplomatic initiatives necessarily lead to good science. These seem to have been the broad conclusions to emerge from a three-day meeting at Wilton Park in Sussex, UK, organised by the British Foreign Office and the Royal Society, and attended by scientists, government officials and politicians from 17 countries around the world. The definition of science diplomacy varied widely among participants. Some saw it as a subcategory of “public diplomacy”, or what US diplomats have recently been promoting as “soft power” (“the carrot rather than the stick approach”, as a participant described it). Others preferred to see it as a core element of the broader concept of “innovation diplomacy”, covering the politics of engagement in the familiar fields of international scientific exchange and technology transfer, but raising these to a higher level as a diplomatic objective. Whatever definition is used, three particular aspects of the debate became the focus of attention during the Wilton Park meeting: how science can inform the diplomatic process; how diplomacy can assist science in achieving its objectives; and, finally, how science can provide a channel for quasi-diplomatic exchanges by forming an apparently neutral bridge between countries. There was little disagreement on the first of these. Indeed for many, given the increasing number of international issues with a scientific dimension that politicians have to deal with, this is essentially what the core of science diplomacy should be about. Chris Whitty, for example, chief scientist at the UK’s Department for International Development, described how knowledge about the threat raised by the spread of the [highly damaging plant disease stem rust](#) had been an important input by researchers into discussions by politicians and diplomats over strategies for persuading Afghan farmers to shift from the production of opium to wheat. Others pointed out that the scientific community had played a major role in drawing attention to issues such as the links between chlorofluorocarbons in the atmosphere and the growth of the ozone hole, or between carbon dioxide emissions and climate change. Each has made essential contributions to policy decisions. Acknowledging this role for science has some important implications. No-one dissented when Rohinton Medhora, from Canada’s International Development Research Centre, complained of the lack of adequate scientific expertise in the embassies of many countries of the developed and developing world alike. Nor – perhaps predictably – was there any major disagreement that diplomatic initiatives can both help and occasionally hinder the process of science. On the positive side, such diplomacy can play a significant role in facilitating science exchange and the launch of international science projects, both essential for the development of modern science. Europe’s framework programme of research programmes was quoted as a successful advantage of the first of these. Examples of the second range from the establishment of the European Organisation of Nuclear Research (usually known as CERN) in Switzerland after the Second World War, to current efforts to build a large new nuclear fusion facility (ITER). Less positively, increasing restrictions on entry to certain countries, and in particular the United States after the 9/11 attacks in New York and elsewhere, have significantly impeded scientific exchange programmes. Here the challenge for diplomats was seen as helping to find ways to ease the burdens of such restrictions. The broadest gaps in understanding the potential of scientific diplomacy lay in the third category,

namely the use of science as a channel of international diplomacy, either as a way of helping to forge consensus on contentious issues, or as a catalyst for peace in situations of conflict. On the first of these, SOME pointed to recent climate change negotiations, and in particular the work of the Intergovernmental Panel on Climate Change, as a good example, of the way that the scientific community can provide a strong rationale for joint international action. But others referred to the failure of the Copenhagen climate summit last December to come up with a meaningful agreement on action as a demonstration of the limitations of this way of thinking. It was argued that this failure had been partly due to a misplaced belief that scientific consensus would be sufficient to generate a commitment to collective action, without taking into account the political impact that scientific ideas would have. Another example that received considerable attention was the current construction of a synchrotron facility SESAME in Jordan, a project that is already bringing together researchers in a range of scientific disciplines from various countries in the Middle East (including Israel, Egypt and Palestine, as well as both Greece and Turkey). The promoters of SESAME hope that – as with the building of CERN 60 years ago, and its operation as a research centre involving, for example, physicists from both Russia and the United States – SESAME will become a symbol of what regional collaboration can achieve. In that sense, it would become what one participant described as a “beacon of hope” for the region. But others cautioned that, however successful SESAME may turn out to be in purely scientific terms, its potential impact on the Middle East peace process should not be exaggerated. Political conflicts have deep roots that cannot easily be papered over, however open-minded scientists may be to professional colleagues coming from other political contexts. Indeed, there was even a warning that in the developing world, high profile scientific projects, particular those with explicit political backing, could end up doing damage by inadvertently favouring one social group over another. Scientists should be wary of having their prestige used in this way; those who did so could come over as patronising, appearing unaware of political realities. Similarly, those who hold science in esteem as a practice committed to promoting the causes of peace and development were reminded of the need to take into account how advances in science – whether nuclear physics or genetic technology – have also led to new types of weaponry. Nor did science automatically lead to the reduction of global inequalities. “Science for diplomacy” therefore ended up with a highly mixed review. The consensus seemed to be that science can prepare the ground for diplomatic initiatives – and benefit from diplomatic agreements – but cannot provide the solutions to either.

Science diplomacy fails – multiple reasons

Dickson, 10 – Dave, Director of SciDev (“Science diplomacy: easier said than done,” SciDev, 6/24/10,

<http://scidevnet.wordpress.com/category/science-diplomacy-conference-2010/>) **Red**

But, as rapidly become clear in the opening session of the three-day meeting on science diplomacy being held at Wilton Park in Sussex, UK, putting the principle of such diplomacy into action presents many practical problems, some of which SciDev.Net aired last week (see Science diplomacy must be more ambitious). As several participants pointed out, this is particularly the case at a time when science budgets are under pressure, and scientists are being asked to justify their support from the public purse in terms of the practical contributions they make to national – rather than international – well-being. The dilemma was highlighted by the very first speaker at the meeting, Peter Fletcher, chair of panel that seeks to co-ordinate the international activities of Britain’s research councils. Fletcher outlined the many ways in which science can be effectively used as a diplomatic tool. He pointed out, for example, that scientific cooperation offered countries such as Britain an opportunity to establish good relations with the Muslim world in just the same way that it had helped them build bridges with China in the 1990s. “Science is a way of building relationships, sometimes even before politicians have agreed to talk.” Fletcher said. “Researchers are used to working across national boundaries. They understand people who are thinking about the same things as they are, and are used to working together in ways in which other people are not.” But he also pointed out that, with the UK having just announced a 25% reduction in its science budget, governments were increasingly requiring scientists to demonstrate the value of their work for those who paid for it. “How much are we prepared to commit to solving global challenges for mutual benefit [in this context]?” he asked. Other challenges were highlighted by Vaughan Turekian, director of the Center for Science Diplomacy, American Association for the Advancement of Science (AAAS), Washington DC Turekian pointed out that part of the attraction of using science for diplomatic purposes was its apolitical nature. In addition, the United States, for example, was well placed to exploit the fact that its science was held in much higher regard around the world than many of its other activities. He quoted a recent visit to Syria by a US scientific delegation that had met with President Assad – an ophthalmologist – as an example of how science diplomacy could help promote political engagement in situations where official relations were limited. “Science cooperation has provided a wonderful way to have a dialogue on issues of mutual interest,” Turekian said. But he also pointed to some of the barriers that prevent science diplomacy from operating effectively, such as asymmetries in scientific capabilities, economic or security concerns over providing access to certain types of key technologies, and a general lack of funding. In the discussion that followed, it became clear that these barriers are likely to become an important focus of attention over the next two days. Several participants,

for example, pointed to the obstacles to international scientific exchange presented by the increasing restrictions on entrance visas being placed by countries such as the United States. "It becomes so difficult for someone to get into the US that once they are there, they cannot afford to go home, even for a short visit, because they have no idea whether they will be able to get back in," was one typical comment.

Science diplomacy fails

David **Dickson**, SciDev.net, June 2, 2009. <http://scidevnet.wordpress.com/2009/06/02/science-diplomacy-the-case-for-caution/>

One of the frustrations of meetings at which scientists gather to discuss policy-related issues is the speed with which the requirements for evidence-based discussion they would expect in a professional context can go out of the window. Such has been the issue over the past two days in the meeting jointly organised in London by the American Association for the Advancement of Science (AAAS) and the Royal Society on the topic "New Frontiers in Science Diplomacy". There has been much lively discussion on the value of international collaboration in achieving scientific goals, on the need for researchers to work together on the scientific aspects of global challenges such as climate change and food security, and on the importance of science capacity building in developing countries in order to make this possible. But there remained little evidence at the end of the meeting on how useful it was to lump all these activities together under the umbrella term of "science diplomacy". More significantly, although numerous claims were made during the conference about the broader social and political value of scientific collaboration – for example, in establishing a framework for collaboration in other areas, and in particular reducing tensions between rival countries – little was produced to demonstrate whether this hypothesis is true. If it is not, then some of the arguments made on behalf of "science diplomacy", and in particular its value as a mechanism for exercising "soft power" in foreign policy, do not stand up to close scrutiny.

Diplomacy can't spillover

Daniel **Brumberg**, May 6, 2006. <http://hir.harvard.edu/development-and-modernization/hegemony-or-leadership>

Indeed, I agree with many of his points. US President George Bush's administration has alienated much of the world by its rejection of international treaties, advocacy of regime change, implicit rejection of national sovereignty, failure to push for a two-state solution to the Palestinian-Israeli conflict, and what many see as a self-serving and hypocritical approach to non-proliferation. I also agree that **much of the "hatred" toward the United States has more to do with US policies than US values.** **No amount of shrewd public diplomacy can overcome the basic policy clashes that separate Europe and Washington almost as decisively as they divide Washington and the Third World.** That said, Ambassador Zarif has simplified some of the inevitable challenges that the world's remaining superpower must encounter. Moreover, he ignores the daunting challenge that Iranian leaders still face in squaring their espousal of international norms and institutions with many of Iran's foreign policies. Unfortunately, some of these policies reflect the enduring influence of a hard-line clerical establishment that repudiates many of the very global norms that Ambassador Zarif advocates.

AT: State Experimentalism Good

State experimentation doesn't help immigration

Cunningham-Parmeter 11 Associate Professor of Law, Willamette University. J.D., Stanford University. copyright (c) 2011 U.C. Hastings College of the Law Hastings Law Journal July, 2011 Hastings Law Journal 62 Hastings L.J. 1673 LENGTH: 29161 words Article: Forced Federalism: States as Laboratories of Immigration Reform

Ever since Justice Louis Brandeis characterized states as laboratories of democracy, judges and scholars have championed the ability of states to offer a diverse array of solutions to complex national problems. Today, proponents of enhanced immigration restrictions apply the same

rationale to state immigration laws. This Article challenges the assertion that states can serve as valuable laboratories of immigration reform. States that enact their own immigration laws do **not internalize costs or yield replicable results** - two conditions needed for **viable experimentation**. When states internalize costs, other jurisdictions can effectively evaluate outcomes. Replication occurs when states take diverse approaches to common problems. Unfortunately, current state immigration laws do not meet these criteria because states operate in a system of "forced federalism": a division of power between the two levels of government in which subnational jurisdictions attempt to force the federal government to accept state-defined immigration enforcement schemes. But as states thrust their chosen levels of immigration control on the federal government, their potential to innovate on immigration matters is quite restricted. Essentially, forced federalism limits states to a narrow set of enforcement decisions based on federally defined norms - far from the type of diverse testing associated with true innovation and replication. Today's state immigration experiments also fail to internalize costs - another condition of successful subnational tests. Restrictionist states that encourage unauthorized immigrants to resettle in other jurisdictions export the economic damage they claim illegal immigration causes. In addition to economic spillovers, laboratory states export social costs to the nation by fundamentally altering the concept of a shared national identity. For example, when immigrants flee restrictionist states in order to avoid racial profiling or harassment, the national commitment to values such as egalitarianism and nondiscrimination is weakened. These harms are not confined to restrictionist states alone but are felt by the nation as a whole. **Not all subjects are ripe for local experimentation and not all tests produce valid results. Despite the appealing image of states as laboratories, today's immigration experiments will not advance the nation's ongoing search for sounder immigration policies.**

Federal control over immigration is super resilient – Arizona ruling

Vincent J **Cannato** Fall 20**12**; associate professor of history at the University of Massachusetts, Boston, and the author of American Passage: The History of Ellis Island. "Our Evolving Immigration Policy" National Affairs Issue 13 Fall 2012 <http://www.nationalaffairs.com/publications/detail/our-evolving-immigration-policy>

For all the debate that surrounds America's immigration policy, just who is responsible for enforcing that policy has rarely been in dispute in recent decades — until Arizona adopted the statute S.B. 1070. Arguing that the federal government had proved incapable of stopping the illegal immigration wreaking havoc in the state, Arizona lawmakers took matters into their own hands, enacting legislation that used state penalties and state police to try to give meaningful force to federal laws already on the books. Washington, for its part, resisted, claiming that Arizona's approach intruded on federal prerogatives. The federal-state power struggle ultimately landed before the Supreme Court, which, amid a swirl of politicized commentary on both sides of the matter, issued its ruling in June. "The Government of the United States has **broad, undoubted power** over the subject of immigration and the status of aliens....The federal power to determine immigration policy is **well settled**," opined Justice Anthony Kennedy, writing for the Court's majority in Arizona v. United States. In a 5-3 decision (Justice Elena Kagan recused herself), the Court struck down most of the Arizona law and limited the permissible range of state activity in the realm of immigration enforcement. To allow each of the 50 states to enact its own immigration-control laws — even if those laws did not conflict with, but instead complemented, federal law — would, in the Court's view, violate the doctrine that "the States are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance." In the eyes of the Court's majority, the regulation of immigration has been so thoroughly dominated by the federal government as to leave **virtually no room** for action by the states. Justice Antonin Scalia disagreed, writing in his dissent that such a ruling "deprives States of what most would consider the defining characteristic of sovereignty: the power to exclude from the sovereign's territory people who have no right to be there." The majority's opinion, he contended, is supported by "neither the Constitution itself nor even any law passed by Congress."

The plan doesn't create legal clarity to encourage state action – Court ruling wouldn't solve federal reassertion of power, either

Tamar **Jacoby** 4-22-20**12**; a fellow of the New America Foundation, is president of ImmigrationWorks USA, a national federation of small business owners working for better immigration law. “States Should Experiment on Immigration Policy” NYT, <http://www.nytimes.com/roomfordebate/2012/04/22/how-states-should-approach-immigration/states-should-experiment-on-immigration-policy?gwh=48DC6026D5DF65A992E332FAEEE2FFBB&gwt=pay&assetType=opinion>

If only it were clear what is within the states' power on immigration and what isn't. That would make things a lot easier for everyone. The problem is **we don't know**. Throughout American history, the pendulum of states' rights and federal power has swung back and forth, and not just on immigration. Today, we're in the middle of a federalist revolution of historic proportions, with states across the country taking immigration lawmaking into their own hands – and getting a yellow if not green light from the U.S. Supreme Court. This summer, the court will issue its second immigration opinion in two years, and I predict that again it will be at least a yellow light. So what are states to do? Virtually all the state immigration laws enacted in the last decade have been enforcement measures. That's understandable; lawmakers and voters want to get control of illegal immigration.

States are just incompetent at immigration – only federal policy solves

Adam **Cohen** 5-7-20**12**; teaches at Yale Law School. “Why States Shouldn't Control Immigration: Whatever the Supreme Court's decision on Arizona's controversial law, it should be a wake-up call about why American immigration policy must be established on a national — not state — level” <http://ideas.time.com/2012/05/07/why-states-shouldnt-control-immigration/>

Advocates for illegal immigrants are, naturally, worried — they fear harsh new laws and crackdowns in state after state. But even people who take a harder line on immigration should not be particularly pleased if this is how things go. There is a good reason that we look to the federal government — and not the states — to take the lead on immigration law. Only Congress can address the issue in all its complexity, taking on the many concerns on all sides. (MORE: Do Elected Officials Have to Speak English?) The Comprehensive Immigration Reform Act of 2007, which never passed, showed what Congress could do. That bill would have created a clear path to citizenship for the estimated 11 million illegal immigrants currently in the U.S. It also had real get-tough provisions, including increased enforcement along the U.S.-Mexico border and a national database for employers to check the immigration status of job applicants. States cannot do anything this ambitious. They may be able to hound individual immigrants into leaving the country or drive the ones who remain to live their lives in the shadows. But states cannot give people a path to citizenship or create a national database. They cannot fix a national system that almost everyone agrees is badly broken. The main reason that Arizona, Alabama and other states have begun acting aggressively on immigration is that Washington has failed for years to address the problem. Even if the Supreme Court says that states have the legal right to enact immigration laws like Arizona's, that does not mean that it makes any sense for the nation's immigration policy to be established at the state level. Whatever the outcome of the challenge to Arizona's law, it should be a wake-up call to Congress that the American people are tired of waiting for immigration reform.

Federal control is inevitable and good

Tamar **Jacoby** 2-24-20**12**; Tamar Jacoby, a fellow at the New America Foundation, president of ImmigrationWorks USA, a national federation of small business owners in favor of immigration reform. “What if justices let states make immigration policy?” <http://www.cnn.com/2012/04/24/opinion/jacoby-immigration-supreme-court/>

Those who want Washington to make immigration policy have a hundred years of history and a raft of persuasive arguments on their side. The Constitution reserves some powers for Congress: naturalization and, by extension, determining who and how many immigrants we admit. Federal law carves out other areas, including most worksite enforcement. And sheer practicality argues for one national policy on the border.

AT: Space Impact

Tons of state experimentation on immigration in the squo

Elias '13

[Asse Prof Law Iowa. "The New Immigration Federalism" 2013
<http://moritzlaw.osu.edu/students/groups/oslj/files/2013/12/6-Elias.pdf//jv>]

During the 2011 and 2012 legislative sessions, comprehensive immigration reform was once again a topic of vibrant debate and speculation in Congress, in the media, and in the legal academy. On June 27, 2013, the Senate passed S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act."³ Speculation abounded—and indeed continues to abound—as to what action, if any, the House of Representatives might take. But, as federal lawmakers and commentators argued the relative merits of different proposed solutions to cut visa backlogs, attract immigrants with skills in science and technology, and address the challenges posed by approximately 11.2 million undocumented migrants,⁴ some of the most important stakeholders—the governments of the fifty states—were unusually silent. This was particularly noteworthy, because until the summer of 2012, those very state governments were often at the forefront of efforts to influence the reform of immigration law and policy; in 2010, for example, 346 separate bills pertaining to immigration and alienage were passed by state legislatures.⁵ The catalyst for the change in states' immigration-related rulemaking was the United States Supreme Court's June 25, 2012 decision in *Arizona v. United States*,⁶ which reasserted the federal government's primacy in the immigration arena and clarified the boundaries of federal, state, and local rulemaking pertaining to immigration enforcement and immigration-related criminal sanctions. In the wake of the *Arizona* ruling, a number of states suspended immigration enforcement operations and ceased to promulgate anti- unauthorized-immigrant laws. At the same time, immigration law scholars and commentators—some of whom had previously argued that it would be "conceptually unstable" to accord the federal government exclusive power over immigration enforcement, while allowing states and localities to "choose different methods of integrating immigrants"⁷—suggested that the Court's reaffirmation of federal primacy in the sphere of immigration enforcement signaled the demise of "immigration federalism,"⁸ or at the very least a return to state inaction in both immigration and alienage rulemaking.⁹ I disagree. *Arizona v. United States* may mark a watershed in U.S. immigration law and policy, but it does not mark the end of state and local engagement in immigration regulation. Instead, it portends a "new" direction for "immigration federalism."¹⁰ The *Arizona* Court's reinvigoration of the doctrine of broad federal power in the immigration arena does not foreclose all state action pertaining to immigrants and immigration. Rather, the post-*Arizona* legal landscape provides ample opportunity for different varieties of state and local engagement with noncitizen residents—some of which will be novel and some of which will involve the further development or redirection of preexisting laws and policies. This "new immigration federalism" is and will be grounded in immigrant-inclusionary rulemaking, which has the potential to complement (as well as occasionally contradict) federal efforts at comprehensive immigration reform. Early analyses of post-*Arizona* state lawmaking support this understanding of the new framework of immigration federalism. After a lull during 2012, which coincided with the Court's consideration of *Arizona*, state rulemaking pertaining to immigrants rebounded in the first six months of 2013. By the end of June of 2013, forty-three states and the District of Columbia had passed a total of 377 laws and resolutions related to immigration; an 83% increase from the first half of 2012.¹⁰ Notably, just one state, Georgia, passed immigrant-

exclusionary legislation in early 2013; the other forty-two states enacted immigrant-inclusionary measures.^{¶ 11} Legislation intended to expand access to driver's licenses for all immigrants was introduced in at least nineteen states, as well as in the District of Columbia and Puerto Rico.^{¶ 12} Bills designed to provide access to in-state tuition rates for students, regardless of their immigration status, so-called "State DREAM Acts," were introduced in at least sixteen states, and proposals for greater access to scholarships and/or financial aid for immigrant students were considered in several states.^{¶ 13} At the same time, five state legislatures debated new measures to provide greater workplace protections to immigrant domestic workers.^{¶ 14} These recent developments portend the future direction of immigration federalism in the United States.

Your evidence says that NASA needs to fund and prioritize asteroid readiness – the status quo solves that

King '14

[Ledyard. USA Today Staff. "NASA budget would ramp up asteroid mission" 3/4/14
<http://www.usatoday.com/story/news/nation/2014/03/04/nasa-budget-asteroid-mission/6021269//jv>]

NASA's proposed budget for fiscal 2015 would ramp up funding to fly astronauts to an asteroid by 2025 as part of a steppingstone approach to Mars, a mission some lawmakers want to replace with a return trip to the moon.[¶] The \$133 million for the mission, which would deflect a small asteroid into near-Earth orbit so astronauts could practice landing on it and study its characteristics, is part of the space agency's proposed \$17.46 billion budget released by the administration Tuesday.[¶] Fiscal 2015 begins on Oct. 1 and ends on Sept. 30, 2015.[¶] The budget also includes funding to continue NASA's other top priorities: a deep-space Space Launch System rocket and the Orion multi-purpose vehicle it will carry to Mars, the James Webb Space Telescope due for launch in 2018, and the Commercial Crew Program that helps fund private efforts to send astronauts from the U.S. to the International Space Station.[¶] The budget is about \$185 million below the fiscal 2014 level but roughly \$600 million more than NASA received in fiscal 2013, when sequestration cut discretionary spending across the board.[¶] NASA could have access to another \$900 million as well — its share of a \$56 billion Opportunity, Growth and Security Initiative that would be separate from the regular budget.

Sufficient detection and deflection efforts now – but increased US asteroid leadership guts those
CSM '10

(May 14, "Who is responsible for averting an asteroid strike?"
<http://www.csmonitor.com/Innovation/2009/0514/who-is-responsible-for-averting-an-asteroid-strike>)

Asteroid hunters have good news – and a challenge – for the rest of us. After an extensive search for asteroids a kilometer or more across, engineer Steve Chesley says that "we can now say with confidence that no asteroids large enough to cause such a global calamity [as killing off the dinosaurs] are headed our way." But if one of them – or even a smaller, city-destroying rock – were detected on a collision course, would the world community be prepared to handle it? A conference of legal experts that discussed this question at the University of Nebraska in Lincoln last month answered it with a resounding "No." Scientists and engineers who have studied the problem of deflecting a dangerous asteroid believe the technical issues are difficult but solvable. The challenge now is figuring out the legal issues of who takes action on behalf of humankind and of what their responsibilities and liabilities will be. Asteroid hunters believe they can give us plenty of warning. There is "a fair chance that the next Earth impactor will actually be identified with many decades and perhaps centuries of warning time," explains Mr. Chesley of the NASA

Jet Propulsion Laboratory in Pasadena, Calif., in the March/April issue of the Planetary Report. That's plenty of time to develop a spacecraft whose gravitational attraction might nudge an asteroid aside – or a rocket or some application of nuclear explosives to do the job. However, if a single country – or small group of nations – tries to take the initiative on its own, the international reaction could stall any action at all. "The international political reactions to the US shooting down one of its own satellites a year ago to prevent presumably dangerous and toxic rocket fuel from reaching Earth only foreshadows what would happen if the US would detonate nukes claiming to destroy an incoming asteroid," said Frans von der Dunk, a University of Nebraska space law expert, at the Nebraska conference, according to Space News. Overlooking the hype about nuclear weapons, which engineers consider an unlikely, extreme measure, Professor von der Dunk has pointed out the main issue. Averting a regional or global asteroid threat may involve unforeseen collateral damage – such as splintered chunks making their way to Earth or worse. Therefore, the world community has to have a say in how that threat is handled. Right now, to use von der Dunk's word, that community is "underorganized" to meet this challenge.

No extinction impact

BENNETT 10

(James, Eminent Scholar at George Mason University and holds the William P. Snavely Chair of Political Economy and Public Policy in the Department of Economics and is Director of the John M. Olin Institute for Employment Practice and Policy. He received his Ph.D. from Case Western Reserve University in 1970 and has specialized in research related to public policy issues, the economics of government and bureaucracy, labor unions, and health charities. *The Doomsday Lobby: Hype and Panic from Sputniks, Martians, and Marauding Meteors*, p. 157-158

It should be noted that the Alvarez et al. hypothesis was not universally accepted. As Peter M. Sheehan and Dale A. Russell wrote in their paper "Faunal Change Following the Cretaceous–Tertiary Impact: Using Paleontological Data to Assess the Hazards of Impacts," published in *Hazards Due to Comets & Asteroids* (1994), edited by Tom Gehrels, "many paleontologists resist accepting a cause and effect relationship" between the iridium evidence, the Chicxulub crater, and the mass extinction of 65 million years ago.¹⁵ For instance, Dennis V. Kent of the Lamont–Doherty Geological Observatory of Columbia University, writing in *Science*, disputed that a high concentration of iridium is necessarily "associated with an extraordinary extraterrestrial event" and that, moreover, "a large asteroid... is not likely to have had the dire consequences to life on the earth that they propose."¹⁶ Briefly, Kent argues that the Alvarez team mistakenly chose the 1883 Krakatoa eruption as the standard from which to extrapolate the effects of stratospheric material upon sunlight. Yet Krakatoa was too small a volcanic eruption from which to draw any such conclusions; better, says Kent, is the Toba caldera in Sumatra, remnant of an enormous eruption 75,000 years ago. (A caldera is the imprint left upon the earth from a volcanic eruption.) The volume of the Toba caldera is 400 times as great as that of Krakatoa – considerably closer to the effect that an asteroid impact might have. Yet the sunlight "attenuation factor [for Toba] is not nearly as large as the one postulated by Alvarez et al. for the asteroid impact." Indeed, the Toba eruption is not associated with any mass extinctions, leading Kent to believe that "the cause of the massive extinctions is not closely related to a drastic reduction in sunlight alone."¹⁷ Reporting in *Science*, Richard A. Kerr wrote that "Many geologists, paleontologists, astronomers, and statisticians... find the geological evidence merely suggestive or even nonexistent and the supposed underlying mechanisms improbable at best." Even the iridium anomalies have been challenged: Bruce Corliss of the Woods Hole Oceanographic Institute argues that the major extinctions associated with the K–T event were not immediate and catastrophic but "gradual and apparently linked to progressive climate change."¹⁸ Others argue that a massive volcanic event predating the Alvarezian killer asteroid created an overwhelming greenhouse effect and set the dinosaurs up for the knockout punch. A considerable number of scientists believe that gradually changing sea levels were the primary cause of the K–T Extinction. If either of these hypotheses is true – and a substantial number of geologists hold these positions — then the "killer asteroid" is getting credit that it does not deserve. Even if the

K-T Extinction was the work of a rock from space, the Alvarez team credits a "probable interval of 100 million years between collisions with 10-km-diameter objects."¹⁹ The next rendezvous with annihilation won't be overdue for about 40 million years. We have time.

2NC Space Impacts

If the status quo doesn't solve, then neither does the aff – NASA's NEO program is a dumpster fire

AFP '14

[The Agence France Presse. "NASA asteroid defense program falls short: audit" 9/15/14
<http://phys.org/news/2014-09-nasa-asteroid-defense-falls-short.html/jv>]

The US space agency's program to detect and protect the Earth from incoming asteroids is poorly managed and far behind schedule, said a government audit report on Monday.¶ **Just one million of the program's \$40 million annual budget is spent on strategies to deflect an incoming asteroid or evacuate areas in danger of impact**, said the report by NASA inspector General Paul Martin.¶ NASA was tasked by Congress in 2005 to establish a program for tracking near-Earth objects (NEO) greater than 140 meters in diameter (460 feet), to decide on their threat and to catalogue 90 percent of these objects by 2020.¶ **"While the program has discovered, categorized, and plotted the orbits of more than 11,000 NEOs since 1998, NASA estimates that it has identified only 10 percent of all asteroids** 140 meters and larger and will not meet the 2020 deadline," said the audit.¶ Furthermore, it described **NASA's NEO Program as organized under "a single program executive who manages a loosely structured, non-integrated conglomerate of research activities with little coordination, insufficient program oversight, and no established milestones to track progress."**¶ The report noted that most NEOs are harmless and disintegrate before they reach the surface of the Earth.¶ However, some survive, it said, pointing to the 18-meter (57-foot) meteor that exploded above the city of Chelyabinsk, Russia in 2013 "with the force of 30 atomic bombs, blowing out windows, destroying buildings, and injuring more than 1,000 people."¶ **Other problems with NASA management of the program included an asteroid redirect mission that was not managed by the NEO program, and "inadequate controls to ensure proper accounting of agency-funded grants and task orders."**¶ **The "lack of planning and resources has prevented the NEO Program from developing additional agreements that could help achieve program goals,"** it added.¶ "For example, establishing formal partnerships with the Department of Defense, the National Science Foundation, and international agencies could give the NEO Program access to additional Earth-based telescopes and thereby increase its ability to detect, track, and characterize a greater number of NEOs."¶ The report said **NASA spends just seven percent of its \$40 million budget on "studying mitigation strategies to defend the Earth from the effects of NEO impacts,"** including civil defense strategies, emergency evacuations or "attempting to destroy or deflect the trajectory of an Earth-bound NEO."

The status quo should be enough to solve your internal link, because it's all about data and collaboration – we're doing all of that stuff now

Economist '10

("Data, data everywhere," Feb 24, <http://www.economist.com/node/15557443>)

WHEN the Sloan Digital Sky Survey started work in 2000, its telescope in New Mexico collected more data in its first few weeks than had been amassed in the entire history of astronomy. Now, a decade later, its archive contains a whopping 140 terabytes of information. A successor, the Large Synoptic Survey Telescope, due to come on stream in Chile in 2016, will acquire that quantity of data every five days. Such astronomical amounts of information can be found closer to Earth too. Wal-Mart, a retail giant, handles more than 1m customer transactions every hour, feeding databases estimated at more than 2.5 petabytes—the equivalent of 167 times the books in America’s Library of Congress (see article for an explanation of how data are quantified). Facebook, a social-networking website, is home to 40 billion photos. And decoding the human genome involves analysing 3 billion base pairs—which took ten years the first time it was done, in 2003, but can now be achieved in one week. All these examples tell the same story: that the world contains an unimaginably vast amount of digital information which is getting ever vaster ever more rapidly. This makes it possible to do many things that previously could not be done: spot business trends, prevent diseases, combat crime and so on. Managed well, the data can be used to unlock new sources of economic value, provide fresh insights into science and hold governments to account. But they are also creating a host of new problems. Despite the abundance of tools to capture, process and share all this information—sensors, computers, mobile phones and the like—it already exceeds the available storage space (see chart 1). Moreover, ensuring data security and protecting privacy is becoming harder as the information multiplies and is shared ever more widely around the world. Alex Szalay, an astrophysicist at Johns Hopkins University, notes that the proliferation of data is making them increasingly inaccessible. “How to make sense of all these data? People should be worried about how we train the next generation, not just of scientists, but people in government and industry,” he says. “We are at a different period because of so much information,” says James Cortada of IBM, who has written a couple of dozen books on the history of information in society. Joe Hellerstein, a computer scientist at the University of California in Berkeley, calls it “the industrial revolution of data”. The effect is being felt everywhere, from business to science, from government to the arts. Scientists and computer engineers have coined a new term for the phenomenon: “big data”. Epistemologically speaking, information is made up of a collection of data and knowledge is made up of different strands of information. But this special report uses “data” and “information” interchangeably because, as it will argue, the two are increasingly difficult to tell apart. Given enough raw data, today’s algorithms and powerful computers can reveal new insights that would previously have remained hidden. The business of information management—helping organisations to make sense of their proliferating data—is growing by leaps and bounds. In recent years Oracle, IBM, Microsoft and SAP between them have spent more than \$15 billion on buying software firms specialising in data management and analytics. This industry is estimated to be worth more than \$100 billion and growing at almost 10% a year, roughly twice as fast as the software business as a whole. Chief information officers (CIOs) have become somewhat more prominent in the executive suite, and a new kind of professional has emerged, the data scientist, who combines the skills of software programmer, statistician and storyteller/artist to extract the nuggets of gold hidden under mountains of data. Hal Varian, Google’s chief economist, predicts that the job of statistician will become the “sexiest” around. Data, he explains, are widely available; what is scarce is the ability to extract wisdom from them. More of everything There are many reasons for the information explosion. The most obvious one is technology. As the capabilities of digital devices soar and prices plummet, sensors and gadgets are digitising lots of information that was previously unavailable. And many more people have access to far more powerful tools. For example, there are 4.6 billion mobile-phone subscriptions worldwide (though many people have more than one, so the world’s 6.8 billion people are not quite as well supplied as these figures suggest), and 1 billion-2 billion people use the internet. Moreover, there are now many more people who interact with information. Between 1990 and 2005 more than 1 billion people worldwide entered the middle class. As they get richer they become more literate, which fuels information growth, notes Mr Cortada. The results are showing up in politics, economics and the law as well. “Revolutions in science have often been preceded by revolutions in measurement,” says Sinan Aral, a business professor at New York University. Just as the microscope transformed biology by exposing germs, and the electron microscope changed physics, all these data are turning the social sciences upside down, he explains. Researchers are now able to understand human behaviour at the population level rather than the individual level. The amount of digital information increases tenfold every five years. Moore’s law, which the computer industry now takes for granted, says that the processing power and storage capacity of computer chips double or their prices halve roughly every 18 months. The software programs are getting better too. Edward Felten, a computer scientist at Princeton University, reckons that the improvements in the algorithms driving computer applications have played as important a part as Moore’s law for decades. A vast amount of that information is shared. By 2013 the amount of traffic flowing over the internet annually will reach 667 exabytes, according to Cisco, a maker of communications gear. And the quantity of data continues to grow faster than the ability of the network to carry it all. People have long groused that they were swamped by information. Back in 1917 the manager of a Connecticut manufacturing firm complained about the effects of the telephone: “Time is lost, confusion results and money is spent.” Yet what is happening now goes way beyond incremental growth. The quantitative change has begun to make a qualitative difference. This shift from information scarcity to surfeit has broad effects. “What we are seeing is the ability to have economies form around the data—and that to me is the big change at a societal and even macroeconomic level,” says Craig Mundie, head of research and strategy at Microsoft. Data are becoming the new raw material of business: an economic input almost on a par with capital and labour. “Every day I wake up and ask, ‘how can I flow data better, manage data better, analyse data better?’” says Rollin Ford, the CIO of Wal-Mart. Sophisticated quantitative analysis is being applied to many aspects of life, not just missile trajectories or financial hedging strategies, as in the past. For example, Farecast, a part of Microsoft’s search engine Bing, can advise customers whether to buy an airline ticket now or wait for the price to come down by examining 225 billion flight and price records. The same idea is being extended to hotel rooms, cars and similar items. Personal-finance websites and banks are aggregating their customer data to show up macroeconomic trends, which may develop into ancillary businesses in their own right. Number-crunchers have even uncovered match-fixing in Japanese sumo wrestling. Dross into gold “Data exhaust”—the trail of clicks that internet users leave behind from which value can be extracted—is becoming a mainstay of the internet economy. One example is Google’s search engine, which is partly guided by the number of clicks on an item to help determine its relevance to a search query. If the eighth listing for a search term is the one most people go to, the algorithm puts it higher up. As the world is becoming increasingly digital, aggregating and analysing data is likely to bring huge benefits in other fields as well. For example, Mr Mundie of Microsoft and Eric Schmidt, the boss of Google, sit on a presidential task force to reform American health care. “Early on in this process Eric and I both said: ‘Look, if you really want to transform health care, you basically build a sort of health-care economy around the data that relate to people.’” Mr Mundie explains. “You would not just think of data as the ‘exhaust’ of providing health services, but rather they become a central asset in trying to figure out how you would improve every aspect of health care. It’s a bit of an inversion.” To be sure, digital records should make life easier for doctors, bring down costs for providers and patients and improve the quality of care. But in aggregate the data can also be mined to spot unwanted drug interactions, identify the most effective treatments and predict the onset of disease before symptoms emerge. Computers already attempt to do these things, but need to be explicitly programmed for them. In a world of big data the correlations surface almost by themselves. Sometimes those data reveal more than was intended. For example, the city of Oakland, California, releases information on where and when arrests were made, which is put out on a private website, Oakland Crimspotting. At one point a few clicks revealed that police swept the whole of a busy street for prostitution every evening except on Wednesdays, a tactic they probably meant to keep to themselves. But big data can have far more serious consequences than that. During the recent financial crisis it became clear that banks and rating agencies had been relying on models which, although they required a vast amount of information to be fed in, failed to reflect financial risk in the real world. This was the first crisis to be sparked by big data—and there will be more.

Tons of international asteroid coop now

NRC 10

[National Research Council, Committee to Review NEO Surveys and Hazard Mitigation Strategies and Space Studies Board Aeronautics and Space Engineering Board Division on Engineering and Physical Sciences, "Defending Planet Earth: Near-Earth-Object Surveys and Hazard Mitigation Strategies" Retrieved from Google Books]

Recognizing that impacts from near-Earth objects represent a hazard to humanity, the United States, the European Union, Japan, and other countries cooperatively organized to identify, track, and study NEOs in an effort termed "Spaceguard." From this organization, a nonprofit group named the Spaceguard Foundation was created to coordinate NEO detection and studies: it is currently located at the European Space Agency's (ESA's) Centre for Earth Observation (ESRIN) in Frascati, Italy. The United States input to this collective effort comprises three aspects: telescopic search efforts to find NEOs, the Minor Planet Center (MPC) at the Harvard-Smithsonian Center for Astrophysics, and the NASA NEO Program Office at the Jet Propulsion Laboratory. Existing, retired, and proposed telescopic systems for the U.S. NEO searches are detailed below. Other telescopic survey, detection, and characterization efforts are conducted worldwide and work synergistically with U.S. telescopic searches (e.g., Asiago-DLR Asteroid Survey, jointly operated by the University of Padua and the German Aerospace Center [DLR], Campo Imperatore Near-Earth Object Survey at Rome Observatory; and the Bisei Spaceguard Center of the Japanese Spaceguard Association). To date, the U.S. search effort has been the major contributor to the number of known NEOs. The functions of the two U.S. data- and information-gathering offices, the MPC and the NEO Program Office, are complementary. A European data- and information-gathering office, the Near-Earth Objects Dynamic Site (NEODyS) is maintained at the University of Pisa in Italy, with a mirror site at the University of Valladolid in Spain. These three services are described below.

The squo solves your coop and travel internal links – but increased US leadership on the matter just causes confusion and data overload

Economist '10

("Data, data everywhere," Feb 24, <http://www.economist.com/node/15557443>)

Is this everybody's future? Probably not. But as the torrent of information increases, it is not surprising that people feel overwhelmed. "There is an immense risk of cognitive overload," explains Carl Pabo, a molecular biologist who studies cognition. The mind can handle seven pieces of information in its short-term memory and can generally deal with only four concepts or relationships at once. If there is more information to process, or it is especially complex, people become confused. Moreover, knowledge has become so specialised that it is impossible for any individual to grasp the whole picture. A true understanding of climate change, for instance, requires a knowledge of meteorology, chemistry, economics and law, among many other things. And whereas doctors a century ago were expected to keep up with the entire field of medicine, now they would need to be familiar with about 10,000 diseases, 3,000 drugs and more than 1,000 lab tests. A study in 2004 suggested that in epidemiology alone it would take 21 hours of work a day just to stay current. And as more people around the world become more educated, the flow of knowledge will increase even further. The number of peer-reviewed scientific papers in China alone has increased 14-fold since 1990 (see chart 3, next page). "What information consumes is rather obvious: it consumes the attention of its recipients," wrote Herbert Simon, an economist, in 1971. "Hence a wealth of information creates a poverty of attention." But just as it is machines that are generating most of the data deluge, so they can also be put to work to deal with it. That highlights the role of "information intermediaries". People rarely deal with raw data but consume them in processed form, once they have been aggregated or winnowed by computers. Indeed, many of the technologies described in this report, from business analytics to recursive machine-learning to visualisation software, exist to make data more digestible for humans. Some applications have already become so widespread that they are taken for granted. For example, banks use credit scores, based on data about past financial transactions, to judge an applicant's ability to repay a loan. That makes the process less subjective than the say-so of a bank manager. Likewise, landing a plane requires a lot of mental effort, so the process has been largely automated, and both pilots and passengers feel safer. And in health care the trend is towards "evidence-based medicine", where not only doctors but computers too get involved in diagnosis and treatment. The dangers of complacency In the age of big data, algorithms will be doing more of the thinking for people. But that carries risks. The technology is far less reliable than people realise. For every success with big data there are many failures. The inability of banks to understand their risks in the lead-up to the financial crisis is one example. The deficient system used to identify potential terrorists is another. On Christmas Day last year a Nigerian man, Umar Farouk Abdulmutallab, tried to ignite a hidden bomb as his plane was landing in Detroit. It turned out his father had informed American officials that he posed a threat. His name was entered into a big database of around 550,000 people who potentially posed a security risk. But the database is notoriously flawed. It contains many duplicates, and names are regularly lost during back-ups. The officials had followed all the right procedures, but the system still did not

prevent the suspect from boarding the plane. One big worry is what happens if the technology stops working altogether. This is not a far-fetched idea. In January 2000 the torrent of data pouring into America's National Security Agency (NSA) brought the system to a crashing halt. The agency was "brain-dead" for three-and-a-half days, General Michael Hayden, then its director, said publicly in 2002. "We were dark. Our ability to process information was gone." If an intelligence agency can be hit in this way, the chances are that most other users are at even greater risk. Part of the solution will be to pour more resources into improving the performance of existing technologies, not just pursue more innovations. The computer industry went through a similar period of reassessment in 2001-02 when Microsoft and others announced that they were concentrating on making their products much more secure rather than adding new features. Another concern is energy consumption. Processing huge amounts of data takes a lot of power. "In two to three years we will saturate the electric cables running into the building," says Alex Szalay at Johns Hopkins University. "The next challenge is how to do the same things as today, but with ten to 100 times less power." It is a worry that affects many organisations. The NSA in 2006 came close to exceeding its power supply, which would have blown out its electrical infrastructure. Both Google and Microsoft have had to put some of their huge data centres next to hydroelectric plants to ensure access to enough energy at a reasonable price. Some people are even questioning whether the scramble for ever more information is a good idea. Nick Bostrom, a philosopher at Oxford University, identifies "information hazards" which result from disseminating information that is likely to cause harm, such as publishing the blueprint for a nuclear bomb or broadcasting news of a race riot that could provoke further violence. "It is said that a little knowledge is a dangerous thing," he writes. "It is an open question whether more knowledge is safer." Yet similar concerns have been raised through the ages, and mostly proved overblown.

The tech's not good enough to deflect

Barbee and Nuth '9

(*Aerospace Engineer and Planetary Defense Scientist, Emergent Space Technologies, Inc AND **Senior Scientist for Primitive Bodies, Solar System Exploration Division, NASA's Goddard Space Flight Center (10/31/2009, Brent and Joseph, "Asteroid Impact Threats: Advancements in Asteroid Science to Enable Rapid and Effective Deflection Missions", Journal of Cosmology, Vol 2, pgs. 386-410, <http://journalofcosmology.com/Extinction109.html>)

We begin with the premise that Earth is to be protected from the incoming asteroid and therefore we do not seek to move the Earth from the collision point. That would of course be both undesirable and unachievable for myriad reasons. Therefore we seek to act upon the asteroid. Annihilating the asteroid, either by vaporizing it or pulverizing it into a fine grain dust cloud is nowhere near achievable with current or foreseeable technology. Breaking an asteroid into fragments in a controlled fashion is possible in theory, but studies have shown that the required technology is not yet within our reach (Barbee et al., 2007). Fragmenting an incoming asteroid in an uncontrolled fashion is highly undesirable because there is no way to guarantee that all the fragments will be small enough to burn up harmlessly in our atmosphere should they go on to hit the Earth, or that all fragments of sufficient size to do ground damage would miss the Earth subsequent to the fragmentation of the asteroid (Sanchez et al., 2008).

Rotation of the asteroid makes deflection impossible

Walker Et. Al 05

[Roger, European Space Agency Advanced Concepts Team, European Space Agency, "Concepts For Near- Earth Asteroid Deflection Using Spacecraft With Advanced Nuclear and Solar Electric Propulsion Systems," 2005, SM, Accessed: 7/11/11, <http://www.esa.int/gsp/ACT/doc/PRO/ACT-RPR-PRO-2005-ConceptsForNear.pdf>]

For any deflection technique to be used, clearly its response time capability must be within the given warning time of an impact. If the warning time is only a few months to a year, then

the only possible option would be a mass evacuation of the impact zone. The use of nuclear weapons would be unsuitable, since the dispersion of fragments from the disrupted body would not be sufficient and the hazard would be simply spread over a much wider area of the Earth's surface. For longer warning times of a few years, space-based intercept/impulsive methods are possible but their effectiveness would strongly depend upon the asteroid mass. With only a few revolutions before impact, the required delta-V to be imparted to the body (order 10-20 cm/s) is at least an order of magnitude higher than with warning times of a decade or more⁵. Rendezvous/propulsive methods would not be feasible in this scenario due to the time required for rendezvous and thrusting in addition to the coast time for a miss. Typical warning times for asteroid impact are expected to be on the order of 10-50 years⁶ with current optical survey capabilities. Over these timescales, both intercept/impulsive methods and rendezvous/propulsive methods become feasible (assuming that the rendezvous delta-V is not too high). There are a number of significant challenges associated with the propulsive deflection method. Most asteroids rotate about their principal moment of inertia, but some asteroids have been observed to be tumbling about all three axes, e.g. the slow, excited rotation state of NEA Toutatis⁷. In the latter scenario, it may be very difficult to stabilise and control its attitude motion so that propulsive thrusting for the deflection can occur. Additionally, if the asteroid angular momentum is too large (e.g. it is a fast rotator and/or dense), a high delta-V on-board the spacecraft will be required to re-orient the spin axis by the desired amount prior to deflection thrusting, thus reducing the deflection effectiveness. With irregular (but measurable) rotation states and gravity fields due to inhomogeneous internal mass distributions, a safe landing on the surface of an asteroid may also be difficult operationally, though not impossible⁸

We can only deflect the small ones – no shot of stopping anything big enough to cause extinction

Shapiro et al '10

(Irwin, Harvard-Smithsonian Center for Astrophysics, Chair FAITH VILAS, MMT Observatory at Mt. Hopkins, Arizona, Vice Chair MICHAEL A'HEARN, University of Maryland, College Park, Vice Chair ANDREW F. CHENG, Johns Hopkins University Applied Physics Laboratory FRANK CULBERTSON, JR., Orbital Sciences Corporation DAVID C. JEWITT, University of California, Los Angeles STEPHEN MACKWELL, Lunar and Planetary Institute H. JAY MELOSH, Purdue University JOSEPH H. ROTHENBERG, Universal Space Network, Committee to Review Near-Earth Object Surveys and Hazard Mitigation Strategies Space Studies Board Aeronautics and Space Engineering Board Division on Engineering and Physical Sciences, THE NATIONAL ACADEMIES PRESS, http://www.fas.harvard.edu/~planets/sstewart/reprints/other/4_NEORepDefending%20Planet%20Earth%20Prepub%202010.pdf)

“Slow push” or “slow pull” methods. For these options the orbit of the target object would be changed so that it avoided collision with Earth. The most effective way to change the orbit, given a constraint on the energy that would be available, is to change the velocity of the object, either in or opposite to the direction in which it is moving (direct deflection—moving the object “sideways”—is much less efficient). These options take considerable time to be effective, of the order of decades, and even then would be useful only for objects whose diameters are no larger than 100 meters or so.

Even if we could, political hurdles mean we wouldn't get our stuff together in time

Chapman '5

(Clark R., Southwest Research Institute, B.S. in Astronomy, Harvard University, 1967 M.S. in Meteorology, Massachusetts Institute of Technology, 1968 Ph.D. in Planetary Science, Massachusetts Institute of Technology, 1972, "The asteroid impact hazard and interdisciplinary issues")

The most salient fact about integration of asteroid impact disaster planning into the broader responsibilities of public disaster management agencies is that there has been none. Despite publication of a few papers on the topic (e.g. Garshnek et al. 2000), I am aware of no consideration at all of the impact hazard by United States or international agencies responsible for managing a broad spectrum of other disasters. Theoretically, one might expect that an "all-hazards" approach would suffice for the impact hazard, because of some of the similarities. But I expect that there are sufficient differences between this particular never-before-witnessed kind of disaster and others that a specific focus on the unusual or unique features of the impact hazard is also essential.

Indeed, even as NASA tries to formalize procedures for communications within that agency if the cognizant official is notified by astronomers of an impact prediction, it remains uncertain who the NASA Administrator should notify within the Federal Emergency Management Agency (a part of the U.S. Dept. for Homeland Security) or whether anyone is prepared to receive such information and would know what to do with it. Although Britain has established an NEO Information Centre (<http://www.nearearthobjects.co.uk>), I am unaware that the British government, any other national agency, or the United Nations has even a rudimentary plan for responding to announcement of an impending impact. The only significant steps that have been taken have been by astronomers: (a) formulation of an impact prediction evaluation process by the Working Group on Near Earth Objects of the International Astronomical Union (a member of ICSU), (b) the development and promulgation of the Torino Scale (Binzel 2000) for articulating the significance of an impact prediction to the public through the news media, and (c) the maintenance of several web sites where up-to-date information is available on NEAs (<http://neo.jpl.nasa.gov/>, <http://newton.dm.unipi.it/cgi-bin/neodys/neoibo?>, and <http://spaceguard.rm.iasf.cnr.it/>; background information is maintained at <http://www.nearearthobjects.co.uk> and <http://impact.arc.nasa.gov/index.html>, among other sites. But for an end-to-end disaster management plan to be effective, astronomers constitute only the first link in a lengthy, so-far-undefined chain of communications and responsibilities.

Doesn't cause extinction

Kluger '9

[Jeffrey Kluger, senior writer for Time Magazine, winner of the Overseas Press Club's Award for best reporting on environmental issues, and former professor of science and journalism at NYU; "Maybe an Asteroid Didn't Kill the Dinosaurs;" published 4/27/2009; <http://www.time.com/time/health/article/0,8599,1894225,00.html>;]

When a scientific principle is common knowledge even in grammar school, you know it has long since crossed the line from theory to established fact. That's the case with dinosaur extinction. Some 65 million years ago — as we've all come to know — an asteroid struck the earth, sending up a cloud that blocked the sun and cooled the planet. That, in turn, wiped out the dinosaurs and made way for the rise of mammals. The suddenness with which so many species vanished after that time always suggested a single cataclysmic event, and the 1978 discovery of a 112-mile, 65-million-year-old crater off the Yucatán Peninsula near the town of Chicxulub seemed to seal the deal. Now, however, a study in the *Journal of the Geological Society* throws all that into question. The asteroid impact and dinosaur extinction, say the authors, may not have been simultaneous, instead occurring 300,000 years apart. That's an eyeblink in geologic time, but it's a relevant eyeblink all the same — one that occurred at just the right moment in ancient history to send the extinction theory entirely awry. (See pictures of meteors striking the earth.) The controversial paper was written by geoscientists Gerta Keller of Princeton University and Thierry Adatte of the University of Lausanne, in Switzerland. Both researchers knew that challenging the impact doctrine would not be easy. The asteroid charged with killing the dinosaurs, after all, left more than the Chicxulub crater as its calling card. At the same 65-million-year depth, the geologic record reveals that a thin layer of iridium was deposited pretty much everywhere in the world. Iridium is an element that's rare on Earth but common in asteroids, and a fine global dusting of the stuff is precisely what you'd expect to find if an asteroid struck the ground, vaporized on impact and eventually rained its remains back down. Below that iridium layer, the fossil record shows that a riot of species was thriving; above it, 65% of them went suddenly missing. (Read about China's dinosaur fossils.) But Keller and Adatte worried that we were misreading both the geologic and fossil records. They conducted surveys at numerous sites in Mexico, including a spot called El Peñón, near the impact crater. They were especially interested in a 30-ft. layer of sediment just above the iridium layer. That sediment, they calculate, was laid down at a rate of about 0.8 in. to 1.2 in. per thousand years, meaning that all 30 feet took 300,000 years to settle into place. Analyzing the fossils at this small site, they counted 52 distinct species just below the iridium layer. Then they counted the species above it. The result: the same 52. It wasn't until they sampled 30 feet higher — and 300,000 years later — that they saw the die-offs. "The mass extinction level can be seen above this interval," Keller says. "Not a single species went extinct as a result of the Chicxulub impact." Keller's and Adatte's species samplings are not, of course, conclusive, and plenty of other surveys since 1978 do tie the extinctions closely to the asteroid. But since the new digs were so close to ground zero, the immediate species loss ought to have been — if anything — greater there than anywhere else in the world. Instead, the animals seemed to escape unharmed. Other paleontologists, however, believe that the very proximity of El Peñón to the impact site makes the results even less reliable. Earthquakes and tsunamis that resulted from the collision could have wrought havoc on the sedimentary record, causing discrete strata to swirl together and completely scrambling time lines. Keller disagrees, pointing out that the slow accretion of sediment that she and Adatte recorded is completely inconsistent with a sudden event like a tsunami. (See pictures of animals in space.) "The sandstone complex was not deposited over hours or days," she says. "Deposition occurred over a very long time period." So if the Chicxulub asteroid didn't kill the dinosaurs, what did? Paleontologists have advanced all manner of other theories over the years, including the appearance of land bridges that allowed different species to migrate to different continents, bringing with them diseases to which native species hadn't developed immunity. Keller and Adatte do not see any reason to stray so far from the prevailing model. Some kind of atmospheric haze might indeed have blocked the sun, making the planet too cold for the dinosaurs — it just didn't have to have come from an asteroid. Rather,

they say, the source might have been massive volcanoes, like the ones that blew in the Deccan Traps in what is now India at just the right point in history. For the dinosaurs that perished 65 million years ago, extinction was extinction and the precise cause was immaterial. But for the bipedal mammals who were allowed to rise once the big lizards were finally gone, it is a matter of enduring fascination.

Turn: Uncooperative Federalism

Uncooperative federalism spills to immigration specifically

Hu 12 Copyright (c) 2012 Regents of the University of California UC Davis Law Review December, 2012 UC Davis Law Review 46 U.C. Davis L. Rev. 535 LENGTH: 38814 words ARTICLE: Reverse-Commandeering NAME: Margaret Hu* isiting Assistant Professor, Duke Law School.

The federal government's **encroachment** upon the states' historic police power through the domestication of immigration policy weakens the federal government's argument that it is defending its exclusive power to control immigration under the Supremacy Clause. Conversely, the **cooperative** nature of immigration enforcement activities between the federal and state governments weakens a state government's argument that this domestication is a form of commandeering or a Tenth Amendment violation of state sovereignty. n17 Nevertheless, this **contested boundary** is becoming the target of increasing controversy, as witnessed by recent legal challenges. Multiple state and local jurisdictions are increasingly **rejecting federal proposals** for further **cooperation** in federal immigration enforcement efforts. n18 As **this movement of "uncooperative federalism"** n19 **grows into a new wave of immigration** [*566] **federalism**, **it** is likely that **state and local governments will raise anti-commandeering principles under the Tenth Amendment as a method to challenge this encroachment by the federal government into states' historic police powers.**

State noncooperation creates superior immigration federalism

Elias, 13 – Associate Professor of Law, University of Iowa College of Law (Stella, “The New Immigration Federalism” OHIO STATE LAW JOURNAL [Vol. 74:5])

A broad definition of “immigration federalism” is therefore needed to encompass involvement by multiple tiers of government—at the federal, state, and local levels—in the promulgation of laws and regulations implicating immigration and alienage that may pertain to either immigrant exclusion or immigrant inclusion. (Re)defining “immigration federalism” as “the engagement by national, state, and local governmental actors in immigration regulation,” recognizes states’ and localities’ potential to engage both in **anti-unauthorized-immigrant rulemaking and in the promulgation of laws designed to foster immigrant inclusion.** As this Article will demonstrate, such a broad definition is necessary to accurately capture the new direction of immigration federalism in the aftermath of Arizona and Whiting, wherein immigrant-exclusionary rulemaking is broadly constrained, whilst immigrant-inclusionary lawmaking is not. This broad definition of “immigration federalism” also implicitly acknowledges that allowing the immigration debate to play out at multiple levels may provide an opportunity for a variety of different legislative and regulatory outcomes.²⁷ Immigration rulemaking, the enforcement of those rules, and dissent from those rules now implicate an increasingly complicated patchwork of federal–state, state–local, and in some instances even federal–local or federal–state–local relationships. As I discuss *infra*, in recent years, despite well-established doctrine mandating federal primacy, states have acted either under the supervision of the federal government, concurrently with the federal government, in competition with the federal government, or in dissent from the federal government to both exclude immigrants and to include them.²⁸ Moreover, the engagement by state and local governmental actors in immigration regulation does not necessarily involve state and local authorities acting in uniform ways to cooperate and coordinate their actions with those of the federal government.²⁹ The “new immigration federalism,” in the post- Arizona legal landscape, may thus involve differentiated dissenting or uncooperative rulemaking by states and localities,³⁰ whether with respect to immigrant-exclusionary measures such as laws directing local police officers to question individuals about their immigration status or immigrant-inclusionary measures such as the sanctuary city movement or state DREAM Act legislation.³¹ In sum, a broad and inclusive definition of immigration federalism is now warranted to characterize the current nature and future direction of state, local, and federal engagement with immigration regulation. I turn, therefore, in the next Part of this Article, to the parameters of this new immigration federalism, as articulated in the United States Supreme Court’s recent immigration preemption cases.

Turn: States Bad

Congress won't be able to step in – states will ruin everything

Emily **Chiang** 2003; Associate – Cravath, Swaine & Moore LLP, “Think Locally, Act Globally? Dormant Federal Common Law Preemption of State and Local Activities Affecting Foreign Affairs,” 53 Syracuse L. Rev. 923, Lexis

Pro-preemption scholars frequently contend that requiring Congress to act affirmatively to preempt state and local activities it finds threatening to the nation ignores the political realities of how Congress functions and the potential damage such activities may create before Congress acts to forestall them. 171 Not only does sheer institutional inertia act to limit the likelihood that Congress will act, but the political popularity of many of the state activities, such as the Massachusetts Burma law or the South Africa divestment statutes, also ensures that even statutes damaging to the nation's foreign policy have a high chance of survival. 172 One might well contend that the failure of Congress to preempt politically popular statutes is not a failure at all, but rather democracy at work, with representatives properly taking the political preferences of their constituents into account when casting their votes. The United States does not, however, operate as a pure democracy, but rather as a democratic republic that differentiates between state legislatures and the national legislature for [*959] a reason. One should perhaps put a finer point on the pro-preemption argument just described and make it more nuanced: the problem is not when members of Congress vote not to preempt a state statute they actually favor (whether because their constituents favor it and it is the right thing to do politically or because they personally favor the statute) but rather when members of Congress vote not to preempt a statute they oppose on national interest grounds because they fear the political consequences of doing so. Perhaps one can differentiate between the two instances by asking whether Congress would ever pass a similar federal statute; if it would not because of the international relations consequences, but the state statute is permitted to pass preemption anyway, one might properly deem that its passing is a failure of our republican system to act as an adequate filter for state actions when the national interest is involved.

Collapses foreign policy credibility

Emily **Chiang** 2003; Associate – Cravath, Swaine & Moore LLP, “Think Locally, Act Globally? Dormant Federal Common Law Preemption of State and Local Activities Affecting Foreign Affairs,” 53 Syracuse L. Rev. 923, Lexis

The problem with these anti-preemption contentions is twofold. First, one consideration typically given short shrift is the possibility that state and local actions may interfere with federal foreign policy when silence itself is a part of that policy. 178 Some commentators have suggested that Congress has various political incentives not to overrule politically popular state and local actions such as the Massachusetts Burma Law; these political incentives may also have a foreign policy facet. For example, when Congress agrees with the substantive ends of a statute, but nevertheless should overrule it for international political reasons, because it has angered valuable trading partners perhaps, overruling the statute may send the offending nation the wrong signal or imply substantive disagreement with the statute it [*961] would prefer not to. As the Court in Sabbatino noted, “often the State Department will wish to refrain from taking an official position, particularly at a moment that would be dictated by the development of private litigation but might be inopportune diplomatically. Adverse domestic consequences might flow from an official stand which could be assuaged, if at all, only by revealing matters best kept secret.” 179 Setting the default rule at preemption, unless Congress gives the states a green light, avoids this problem by freeing Congress to decide when and on what issues it wishes to speak. 180

Causes net under-pre-emption – Congress won't have the guts to step in

CHIANG '03 (Emily; Associate – Cravath, Swaine & Moore LLP, “Think Locally, Act Globally? Dormant Federal Common Law Preemption of State and Local Activities Affecting Foreign Affairs,” 53 Syracuse L. Rev. 923, 1/n)

Most of the anti-preemption commentary also fails to take into account the frictions of legislating in Congress. 182 Given the impediments to passing even popular legislation, it is likely that Congress will often fail to preempt or overrule even those statutes that do catch its attention and that it feels should be overruled. The likely result given the political realities of Congressional

action is under-preemption, where the ideal level of preemption is what would exist in a world of frictionless legislation. In a world of frictionless legislation, the default rule would not matter because Congress could and would simply preempt or overrule all state and local activity it [*962] found troubling. The problem of where to set the default arises only because legislation is not frictionless: given the anti-preemption consensus that the last word on foreign affairs, so to speak, belongs to the political branches, 183 it seems that the default rule should attempt to obtain the optimal level of preemption that would hold in a world of frictionless legislation, i.e. come closest to what Congress would prefer to do but cannot given the contingencies of legislating.

Turn: Causes Racism

State power increases discrimination against undocumented immigrants

Varsanyi et al. 2012 Associate Professor of Political Science at John Jay College of Criminal Justice (Monica, “Immigration Federalism: Which Policy Prevails?”), [//AN">http://www.migrationpolicy.org/article/immigration-federalism-which-policy-prevails\)//AN](http://www.migrationpolicy.org/article/immigration-federalism-which-policy-prevails)

Immigration federalism, defined as the role of the states and localities in making and implementing immigration law and policy, has become an increasingly relevant issue. Contemporary scholarship explores two emerging dynamics: (1) the devolution of immigration authority to subnational jurisdictions, authorized in 1996 by IIRIRA and the 1996 welfare reform law formally known as the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and (2) the recent explosion of grassroots immigration policies and enforcement practices. Legal scholars are divided between those arguing for and against the constitutionality and desirability of immigration federalism. Peter Spiro, an early proponent of immigration federalism, argued for “steam valve federalism” in immigration policymaking, and also supported state-level immigration policy activism. Under steam valve federalism, the pressure on the federal government to pass a potentially undesirable national-level policy is lowered by allowing localities to determine their own enforcement approach. Some scholars suggest that immigration policymaking at subnational levels will not necessarily be hostile to immigrants, while others view the devolution of immigration policing authority as a crucial force multiplier in the war on terror, because only roughly 2,000 U.S. Immigration and Customs Enforcement (ICE) agents were assigned to interior enforcement as of 2009. Other scholars are principally concerned that devolution and grassroots immigration policy activism together have opened the door to discrimination against noncitizens. They view the devolution of federal authority as an erosion of the traditional barrier imposed by the 14th Amendment, against state and local discrimination on the basis of national origin. Under immigration federalism, immigrants are much more at the mercy of the discriminatory powers of the local state.

State officers lack fundamental training in immigration law—that risk racial profiling and alienation of communities

Chavez 13 Juris Doctor Northwestern University School of Law (Eduardo Reyes, “IMMIGRATION FEDERALISM: THE CASE OF IMMIGRATION ENFORCEMENT BY NON-FEDERAL AGENCIES”, [//AN">http://epubs.utah.edu/index.php/HJP/article/viewFile/967/729\)//AN](http://epubs.utah.edu/index.php/HJP/article/viewFile/967/729)

By enforcing immigration laws, state and local governments jeopardize overstepping and violating constitutional rights of non-citizens. In addition, their enforcement also breeds alienation between the community and the local authorities. In a country where local community collaboration is essential to combat local crime, alienation from the local police can result in an increased percentage of crime rates. Not only that, since immigration is a very complex field, state and local officers sometimes do not receive enough training to truly understand immigration laws, especially criminal and civil laws. In many cases, this lack of understanding these laws has resulted in violation of civil rights and racial profiling. In a time when money is not as available as it used to be, state and local agencies should use their resources wisely and only engage in law enforcement that falls under the local jurisdiction. Even though in some case enforcing immigration laws can serve as a security measure, those laws are federal laws and should

therefore be enforced by the federal government. Instead, the local officers should focus in building bridges among cultures and strengthening their connection with the entire community. Even though the United States Constitution does not specify who is entitled to enforce immigration law, the federal government has established itself as the exclusive enforcer through congressional legislation and recognition by Supreme Court rulings. State and local governments may voluntarily come into written agreements with the federal government to enforce criminal and, to some extent, civil provisions of the U.S. immigration law but they are still restricted to federal preemption. Therefore, states and localities should not engage in immigration enforcement since the likelihood of overstepping their legal boundaries may occur due to the lack of expertise and the risk of violating civil rights and civil liberties of racial minorities.

Federal immigration enforcement is critical—anything else risks police violence and racism
Varsanyi et al. 2012 Associate Professor of Political Science at John Jay College of Criminal Justice (Monica, “Immigration Federalism: Which Policy Prevails?”,
<http://www.migrationpolicy.org/article/immigration-federalism-which-policy-prevails>)//AN

Devolution of governmental authority creates variation in local policy regimes that is often celebrated as a way to better reflect the needs and preferences of local residents, or as a way to experiment with new and different ways of carrying out public services. Those who argue for devolution of immigration enforcement authority stress these qualities, suggesting that devolution reduces pressure on the central government in a hotly contested policy area. Such variation is certainly apparent in our surveys, and has various implications for local governments and immigrants. Immigration enforcement, however, cannot be grouped with policy domains such as education or employment training. Immigration enforcement can be described as "intermestic" policy, standing at the juncture of foreign and domestic policy. The implications of enforcement are significant for both individuals and communities, raising fundamental issues about who belongs. Enforcement decisions can also have international ramifications. This is a complex area of law, and the standards are not even entirely clear to legal scholars, who remain sharply divided over whether local police can legitimately enforce civil immigration violations. Nor does immigration federalism fit the usual model of "cooperative federalism," because it bypasses the traditional role of the state government in policy implementation in favor of local governments, where coordination among neighboring jurisdictions is lacking. Municipal police departments and sheriffs often act in isolation, without considering policies in nearby areas, as they decide whether and how to participate in enforcement. The decisions localities make are influenced by local political dynamics, and there is no effort to achieve consensus among law enforcement leaders. The implications of the trend toward more formal local engagement in immigration enforcement are significant. Approximately 4 percent of the U.S. population lacks legal status. Enforcement efforts that target unauthorized immigrants can also draw U.S. citizens and legal permanent residents into intrusive contacts with the police. The enforcement effort may be perceived as racist or haphazard because there is discretion at the individual level and because police departments may operate in overlapping jurisdictions. A 2007 Pew Hispanic Center report noted that over half of all Latinos in the United States fear that they, or someone close to them, may be deported. The MJP means that no local government can allay that fear, and the federal government cannot ensure that enforcement will protect the civil rights and liberties of American citizens and legal residents. The federal government has remained largely silent regarding alleged abuses by local law enforcement when it has partnered to deport residents, though certainly the Justice Department has closely monitored developments in Maricopa County and the Department of Homeland Security ended 287(g) authorities there. It has at times responded aggressively to local policies of non-enforcement, as the New Haven case illustrates. The devolution of immigration enforcement, combined with the absence of a consistent federal policy, has created a "no-policy policy" where enforcement programs and practices vary from jurisdiction to jurisdiction. The federal government has extended its reach, even as it has reduced its oversight.

States CP

States solve for immigration federalism better than the Courts or Congress

Ramakrishan 2013(Karthick; Associate Professor University of California, Riverside, "The importance of the Political in Immigration Federalism", poseidon01.ssrn.com/delivery.php?&EXT=pdf&TYPE=2, January 13)//ADS

Importantly, elected officials and restriction advocates have paired these demographic claims with a complaint that the federal government has forsaken its constitutional and statutory responsibility to control unwanted immigration. In signing Arizona's E-Verify law, then-Governor **Janet Napolitano** (now **Secretary of the Department of Homeland Security**) **declared: "Immigration is a federal responsibility, but I signed [the law] because it is now abundantly clear that Congress finds itself incapable of coping with the comprehensive immigration reforms our country needs."** 11 Unable to wait any longer for the federal government to seal the border and vigorously enforce provisions of the Immigration and Nationality Act, 12 states and localities had to legislate to protect their residents and solve their impending demographic crisis. Undoubtedly, this conventional wisdom is appealing. However, it is, at best, an incomplete account of the rise of subnational immigration regulation; at worst, it is purposefully misleading. **In prior empirical work, we cast doubt on the factual premise undergirding much of the new immigration federalism, showing that state and local immigration laws are not, as commonly assumed, policy responses tailored to immigration induced demographic problems.** 13 That is, the primary justifications undergirding most scholarly, political, and judicial explanations for this recent spate of state and local immigration regulations have little empirical support. Instead, restrictionist state and local laws are largely the product of political partisanship, with Republican-heavy areas especially ripe for political action.

Foucault Links

Devolution of authority from the Migration State to the local level becomes another justification for controlling immigrant bodies—their practice just shifts the burden of populace regulation to the local—that results in insecurity

Coleman 2012 PhD in the Department of Geography at UCLA in 2005, Associate Professor, Department of Geography at Ohio State University (Matthew, "The "Local" Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South", Law & Policy, Volume 34: 159–190)//AN

Three basic sets of conclusions about the migration state, following Hollifield, can be gleaned from the two case studies above. First, nonfederal immigration enforcement—in this case in the form of 287(g) authority and Secure Communities—is heavily mediated by local practices and policies. Indeed, the studies above show that because nonfederal immigration enforcement, even if federally sanctioned, varies enormously depending on where it takes place, the mere fact that a nonfederal law enforcement agency is enrolled in a partnership with federal authorities to police immigration tells us neither about how the power over immigration is being enacted nor to what effect. In the two adjacent cases in Raleigh-Durham, for example, ostensibly similar immigration enforcement powers have been shaped remarkably differently by political, legal, policing, and biographical contexts. The relevant factors are, on the one hand, Durham City's long-standing and widely supported community policing and no-cooperation policies, Durham Police Department's use of immigration partnerships with ICE to supplement specifically antigang enforcement, and Durham Police Chief Lopez's leadership on steering 287(g) authority away from non-rimnal naturalization investigations within the larger noncooperation context by virtue of his personal belief in, and advocacy for, community policing. In Wake County, on the other hand, 287(g) and Secure Communities plays out very differently as a result of the sheriff's "Cracker Jack" or "spitting on sidewalks" approach to 287(g)/Secure Communities policing, the Raleigh-based NCSA's aggressive stance on "illegal alien invaders," federal elected officials' support for the program in the county, and the county's role as an experimental site for devolutionary immigration enforcement. In the latter case, 287(g)/Secure Communities has resulted in thousands of deportations; in the former case, local immigration enforcement is a relatively focused antigang investigations tool and has produced two orders of magnitude fewer deportations. In sum, **by virtue of the devolution of immigration enforcement to nonfederal authorities,** as well as the ways in which nonfederal contexts shape this process, **we can conclude that the migration state comprises a complex landscape of spatially uneven enforcement practices.** What this theoretically points to is that the migration state be tackled explicitly in terms of how localized conditions of possibility mediate, at least theoretically, standardized federal initiatives. In other words, the "local" migration state is an aggregation of site-specific practices that, even if in part provided for by macrolevel initiatives, constitute detention and deportation regimes in the plural. Second, the **Wake County** example—as well as the counter example in Durham—shows how immigrant mobility is increasingly a central concern of the migration state. Indeed, Wake County's implementation of 287(g)/Secure Communities, indicative of broader enforcement practices shared by its NCSA partners, suggests that the local surveillance of immigrant "automobility" (Urry 2004) specifically is an all-important way in which noncitizens are brought into contact with nonfederal authorities and eventually transferred to federal custody for deportation. In the central North Carolina case, the focus on immigrant automobility is in significant measure due to the broadly discretionary aspects of traffic enforcement as well as the saturation of traffic enforcement **practices in low-income and Latino neighborhoods;** it also **reflects the way in which state legislators have explicitly linked traffic enforcement to questions about citizenship and naturalization.** More generally, the problem of immigration policing via routine traffic enforcement points to an important second aspect of the "local" migration state, in addition to its site-specificity: its attachment of serious civil immigration penalties (i.e., deportation), to nonserious "criminal" activity (i.e., minor infractions and/or misdemeanors), by virtue of the civil deputization of primarily criminal law enforcement officers. Third, and lastly, the Wake County example shows that non-287(g) and/or non-Secure Communities agencies may be as important, if not more so, than formally deputized or otherwise formally cooperative law enforcement agencies when it comes to measuring the impact of local immigration enforcement practices in specific sites. As noted above, this is because nonenrolled agencies may engage in policing practices, which they may reasonably

expect to result in an immigration check in the case that a 287(g) or Secure Communities agreement is in effect at a shared detention site. This problem is best called a “hub and spokes” enlargement of official 287(g) and Secure Communities sites by virtue of local detention practices. What the hub and spokes problem suggests is that the “local” migration state, in addition to its spatial unevenness, as well as punitive melding of civil and criminal enforcement, comprises increasingly informal, off-the-radar policing practices. In other words, the devolution of federal immigration responsibilities to identifiable nonfederal proxies may also have

heralded the dissolution of immigration enforcement across countless law enforcement agencies with no immediately identifiable linkages with either federal or deputized immigration agencies. **In effect**

this obscures who is doing immigration enforcement and how. The hub and spokes dilemma is more than a conceptual or theoretical issue; it is also immediately relevant to reforms to 287(g) and Secure Communities undertaken in late 2009, based ultimately on the Durham City model, which advise a focus on “criminal aliens who pose a threat to public safety or danger to the community” rather than on lesser offenders. The impetus for this change was a January 2009 congressional report, which found that the 287(g) program lacked overall policy objectives, encouraged non-uniform applications, and had unclear and uneven federal supervision (U.S. Government Accountability Office 2009; in the North Carolina context, see also Gill and Nguyen 2010; Weissman and Headen 2009). Task force 287(g)s were the focus of the reform effort, on the presumption that the power of warrantless arrest built into these agreements could encourage mass street sweeps for minor infractions or for immigration violations alone. For example, newly included language in task force 287(g) agreements stresses that the power to detain “solely based on an immigration violation . . . will be delegated only on a case-by-case basis” and on the prior authority of an ICE official who will prioritize the removal of “gang members, smugglers and traffickers and when reasonable suspicion exists to believe the alien is or

was involved in criminal activity.” In comparison, **changes to the jail model operations are slight; although the explicit “criminal alien” language above applies also to the jail models,** the latter are, in practice, **left to work as they did prior to 2009.** Crucially, the attention to the task force model neglects how, in practice, the **jail model programs are just as likely to encourage large-scale “round ups”**—only in this case by non-enrolled law enforcement agencies engaged in mass enforcement campaigns around minor infractions with

the understanding that immigration documents will be checked later at a shared detention facility. I want to conclude with a caveat about the problem of site-specificity as developed above. **My debt to**

feminist geographers working specifically on “studying up” the state, as noted at the outset of the article, **has in this project entailed a decentralization and destabilization of the state,** which is too often regarded as an all-powerful and stable constellation of knowledges and practices. **Rather than a “global” form of power** (i.e., seamless and encompassing in a socio-spatial sense), **my deployment of “studying up” vis-à-vis 287(g) and Secure Communities has been with the aim of investigating the migration state's regulation of immigrant bodies unevenly and “in formation” across a multiplicity of locations.** In other words, the **devolutionary trend** in

immigration enforcement, which accounts for both 287(g) and Secure Communities, **is not simply a problem of “downloading” a federal enforcement toolbox that then gets enacted at the local scale** by nonfederal proxies in a relatively uniform manner. Collier and Ong (2005)

develop interesting language for theorizing this problem, which **they refer to as the “actual global” of power relationships conventionally imagined in terms of a global-local continuity, rather than a “mobile” and “immutable” strategy,** in which a global initiative is transported in whole to the local, **what they suggest is approaching power as a strategy that is situated in the sense of a geographically contingent generativity.** As they argue, “a global variable does not produce similar effects everywhere, and its function may be limited by direct conflicts with other variables in specific sub-modules of a program. Its operation and significance, thus, are defined as

much by these exclusions or conflicts in particular modules as by the variable's global character” (ibid., 13). **An alternative citation would be Foucault's (1980) work on power as a “strategic elaboration,”** meaning that the regimes of truth and institutional practices that constitute power relations are elaborated in often geographically and historically precise and open-ended ways. However, in the case of immigration enforcement practices authored by programs like 287(g) and Secure Communities, the **problem of site-specificity strikes me as**

unuseful if it means that we cannot talk about the more general properties programs like 287(g) and Secure Communities exhibit. In other words, **if the concept of site-specificity is a good way of approaching what happens** when nonfederal police are given the power to police immigration, **I nonetheless think it important to be able to articulate the suprasite implications of these programs.** What, then, can be said in the aggregate about 287(g) and Secure Communities? Perhaps the most important generalizable aspect of these **programs,** despite their practiced

specificities, is how they **shift immigration policing into immigrant populations' everyday spaces.** But not just any space. For example, neither of the programs puts a premium on worksite enforcement. This is a new development in terms of interior policing. While large worksite operations like the raid at the Agriprocessors Inc. meatpacking facility in Postville, Iowa, in May 2008 have generated significant headlines, in general worksite enforcement now does not contribute significantly to the aggregate detention and deportation numbers examined above. This is particularly so in comparison to the ramping up of worksite raids during the 1990s—a tactic abandoned in 1999 in response to mounting criticism in Congress about the rising costs, as well as

economic disruptiveness, of worksite enforcement. In light of this general deemphasis on worksite policing, **the finding from central North Carolina that 287(g) and Secure Communities targets mostly individuals who come into routine contact with police for nonserious reasons,** the near majority of which are immigrant automobile operators, **is significant because it shows that spaces of immigrant social reproduction are now ground zero for interior immigration enforcement.** Indeed, it is increasingly the case in central North Carolina that driving between spaces of work, leisure, education, shopping, religious practice, and so on is more dangerous for

undocumented immigrants in terms of risking deportation than actually working without papers (Stuesse 2010; Nuñez and Heyman 2007). **The point then is that programs like 287(g) and Secure Communities work,** despite their specificities, **to generate insecurity**—namely, **the ever-present threat of detention and deportation—for undocumented populations who are,** as a result, increasingly **structurally cut off in social reproduction terms from the society in which they nonetheless labor.**

Immigration surveillance has created a *migration border*—this has transformed the life of an immigrant into a panoptic reality—every place becomes a symbol of insecurity from the overarching state

Kalhan 2014 Associate Professor of Law, Drexel University (Anil, “Immigration Surveillance”—Maryland Law Review, Vol. 74, Issue 1, Article 2, pg. 58, [//AN](http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr)

A. Deterritorializing the Migration Border Borders, it is routinely observed, are malleable constructions rather than fixed realities: “less than definite, permeable, and subject to shifts and changes.”²³⁴ As such, to speak of “the border” in the context of immigration governance can be misleading and insufficiently nuanced. While territorial borders have long played a constitutive role in defining nation-state sovereignty under international law, like other kinds of boundaries they can be relevant and important for some purposes but not for others, and in varying degrees.²³⁵ In some contexts, nonterritorial demarcations are more consequential than territorial borders. The significance and meanings given to both territorial and nonterritorial boundaries are legally, politically, socially, economically, and culturally defined, and can evolve and shift over time.²³⁶ The deployment of new technologies and practices of immigration surveillance has accelerated a long-term process of decoupling the territorial border of the United States from what I term its migration border: the set of boundary points at which nation-states authorize individuals to enter or be admitted, prevent or allow their entry or admission, or subject them to possible expulsion.²³⁷ Of course, migration borders have never been fully coextensive with territorial borders as a literal matter. Indeed, a longstanding cluster of legal fictions treats individuals as being “at the border” or seeking “entry” when they have been paroled into the United States or arrive at boundary points that, strictly speaking, are well within the country’s territorial limits.²³⁸ Like other nation-states, the United States also has long acted extraterritorially to prevent individuals from entering—for example, by interdicting and turning away would-be migrants while they are still traveling to the United States through international waters.²³⁹ Migration boundary points also typically exist within broader zones that often are treated as roughly equivalent, in varying degrees, to the actual boundary points themselves.²⁴⁰ Nevertheless, a powerful and commonplace narrative assumes that migration borders are and should be coextensive with territorial borders—as reflected in the very fact that the doctrinal principles that comprise entry-related legal fictions are understood as “fictions” in the first place rather than simply as doctrinal nuances or complexities. However, in combination with immense expansions of immigration enforcement activities, immigration surveillance has hastened the detachment of migration borders from territorial borders. On the one hand, the changes in rules and practices for use of drones along the U.S.-Mexico border, visa issuance, the Visa Waiver Program, preinspection and screening of travelers outside the United States, and pre-departure collection and analysis of travelers’ data from international carriers all seek—self-consciously and by design—to push the migration border extraterritorially outward.²⁴¹ This objective long predates the 2001 terrorist attacks. As volumes of cross-border traffic into the United States became considerably larger, officials began to implement extraterritorial screening mechanisms as a means of facilitating more efficient immigration and customs screening when individuals and goods arrived in the United States.²⁴² Since the late 1990s, however, and especially since the 2001 attacks, the expansion of extraterritorial migration and mobility screening mechanisms increasingly has been justified with reference to antiterrorism, national security, and public safety-related concerns—as seen in Congress’s explicit 2004 finding that “[t]he further away from the borders of the United States that screening occurs, the more security benefits the United States will gain.”²⁴³ DHS understands its own mission in precisely these terms: to “push[] our operational borders outward so that our physical borders become our last line of defense and not our first.”²⁴⁴ On the other hand, the expansion of both direct and indirect post-entry enforcement simultaneously draws the migration border inward, selfconsciously constructing virtual, domestic border checkpoints throughout the country’s interior by identifying “events that are necessary for life in a modern society” where it may be possible to “exercise control” over individuals in a manner analogous to the control exercised at the territorial border.²⁴⁵ The particular approaches of these post-entry enforcement initiatives vary considerably, and each one involves a distinct set of public and private actors—including law enforcement and criminal justice officials, but also welfare agencies, public hospitals and health agencies, motor vehicle licensing agencies, private employers, private landlords, and potentially others. Collectively, however, these initiatives establish a kind of immigration panopticism, which eliminates zones in society where immigration status is invisible and irrelevant and puts this large array of public and private actors in the position of identifying individuals and determining immigration status; collecting, analyzing, and storing personal information; screening and identifying potential immigration law violators; and sharing information with federal immigration authorities.²⁴⁶ While these initiatives increase the likelihood of placing many individuals in removal proceedings, proponents place even greater emphasis on their ability to trigger a process they characterize as “self-deportation,” which disciplines potentially deportable noncitizens into internalizing the perception

that their immigration status is constantly being monitored and, ultimately, into both revealing their status in a range of day-to-day settings and conforming to social expectations that they depart the country.²⁴⁷

racial profiling indict

Their studies are flawed – and if there’s racial profiling the law it’s on the individual level – law can’t solve

Charles 14 (Patrick J. Charles- Cleveland-Marshall College of Law Doctor of Law (J.D.) in Law, Comparative Law, Constitutional History and Queen Mary-University of London LLM in Legal Theory and History, Distinction. "Weighing the Constitutionality of State Immigration Verification Laws in the Wake of Arizona v. United States." Journal of Civil Rights and Economic Development. Winter 2014. 27 J. Civ. Rts. & Econ. Dev. 441. Lexis.)//lb

It should be noted here that even before state immigration verification laws were enacted, verification of immigration status was already taking place accordance with 8 U.S.C. § 1357(g)(10). In these instances, state and local law enforcement were not required to verify immigration status in accordance with state law. The officer maintained individual discretion in contacting Immigration and Customs Enforcement (ICE).ⁿ⁹⁷ And despite [*461] this already existent enforcement at the state and federal levels, **there has yet to be a study affirmatively linking immigration verification with racial profiling.** This includes lawful vehicular stops, which are statistically monitored by most states. Certainly, immigration rights groups and liberal immigration law professors may continue to claim otherwise, but their evidentiary links are tenuous and built on personal suspicions rather than hard data.ⁿ⁹⁸ According to the United States Bureau of Justice statistics, national traffic stops are being conducted nearly proportionate to race; white (8.4%), black (8.8%), and Hispanic (9.1%).ⁿ⁹⁹ In other words, the potential for persons to be questioned about their immigration status during vehicular stops is not disproportionate according to race. This does not negate that there may be certain police districts or officials that intentionally profile based on race, but there is no substantiated evidence this will be the result of state immigration enforcement as a whole.ⁿ¹⁰⁰ A study by the reputable Chief Justice Earl Warren Institute on Race, [*462] Ethnicity & Diversity has provided the most detailed data set asserting otherwise.ⁿ¹⁰¹ The study examined ICE's Criminal Alien Program (CAP) in Irving, Texas from September 2006 to November 2007. The CAP seeks to target the deportation of criminal aliens booked or processed in state and local jails.ⁿ¹⁰² Although the CAP is designed to target deportable aliens with criminal histories, the study convincingly shows that aliens with civil immigration violations were deported at a substantially higher rate than criminal aliens.ⁿ¹⁰³ It is from this conclusion that the study infers cooperation with ICE led the Irving Police Department to engage in racial profiling.ⁿ¹⁰⁴ A general glance at the study's tables and data seems to support this stance. Yet a closer look at the evidence reveals the conclusions are mere inferences that lack sufficient data points. For instance, the study argues that racial profiling is proven by two data sets. The first is a chart tracking the overall arrests of persons according to race. Excluding the month of July 2007, the percentage of arrests according to race remained consistent with census data. If anything, the data shows that persons of white complexion were arrested at a higher rate than Hispanics when they constituted 7% less of the population total.ⁿ¹⁰⁵ July 2007 was arguably the only month in which Hispanics were arrested consistently with census data according to race. The second data set is much more problematic. Upon the

implementation of the CAP, the chart indicates that the arrests of Hispanics for Class-C misdemeanors rose exponentially before tailing off. n106 Because arrests for Class-C misdemeanors are at the discretion of the officer, the study concludes that race proved instrumental in that discretion. What the study fails to take into account is the two additional data sets necessary to make this connection: (a) data on the nature of the misdemeanor and (b) data on [*463] whether Class-C misdemeanors rose as a whole. The nature of the misdemeanor is rather important. A general comparison of the increase in Hispanic traffic arrests with the overall Hispanic arrests during the same period reveals that the July 2007 rise was almost solely the result of traffic violations. n107 It is likely that these arrests were the result of driving without a valid license (a Class-C misdemeanor in Texas), lack of insurance or valid immigration papers, and other potential factors that would lead a reasonably prudent officer to inquire about immigration status. It would be upon this inquiry and checking with ICE about issuing a detainer that the officer likely made an arrest. Circumstances like this do not indicate racial profiling, but the active enforcement of federal immigration law at the state level. The two are very distinct in terms of constitutionality. The former (deliberate racial profiling) is unconstitutional, and the latter (enforcing the law and cooperating with federal authorities) is constitutional. It must be noted, however, the circumstances of the vehicular stops mentioned above are merely speculation. The study never sought to answer this all important question, nor did it track data of vehicular stops as a whole. Thus, many questions are left unanswered in order to affirmatively link racial profiling with state and local immigration enforcement. Did vehicular stops rise upon the implementation of the CAP? Did the racial composition of vehicular stops rise or change dramatically? Did the arresting officer first arrest the person and contact ICE later or did the officer contact ICE after a reasonable suspicion of unlawful status? The lack of sufficient data points on vehicular stops also applies to lawful stops or investigations for breaches of the peace and drunken behavior. n108 Did the lawful stops increase as a result of the CAP or did the officers merely become aware that they could legally cooperate with federal authorities? The answer to this question is significant, for the officers may have been unaware of their ability to cooperate with ICE, unfamiliar with detecting fraudulent immigration documents, and other immigration enforcement procedures before partnering with ICE. Overall, the study does not prove what it contends - i.e. racial profiling increases when state and local law enforcement cooperate with ICE. The only conclusion that the study supports is ICE deports more unlawful aliens for civil violations than criminal activity. Its authors believe this should not be the case because it is inconsistent with congressional intent in instituting the CAP. However, the federal immigration scheme as a whole allows [*464] for the deportation of any unlawful immigrant, not just criminal immigrants. In fact, it is more reasonable to argue that if ICE did not act it would violate the executive branch's duty to enforce the law as prescribed by Congress. n109 Naturally, this does not dispel that state immigration verification laws may lead to ancillary burdens not contemplated by Congress such as the repeated interception and detention of lawfully present aliens or unconstitutional racial profiling. n110 If either of these scenarios should present themselves the respective state immigration verification law is preempted. However, the evidentiary foundation necessary to prove such unconstitutional ancillary burdens must be clear and convincing, not a plausible conclusion based upon the manipulation of evidence. n111 As was seen in the case of the Justice Earl Warren Institute on Race, Ethnicity & Diversity report, it is rather easy for analysts to manipulate data to support a desired conclusion. It is for this reason that the data points must be intimately related and connected as to prove the verification of immigration status results in unconstitutional violations across the board. n112 There will indeed be instances where individual persons are improperly detained or racially profiled. There will also

be instances where a respective city, town, or county improperly enforces the law as to impose unconstitutional [*465] ancillary burdens. In such cases, however, it is not the law that is unconstitutional, but the enforcement. And in such cases, the legal redress is civil rights litigation against the respective offenders, not the preemption of the law itself. To be clear, there is a strong legal distinction between a law that imposes unconstitutional ancillary burdens and individuals that choose to impose unconstitutional ancillary burdens, such as racial profiling, based upon a poor reading and application of the law.

Circumvention/Solvency

Shadow enforcement means aff can't solve – locals will still profile

Sweeney 14 (Maureen A. Sweeney JD, 1989, Yale Law School. "Criminal Law: Shadow Immigration Enforcement and Its Constitutional Dangers." Journal of Criminal Law & Criminology. Spring, 2014. 104 J. Crim. L. & Criminology 227. Lexis.)//b

Shadow immigration enforcement is the distorted exercise of regular policing powers by a state or local officer who has no immigration enforcement authority for the purpose of increasing immigration enforcement. In a regular law enforcement environment, shadow enforcement involves the disproportionate targeting of vulnerable "foreign-seeming" populations for hyper-enforcement for reasons wholly independent of suspected involvement in criminal activity as defined by state or local law. Shadow enforcement occurs at the margins of regular police work, external to the enforcement mandate of state troopers, local police, and sheriffs' deputies. In the vast majority of cases, these officers have no training, mandate, or authority to enforce federal immigration law. Their involvement in the routine communication of immigration information to federal authorities, however, can create strong and sometimes perverse incentives that distort the ways in which they carry out their mandated policing duties. The lure of possible immigration checks, for example, can influence the officers' choice of targets for traffic enforcement or whether to merely cite people for offenses or to arrest them (and thus bring them into the station for fingerprint checks that can reveal immigration status). n5 This dynamic generally goes unacknowledged and unregulated within regular police structures. It operates under the table, in the shadows. The effects of shadow immigration incentives are widespread and profound for the relationship between local law enforcement and the broad communities they serve, especially with regard to community trust and guarantees against biased policing based on race or national origin. A few concrete illustrations help to describe the phenomenon of shadow enforcement and to highlight its dangers. The U.S. Department of Justice (DOJ) Civil Rights Division recently conducted a number of investigations of biased policing that revealed compelling evidence of shadow immigration enforcement, which both distorted the conduct of regular policing in local jurisdictions and resulted in rampant civil rights violations. One of these investigations focused on the sheriff's office in [*231] Alamance, North Carolina. After an exhaustive two-year investigation that included statistics and records review; review of policies, procedures, and training materials; and over 125 interviews, DOJ concluded that the sheriff's office engaged in a pervasive pattern or practice of biased policing targeted against Latinos. n6 Among other problems, DOJ found that Latino drivers were targeted for traffic enforcement at a rate between four and ten times greater than non-Latino drivers. n7 Notably, DOJ found that many of the deputies' discriminatory practices were specifically intended to facilitate immigration checks on

the targeted Latinos, thus connecting the racially targeted policing to shadow immigration enforcement. n8

Officers without authority illegally detain undocumented citizens – aff can't solve

Sweeney 14 (Maureen A. Sweeney JD, 1989, Yale Law School. "Criminal Law: Shadow Immigration Enforcement and Its Constitutional Dangers." Journal of Criminal Law & Criminology. Spring, 2014. 104 J. Crim. L. & Criminology 227. Lexis.)/lb

Another illustration of these dynamics in a different context can be seen in the recent investigations of Transportation Security Administration (TSA) officers at various airports. n9 The officers in question were specially trained "assessors" as part of a model behavior detection antiterrorism program tasked with detecting unusual behavior in passengers that could indicate a security threat. But officers reported that managers in Boston, anxious to boost numbers and justify their program, pressured their assessors to meet certain threshold numbers for referrals to other law enforcement agencies, including the state police and immigration officials. To meet those thresholds, significant numbers of officers explicitly targeted blacks and Latinos in the hope that searches would yield drugs or immigration problems. n10 In the words of an attorney who interviewed eight officers who complained about the rampant practice, "Selecting people based on race or ethnicity was a way of finding easy marks." n11 Officers reported that as many as 80% of passengers searched during certain shifts were minorities and that so many minorities were referred to the state police that officers there questioned why minorities represented such a disproportionate number of those referred. n12 In Newark, New Jersey, the racial profiling of Mexicans and Dominicans was so blatant that fellow TSA officers called that airport's behavior detection group "the great Mexican hunters." n13 Officers reported that the direction for these practices came to them from their superiors who conveyed that they were "to go look [*232] for illegal aliens and make up behaviors" with which they could justify and document a referral to immigration authorities. n14 Finally, there are instances when even this thin veneer of regular law enforcement disappears, leaving a state officer with absolutely no justification for an arrest other than immigration enforcement that is wholly outside his authority. Recently, in Maryland, a Latino man was called to the scene of a traffic stop to recover his car, which someone else had been driving. When he arrived at the scene (at the officer's request and having committed no violation of traffic or other state law), he was immediately questioned by the officer about his immigration status; had his keys taken; and was removed from the car, handcuffed, taken to a holding cell, and held for approximately two hours for purposes of "immigration investigation" before he was turned over to Immigration and Customs Enforcement (ICE). n15 The state officer had no delegated federal authority to conduct civil immigration enforcement, and he did not have authority under state law to detain or arrest this man for a (nonexistent) state crime or for a federal administrative violation. When the officer was questioned in immigration court about the legal basis for his actions, he acknowledged that he had no authority to enforce federal civil immigration violations and explained that this was why he had merely "detained," rather than arrested, the man. n16 He further explained that he was not required to inform the man of his right to remain silent under Miranda or to comply with other arrest procedures because the man was not being accused of a crime. n17 In other words, precisely because the officer was acting without legal authority, he took the position that the usual legal limits to his authority did not apply, leaving him free to act without constitutional justification. These examples demonstrate how the lure of the easy, collateral immigration arrest has proved to be strong for officers in a

variety of contexts. In some cases, politically accountable enforcement policymakers, such as sheriffs, encourage officers to be tough on immigration and to increase immigration-related arrests. In others, officers seem to internalize and respond to rhetoric that has increasingly cast unlawful immigration as a [*233] law-and-order issue rather than a response to a complex web of influences such as family, economics, politics, and opportunity. n18 As a result, many officers have come to understand immigration enforcement as part of their general duty to enforce the law. They may experience satisfaction in making more immigration arrests, even if those arrests are not part of their law enforcement mandate. This motivation to carry out their duties so as to maximize immigration arrests takes a toll on these officers' primary law enforcement focus. The officers in the above examples were mandated to carry out a specific task - to screen for terrorism, or to enforce the criminal and traffic laws of the state. Instead of focusing on those tasks, however, the lure of the "easy mark" led them to distort (or ignore) their primary jobs in favor of increasing immigration apprehensions. In the process, of course, they also engaged in wholesale violations of the constitutional rights of those subjected to race-based stops, searches, and interrogations. n19

No oversight means aff can't solve – empirics prove local law enforcement circumvents

Sweeney 14 (Maureen A. Sweeney JD, 1989, Yale Law School. "Criminal Law: Shadow Immigration Enforcement and Its Constitutional Dangers." Journal of Criminal Law & Criminology. Spring, 2014. 104 J. Crim. L. & Criminology 227. Lexis.)//lb

Just as no central regulations govern state and local enforcement of federal immigration law, **no standardized training curriculum for, or oversight of, state and local officers exists regarding immigration enforcement or the proper sharing of immigration status information with federal authorities.** Most departments likely provide no training on these aspects of the job; the peripheral nature of officers' involvement in immigration enforcement virtually ensures that departments' training and oversight will not focus specifically on immigration activities, even when shadow immigration enforcement creates particular constitutional dangers. The fact that law enforcement officials are elected in many jurisdictions where immigrants have little political voice further means that those officials have few political incentives to invest resources in vigorously protecting immigrants' civil liberties. n193 [*270] Unfortunately, the Maricopa and Alamance County sheriff's offices again provide examples of what can happen in a local office when officers have inadequate training or politically compromised oversight on suspects' constitutional protections. Maricopa County Sheriff Joe Arpaio has made no secret of his strong political views about immigrants, and DOJ found that he had created "a general culture of bias" in the office and encouraged broadly discriminatory policing targeted against Latinos. Significantly, DOJ's investigation concluded, among its many findings, that **specific failures in training and oversight allowed for and exacerbated this discriminatory culture: [Maricopa County Sheriff's Office] fosters and perpetuates discriminatory police and jail practices by failing to operate in accordance with basic policing and correctional practices and by failing to develop and implement policing and correctional safeguards against discrimination in such areas as training, supervision, and accountability systems.** n194 The investigation likewise found that the office retaliated directly against individuals who complained about or criticized its practices. n195 Testimony in a racial

profiling lawsuit brought by private plaintiffs against the county and its sheriff's office additionally focused on deputy training and oversight. n196 The interaction of these elements is, of course, not unique to that county but rather demonstrates dynamics that play out in perhaps less dramatic fashion in various programs and in departments all over the country. DHS's own Homeland Security Advisory Council's Task Force on Secure Communities found in September 2011 that the program's integrity suffered because state and local jurisdictions were **not sufficiently accountable** for civil rights abuses connected with Secure Communities. n197 The Task Force recommended reforms to the complaint process, active ICE monitoring for improper policing connected with Secure Communities, and the establishment of a pilot multidisciplinary panel to review complaints. n198 In response, ICE has developed additional training materials and has [*271] publicized its complaint procedure, n199 but it has been unable to compel state and local law enforcement to use those training materials or cooperate in investigations of abuse. In its July 2012 report on Secure Communities, GAO continued to identify as a problem for civil rights protections the lack of accountability of state and local jurisdictions. n200 DOJ's Alamance County investigation similarly found a culture of bias that began with the sheriff and permeated the department. Specifically, it found that poor reporting of its activities made oversight of the department difficult by masking racial profiling and other discriminatory practices. n201

Anti-profiling laws empirically fail – officers discriminate subconsciously

Benin 13 (Cynthia Benin NYU School of Law . "Randomizing Immigration Enforcement: Exploring a New Fourth Amendment Regime." New York University Law Review. November 2013. 88 N.Y.U.L. Rev. 1735. Lexis.)//lb

The observation that racial profiling is common practice is not to suggest that the government encourages immigration officers to do so. Agencies have attempted to guide officer discretion through stipulated factors that inform individualized suspicion. ICE has published "indicators" for certified local officers to consider in making immigration arrests, including proximity to the border, number of occupants in a vehicle, disheveled manner of dress, and English-speaking ability. n86 [*1750] Arizona law enforcement officers are given a similar non-exclusive list of considerations when formulating reasonable suspicion of unlawful presence. n87 The Supreme Court itself effectively created a profile in Brignoni-Ponce by stipulating a laundry list of factors that a Border Patrol officer may consider in making stops along the border. n88

The failure of such profiles to prevent racial profiling is manifest. Most obviously, both the ICE indicators and the Brignoni-Ponce factors permit consideration of race or ethnicity so long as those traits are not relied on exclusively. n89 Parts II.B and II.C of this Note include a broader discussion of race and ethnicity in the immigration context and consider whether, if Hispanic appearance is statistically correlated with unauthorized status, its use by law enforcement amounts to the kind of "illegitimate" profiling the authors seek to avoid. This normative debate notwithstanding, scholars note that even a "statistically legitimate 'profile that includes race'" is likely to become discriminatory in effect. n90 Where one factor is more salient than others - as is the case with race, gender, or ethnicity - that factor tends to acquire disproportionate weight. n91 Officers acting on the Brignoni-Ponce and ICE factors will unduly rely on Hispanic appearance, creating a vastly [*1751] overinclusive profile that subjects masses of U.S. citizens and lawful residents to unwarranted investigation. n92

Even if Hispanic appearance was not an approved factor in officially sanctioned profiles, its exclusion would not prevent officers from considering it. Officers at Chicago's O'Hare Airport employing a drug courier profile, which did not include race or ethnicity as a factor, disproportionately stopped African-American women and subjected them to humiliating body-cavity searches. n93 Unfettered bigotry is not the only explanation for racial profiling. An officer's own experience may lead him to believe race and ethnicity are legitimate indicators. Unofficial norms may develop within agencies as officers share information and develop a profile of "the usual suspects." n94 Finally, officers may discriminate unwittingly through what one scholar describes as "the unconscious failure to extend to a minority the same recognition of humanity, and hence the same sympathy and care, given as a matter of course to one's own group." n95 A wealth of literature suggests the danger of implicit bias is real and prevalent. n96

States pass immigration legislation- Arizona Supreme Court ruling proves

Lewis et. Al. 12 (Paul G. Lewis from Arizona State Univeristy, Doris Marie Provine from Arizona State Univeristy, Monica W. Varsanyi from John Jay College, and Scott H. Decker from Arizona State Univeristy. "Why Do (Some) City Police Departments Enforce Federal Immigration Law? Political, Demographic, and Organizational Influences on Local Choices." Journal of Public Administration Research and Theory. October 4, 2012.)//lb

At least two kinds of legislative pressures bear on local police agencies in their interactions with immigrants. First, an increasing number of states and local governments have passed legislation specifically authorizing or requiring local police to assume a more proactive posture in identifying unauthorized immigrants. Arizona's SB1070, for instance, requires local police to check for immigration violations when they encounter someone they suspect may be an unauthorized immigrant and forbids local governments from limiting police cooperation with federal immigration authorities. Similar laws were passed in other states, but their legitimacy has been challenged in the courts. In its June 2012 decision in US v. Arizona (567US ____ (2012)), the US Supreme Court placed strict limits on the power of police to detain the persons they stop to check immigration status, whereas nevertheless allowing the law's so-called "show me your papers" provision to stand. The courts are also considering claims that racial profiling will be encouraged by such laws.

2NC Ext. Organized Crime

AT: Organized Crime

Undocumented immigrants have zero trust in state and local police—that decks solvency for organized crime

Chávez 2013 Department of Political Science, University of Utah (Eduardo Reyes, "IMMIGRATION FEDERALISM: THE CASE OF IMMIGRATION ENFORCEMENT BY NON-FEDERAL AGENCIES", <http://epubs.utah.edu/index.php/HJP/article/viewFile/967/729>)//AN

When **state and local** police enforce immigration laws, the relationship between them and their respective communities can be jeopardized. When the community fears the local police force, the level of trust and cooperation is seriously undermined. In the case of undocumented immigrants, **they are less likely to come forward and report crimes due to the possibility of deportation.** When the community does not cooperate with the local police, the ability for the police force to effectively perform their duties is destabilized. Most immigrants would be

discouraged to participate with the local police either because of fear of deportation or distrust. Thus, a great number of prospective witnesses of crime would not be willing to cooperate, decreasing the chances of a case being solved. For instance, “Many...immigration groups that may be vulnerable to high rates of victimization come from countries where distrust of authorities” is common (Decker et al., 2008, p. 170). So, when local residents perceive their local officers to have business with federal immigration officers, they would be reluctant to participate due to fear and lack of trust.

There’s no decrease in trust, and decreasing programs like S-Comm won’t revitalize it—prefer our ev—it’s the most comprehensive analysis

Cox and Miles 2014 † Professor of Law, NYU School of Law; Clifton R. Musser Professor of Law and Economics and Walter Mander Research Scholar, University of Chicago Law School. (Adam and Thomas, “The Real World of Immigration Federalism”, http://www.law.nyu.edu/sites/default/files/upload_documents/Adam%20Cox%20The%20Real%20World%20of%20Immigration%20Federalism_2.pdf)//AN

In short, we find no meaningful evidence that the largest integration of local police into federal immigration enforcement in the history of the United States undermined the efficacy of local law enforcement. This core finding calls into question many of the strong claims made by the literatures on cooperative immigration federalism and procedural justice. It also raises an obvious question: where did these claims go wrong? Sussing this out is beyond the scope of this project, but in closing we offer a few speculative thoughts. First, theorists of cooperative immigration federalism may have been working with an excessively optimistic account of what immigrant-police relationships look like in the absence of local involvement in federal immigration enforcement. A longstanding finding in the procedural justice literature is that the communities most likely to have large numbers of immigrants—urban centers with large minority populations, higher rates of poverty, and so on—are places where there is already a considerable lack of trust in the police. If baseline levels of trust are low, there isn’t much lower to go when a new program like Secure Communities is introduced. Relatedly, if immigrants (like many citizens) often view different “law enforcement” entities as a single undifferentiated mass—seeing local cops, federal investigative services like the FBI and DEA, and immigration enforcement arms like CBP and ICE as all of a piece—then changes in the extent of cooperation between these entities will actually have little effect on public attitudes. Second, the procedural justice work on public attitudes about the police may have a reverse causation problem. As we described earlier, that literature makes quite detailed claims about how the public comes to hold particular beliefs about law enforcement officials. Beliefs about fair treatment are driven by actual police practices, and those beliefs in shape perceptions of police legitimacy, with legitimacy shaping willingness to comply with the law and cooperate with law enforcement. While there is no doubt some truth to this account, it also seem plausible that causation often runs the other way: that a person’s perception of whether the police are legitimate shapes her beliefs about whether the police are likely to treat her fairly. To the extent causation runs in this direction, discrete policy interventions—even a widely publicized and highly salient one like Secure Communities—are extremely unlikely to have much of an effect on one’s willingness to help out the police. Third, accounts of law enforcement success that turn on the cooperation of the community at large, rather than on other law enforcement techniques may be overblown. The sort of cooperation contemplated by those accounts may be important for a limited set of offenses—perhaps paradigmatically for cases involving domestic abuse and other forms of violence among intimates. But other investigative techniques, including the very different sort of “cooperation” that is often obtained from co-conspirators or others involved in a criminal enterprise, may be much more important. Thus, even in a world where Secure Communities sows distrust of the police among immigrants, that distrust may not interfere with the bulk of what police do in order to solve most crimes.

2NC Ext. Gang Violence Low

Gang Violence decreasing now- LA proves

Reicher 15 (Mike Reicher is an investigative reporter for the Los Angeles News Group with a focus on government accountability, “Decline in gang violence leads to dramatic drop in Los Angeles homicides,” 1/23/15, Date Accessed: 7/10/15, <http://www.dailynews.com/general-news/20150123/decline-in-gang-violence-leads-to-dramatic-drop-in-los-angeles-homicides>, SZ)

They moved away, found peace or were locked up. However it happened, fewer gang members have been killing others since the early 2000s, and the decline has fueled a dramatic drop in all Los Angeles County homicides, experts say. Nearly all of the nation has benefited from a drop in crime, but Los Angeles County stands out. In 2002, 1,231 people died at the hands of others, but by 2010, the figure dropped below 700. Fueling the countywide drop, the city of Los Angeles’ homicide rate fell at about twice the pace of New York’s between 2000 and 2010, according to U.S. Census and FBI statistics. Why has L.A. succeeded so strikingly? Sociologists, police officials, social workers and criminologists haven’t been able to explain, let alone give one key reason. Instead, they point to trends and efforts on the national and local levels: more effective policing, the absence of a drug epidemic, stricter sentencing laws, gang intervention programs and demographic changes. “I don’t think anybody can tell you,” said Wes McBride, executive director of the California Gang Investigators Association. “I think it’s all these issues working together. I think it’s a change in attitude with the younger people. They’re tired of it.” Some of them are hustling in less violent businesses or moving to new markets. Instead of dealing narcotics, they might be forging immigration papers, birth certificates or driver’s licenses, McBride said. A sustained police crackdown in the Los Angeles area also pushed many gang members to economically depressed portions of the Inland Empire or to Las Vegas, said Jorja Leap, professor at the UCLA Luskin School of Public Affairs.

2NC Ext. Exaggerated/No Impact

Their authors are exaggerating – No real threat of organized crime

Williams 14 (Phil Williams is a published author, has a PhD, and teaches and researches Security studies, foreign policy analysis, transnational organized crime, terrorism, “Organized Crime and Terrorism,” LACC Working Paper No. 2/2014, Date Accessed: 7/13/15, <https://lacc.fiu.edu/research/publications/working-paper-2-williams.pdf>, SZ)

The notion of a nexus between criminal and terrorist organizations surfaced during the 1990s. The term narco-terrorism, however, was coined even earlier than this. Ironically, it initially referred to the Medellin drug trafficking organization in Colombia using terrorist tactics to coerce the government into abandoning its policy of extraditing drug traffickers to the United States; subsequently, its meaning was reversed and it was predominantly used to describe terrorist organizations using narcotics trafficking as a funding mechanism. After September 11, in particular, it was frequently used to refer to the FARC and the Taliban using income from the drug business to fund their insurgent activities. Meanwhile, the broader notion of a criminal-terrorist nexus that emerged during the 1990s, inspired by events in the Balkans, focused less on the appropriation of criminal activities by terrorists or terrorist activities by criminals, and more on direct cooperation between criminal and terrorist organizations—a cooperation that soon became enshrined in the concept of a criminal-terrorist nexus. The Madrid bombings in 2003, in which the attacks and their preparation were financed with the proceeds of drug trafficking, are also portrayed as an example of a nexus in action. This argument challenges widespread allegations of an emerging crime terrorism or trafficking-terrorism nexus, as well as a broader analytic trend emphasizing threat convergence. It suggests that most claims about the nexus are based on little more than flimsy anecdotal evidence, from which unwarranted and exaggerated inferences are drawn. One or even a few examples of cooperation between criminals and terrorists do not make a nexus. And they certainly do not provide evidence of a “grand shift” whereby “international drug traffickers and international terrorists are in a hedonistic marriage of

design . . . linked at the hip, and . . . extremely wealthy.”¹ Yet such grandiose claims abound, fueled by worst-case thinking and unwarranted generalizations from the few to the many.

No security challenges – No connection between terrorism and organized crime – Proves no impact

Williams 14 (Phil Williams is a published author, has a PhD, and teaches and researches Security studies, foreign policy analysis, transnational organized crime, terrorism, “Organized Crime and Terrorism,” LACC Working Paper No. 2/2014, Date Accessed: 7/13/15, <https://lacc.fiu.edu/research/publications/working-paper-2-williams.pdf>, SZ)

The security challenges posed by terrorist-criminal cooperation and by terrorists engaged in drug trafficking, extortion, kidnapping and other activities are relatively modest.

Convergence and cooperation cannot be ignored, but do not represent the kind or level of threat sometimes claimed. Moreover, there is a downside for terrorists in both cooperation with traffickers and appropriation of trafficking methods. For terrorists, cooperation creates risks of betrayal by pragmatic criminals, especially those who have no affinity for the cause. Moreover, cooperating with criminals also increases the possibility of infiltration by law enforcement and intelligence agents. Similarly, trafficking and other criminal activities can undermine both the status and legitimacy of a terrorist organization, as well as cause internal arguments and even divisions over the allocation of increased resources. Governments can also develop counter-narratives that tarnish the appeal of high-minded terrorists by emphasizing their linkage to common criminals and common criminality. In the final analysis, therefore, not only can the threat be contained, but it might also provide opportunities that can be exploited by the United States and its allies.

2NC Ext. Non-Inherent

End Racial Profiling Act of 2015 was introduced- Proves the plan is non-inherent

Gregg 15 (Remington Gregg serves as legislative counsel at the Human Rights Campaign, principally counseling the organization on federal legal and policy issues, “End Racial Profiling Act of 2015 Introduced in Congress,” 4/24/15, Date Accessed: 7/10/15, <http://www.hrc.org/blog/entry/end-racial-profiling-act-of-2015-introduced-in-congress>, SZ)

On Wednesday, Senator Ben Cardin (D-MD) and Rep. John Conyers (D-MI) introduced the End Racial Profiling Act of 2015. The bill creates a federal prohibition on racial profiling that includes targeting a person based on their race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation gender identity or sexual orientation. Recent incidents of racial profiling which have ended tragically has brought renewed national attention to the issue in every corner of this country. Profiling of LGBT individuals also continues to be problem, especially for LGBT people of color and members of the transgender community. In a recent report on profiling by law enforcement, the NAACP found: As a number of the human impact stories above show, members of the LGBT community, particularly LGBT people of color, face discrimination at every stage of the criminal justice system. A 2014 national survey indicates that 73 percent of LGBT people and people with HIV report having had face-to-face contact with the police. In another study, a quarter of LGBT people and people with HIV who reported in-person contact with law enforcement said they experienced one form of harassment or misconduct—including profiling, verbal or physical assault, sexual harassment, or assault and false arrest. In a separate survey of transgender discrimination, 22 percent of transgender individuals who had police interactions reported harassment, 6 percent reported physical assault and 2 percent reported being sexually assaulted by officers. In December 2014, the Department of Justice updated guidance which prohibited

federal law enforcement officials from profiling an individual based on their race, ethnicity, national origin, and religion to include gender, gender identity, and sexual orientation. While an important step, the guidance is unable to address issues at the state and local level. The End Racial Profiling Act of 2015 would prohibit federal, state, and local law enforcement from targeting a person based on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation without trustworthy information that is relevant to linking a person to a crime. The bill also requires federal law enforcement to maintain adequate policies and procedures designed to eliminate racial profiling (defined broadly), including data collecting and processes for investigating and responding to complaints alleging racial profiling.

AT: Health Care

Case answers

AT: Economy

Turn: Giving healthcare to undocumented immigrants will cause major economic downfall

Work 15 (Workpermit.com, July 1st 2015, "California will subsidize health care of illegal immigrant children", <http://www.workpermit.com/news/2015-07-01/california-will-subsidize-health-care-of-illgal-immigrant-children>)

A recently announced budget deal in California could pave the way for children, living in the USA illegally, to receive state-funded healthcare coverage. California would be the first state in the US to subsidize the healthcare costs of illegal immigrant children. A deal struck between Governor Jerry Brown and legislative leaders would provide cover for an estimated 170,000 immigrants aged 18 years and under. It's expected that the plan will easily pass the state Senate and Assembly. To subsidize the healthcare costs of 170,000 illegal immigrant children, it's estimated that the new plan will cost taxpayers \$40 million over the first 12 months, beginning May 2016. According to the Los Angeles Times it will then cost \$132 million annually, after the first year, to extend Medi-Cal coverage to low-income children under the age of 19 irrespective of their legal status. Senior research fellow on poverty and the US welfare system for the right wing Heritage Foundation, Robert Rector, said: "It's a fact that illegal immigrants cost approximately \$60 billion per year – meaning that they receive \$60 billion more in US government benefits than they pay in taxes. The new plan in California will simply increase the amount of tax." California's healthcare provision forms part of a \$115.4 billion budget agreement for the state's upcoming fiscal year. Supporters of expanded healthcare spending say that 'it's a necessity because of federal inaction.' State senate leader, Kevin de León, said: "As Washington dithers because it can't get things done, we are in need of immigration reform. The fact is, many of these children require some form of healthcare and they get it in the emergency room." However, according to the Associated Press, Republicans are arguing that expanded healthcare provisions won't improve access for illegal immigrants as there are not enough doctors that accept 'Medi-Cal' patients – California's Medicaid program. Generous laws for illegal immigrants Mr de León said: "This budget highlights that in California immigrants matter, irrespective of who they are and where they come from. California boasts some of the USA's most generous immigration laws when it comes to illegal immigrants." California is well-known for its liberal approach to illegal immigrants. In 2014, the state permitted those in the US illegally to apply for a driving licence. By April 2015, the state had received over 200,000 applications for a driving licence from undocumented immigrants, while the California Department of Motor Vehicles (DMV) predicts that 1.4 million licences will be issued to illegal immigrants over the next three years. Spokesman for the anti-immigration Federation for American Immigration Reform (FAIR) - Ira Mehlman, criticised the plan to expand healthcare provisions saying: "I don't care how generous California thinks it is being this is just another example of the state paying massive bills in a continued and relentless effort to accommodate illegal US immigration." He added: "It is forcing taxpayers to pay money to provide healthcare that could be supporting other crucial needs in the state. God knows there are many vital needs not being met in California."

Economic collapse inevitable

Moran 15 (Andrew Moran, July 10th 2015, "U.S. economy to collapse like Greece if country stays on current path", <http://economiccollapsenews.com/2015/07/10/peter-schiff-u-s-economy-to-collapse-like-greece-if-country-stays-on-current-path/>)

The United States could become the next Greece, a bankrupt economy and an insolvent government, if the country maintains the current path. When politicians promise the moon without sufficient funding then this is what you get, says Peter Schiff, CEO of Euro Pacific Capital. Speaking in an interview with Newsmax on Monday, Schiff noted that the only difference between Greece and the U.S. is that creditors have finally realized that Athens is broke. For some reason, "America's creditors are still delusional." "They still think that we're good for our debts and the only reason that delusion is possible is because interest rates are still at zero," said Schiff. "[If] interest rates ever allowed to rise, it would become obvious that we can't pay our bills and we would have a crisis similar to what Greece is looking at now." This is why, suggests

Schiff, the U.S. has to look to Greece as an economic lesson. “This is what happens when politicians promise more than their taxpayers can pay,” he added. “Politicians on both sides of the Atlantic are guilty of this. They pander [to] the voters, they make all sorts of promises and when the bills come due, it’s a crisis and they’re going to come due in more countries than Greece.” Eventually, the bills will come due in the U.S., but those bill will be a lot more than what the country can afford to pay. And quantitative easing from the Federal Reserve has become the issue because the central bank monetized government debt. This leads to excessive money printing. Unfortunately, the same thing will happen in Greece once they leave the European Union and adopt the drachma, the Greek currency. Since Greeks don’t want to make any serious reforms, like pension payments, everything will be worth a lot less. “That’s the fate that awaits Greece if they return to the drachma,” Schiff stated. “The Greeks don’t want to accept cuts to their pensions, but if they end up getting their pensions in drachma instead of euros, those pension payments will be worth a lot less.” Again, the same thing will occur in the U.S., except it won’t change currencies. “We’re not going to change currencies, but the only way the U.S. government can make good on its obligations is to print the money,” Schiff posited. “When they do that, the money is not going to have very much value when the Social Security recipients or the bondholders ultimately get paid.”

Turn-Healthcare is bad for the economy

Sanger-Katz 13 (Margot Sanger-Katz, correspondent at the New York Times, “Health Care: Great For the Economy Today, Terrible later”, Jan 31, 2013, [//AS](http://www.nationaljournal.com/magazine/health-care-great-for-the-economy-today-terrible-later-20130131))

In the short term, the Affordable Care Act will create even more health care jobs. But over the long term, it is likely to push down salaries, not in- flate them.¶ Some 40 million uninsured Americans stand to benefit from the law’s new subsidies in the next 10 years. And evidence suggests that once they get insurance, they’ll seek more care. At the same time, the programs to reduce utilization will exert significant downward pressure on health spending. Hospitals have begun facing penalties if too many patients who leave the hospital return within 30 days. Soon, doctors will begin earning bonus payments based on how their care measures up to quality standards.¶ In doctors’ offices, health care professionals are trying to work “at the top of their license.” Nurses, instead of doctors, administer flu shots. Medical assistants, instead of nurses, take patients’ vital signs. Medical assistants can check blood pressure. This transformation may not reduce the total number of jobs, but it could push the distribution of health professions down the income scale. You don’t need an M.D. to phone a patient and ask him his weight or remind him to come in for a blood test. Indeed, the fastest-growing subspecialty is home health. Aides in this field require minimal training and command low salaries, but they can help prevent the kind of catastrophic health problems that lead to expensive hospitalizations.

Health care remained strong through the economic recession – wouldn’t bring it down, actually brought it back up

Lobb 9 (Annelena; [reporter for MarketWatch]; “US Stocks Bounce; Health-Care Strong; Banks, GM Weak”; 2/3/2009; <http://www.marketwatch.com/story/us-stocks-bounce-health-care-strong>) JKS

A rise for health-care stocks and an unexpected increase in pending-home sales Tuesday helped major indexes break a three-session losing streak and sent the Dow Jones Industrial Average up more than 100 points. Weakness for financial stocks and car makers served as a reminder of the shaky state of some of the pillars of the U.S. economy. Tuesday’s move felt like the continuation of a technical bounce that began when the S&P 500 and Dow Jones Industrial Average tested

their lows for the year Monday, said Joe Kinahan, chief derivatives strategist for options brokerage thinkorswim. Financial stocks were conspicuously absent from the rally, however, as Bank of America fell by more than 10%, coming within 25 cents of its lowest mark of the crisis, and Citigroup was off 4.4%. "What's discouraging in today's market is that the financials are taking it on the chin," Kinahan said. "There is no way we have any kind of long-term recovery without the financials being at least a stabilizer, if not a leader." Nobody is willing to buy into the financial sector before the Treasury Department plan that's supposed to surface next week, Kinahan said. "Are we nationalized, or are we not nationalized? Is it 'good bank/bad bank' and who falls under what category? There's so much uncertainty right now." In the latest round of earnings reports, drug maker Merck was one of the few bright spots, up 4.4% in recent trading, after posting a profit for the fourth quarter. Large health care firms have been one of the stalwarts in equities to start 2009, with traders highlighting their defensive nature and strong balance sheets. But the ascendancy of defensive stocks, which are thought to be hiding in the worst of times, points to a trading environment where economic concerns remain at the forefront. The Dow was recently up 129 points, or 1.6%, to 8065, led by Merck. Even at that level, the Dow is just over 500 points from its bear-market closing low, set on Nov. 20. General Motors shed 3.5% to \$2.79 after saying its light-vehicle sales plunged 59% in January. Fleet sales, or sales to rental-car companies and other mass users, fell to 13,000, the lowest monthly tally since 1975. Ford Motor said January light vehicle sales fell 40%, below already low expectations. And though the S&P 500 Index was up 1.3% at 836, its financial sector was down 2.4%. PNC Financial Services shares declined by 12% after the bank posted a loss and said it plans to cut jobs as it integrates National City, which it acquired in December. Other regional lenders also declined, with SunTrust Banks falling 23%. The National Association of Realtors reported a 6.3% rise in its gauge of pending home sales in December. Lower prices are drawing in buyers, the trade group said. Lawrence Yun, chief economist for NAR, observed that the "biggest gains were in areas with the biggest improvements in affordability." Traders say a turnaround in the housing market will likely precede any economic recovery. The SPDR S&P Homebuilders ETF added 6.9% to \$10.98. The Nasdaq Composite Index was recently up 13 points, or 0.9%, at 1508. Gordon Charlop, managing director at Rosenblatt Securities Inc., said, "I'm still not getting any sense we have our feet under us." More than half of the S&P 500 has now reported earnings, Mr. Charlop noted, so traders have turned more attention on the Obama stimulus plan and any information out of Washington that might move the markets. "It's going to be things like the fiscal stimulus and what we're seeing on regulation that we're keeping an eye on," he said. There is also anticipation ahead of what is presumably a gloomy monthly employment report Friday, he said, but "it's unlikely that we're going to get surprised," he said. "You can't put too much into it."

Health care strong in weak times

Vyas 9 (Kejal; [writer for Dow Jones Newswires' Caracas bureau]; "US Stocks In Tight Range: Health Care Strong"; 3/13/2009; <http://www.marketwatch.com/story/us-stocks-in-tight-range-health>)

U.S. stocks traded slightly higher Friday, after swinging much of the day between gains and losses, on the heels of a three-day surge. Coming into the trading day, technicians and analysts expected some declines as lingering uncertainty in the credit markets and the overall economy likely will influence investors to take short-term profit. But for much of the day, stocks have moved between positive and negative territory, with no real certainty as to which way the market

might close. "The market doesn't seem to have any sense of what it wants to do today," said Chris Colarik, portfolio manager at Glenmede Investment Management. "A lot of people felt the move up went so quickly. There may be some reluctance to put money back to work." In a note to investors, Oppenheimer chief market technician Carter Worth said stocks are likely to remain around current depressed levels for another two or three months, mirroring the seven- to eight-month bear market in 2002 and 2003. Some market observers say this week's rally was likely initiated by traders and money managers buying back bets against stocks. Once the tide turns in a market where short-selling is popular, rallies can be exacerbated by the bears' rush to limit losses by buying back their bets. That's known as a "short squeeze." "I definitely believe this started with a 'short squeeze,' then some people came out of the woodwork and put a little money into the market," said Frank Beck, chief investment officer at Capital Financial Group, adding he himself had sold some clients' positions in the Grizzly Short Fund, an exchange-traded fund that takes short positions on financial and other individual stocks. He anticipates a "bear-market rally" comparable to the gains between the lows on Nov. 20 and the 2009 peak in January. Recently, the Dow Jones Industrial Average, which has leapt 623 points, or 9.5% since Monday, was up 44 points at 7213. General Motors rose 25%. Microsoft, however, slid 3.1% amid an earlier broad decline in large technology stocks. The tech-focused Nasdaq Composite Index was up 2 to 1428. The S&P 500 was up 3 at 753. Health-care and utilities stocks, traditional defensive sectors, were higher, a sign that risk appetite may not be as high as the previous three sessions suggested. Humana shares were recently trading up 9.7%, on heavy options activity, which some believe may indicate the company may be an acquisition target. Assurances from top executives at major banks that the companies have been profitable so far this year have helped drive the market's gains this week, but some market watchers say banks must now walk the walk, having set an expectation.

AT: Disease

Immigrants have greater immunity to disease

Ross 15 (Philip Ross, July 7th 2015, gcb, "Do Mexican Immigrants Bring Disease Into The US? Donald Trump Says There's A Health Scare, But Statistics Say Otherwise", <http://www.ibtimes.com/do-mexican-immigrants-bring-disease-us-donald-trump-says-theres-health-scare-1997922>)

Not only are Mexican immigrants wreaking criminal mayhem in America, they're also unleashing their diseases on the country, according to real estate mogul and White House hopeful Donald Trump, who defended his recent explosive claims about immigrants being rapists and felons with more outrageous allegations, saying they pose a public health threat. In reality, the idea that immigrants pose such a threat is a notion as tenuous as Trump's political prospects. **Immigrants from Mexico and Central America pose very little risk to U.S. residents in terms of spreading disease. Immunization rates for common infectious illnesses in Mexico and in other countries from which most U.S. immigrants originate are actually relatively high -- in some instances, Mexican and Central American immigrants are even better protected against diseases than Americans.** While some immigrants crossing the U.S.-Mexico border are indeed ill, very rarely are there cases of swine flu, dengue fever or tuberculosis, as politicians have previously claimed. That's not to say the risk is zero. Some children who end up in U.S. detention centers, for instance, do test positive for tuberculosis, an upper respiratory disease for which treatments are available and effective. And outbreaks of chickenpox have at times plagued immigrant facilities. But it's hardly the torrent of "tremendous infectious disease" Trump has made it out to be. Immigrants tend to arrive in the U.S. tired, dehydrated and with injuries like twisted ankles, not dangerous diseases. The chance an unauthorized Mexican immigrant has been vaccinated against common infectious diseases is pretty high, given that Mexico has a

relatively robust immunization program and healthy immunization rates. The country has a 99 percent vaccination rate for measles, which is actually higher than the U.S. rate of 92 percent. For other infectious diseases, the U.S. and Mexico have comparable immunization rates, according to the World Bank. Of course, immigrants aren't arriving in the U.S. only from Mexico. They're also coming from Guatemala, Honduras and El Salvador, countries that also have high vaccination rates, around 93 percent -- still higher than in the U.S. (There are 113 countries that have higher immunization rates for some infectious diseases, including measles, than the

U.S.) A child from Guatemala is more likely to have been immunized for most infectious diseases than a young person from Texas, which, along with California, Florida, New York, New Jersey and Illinois, handles the bulk of new immigrants arriving in the U.S., both legally and illegally. Many children and adults coming into the U.S. actually carry their vaccination cards with them, according to NBC News. Anyone arriving in the U.S. legally is given a thorough health screening through a Department of Health and Human Services program and quarantined if there are any red flags. Not that all immigrants coming into the U.S. are perfectly healthy. Immigrant detention centers have at times had to deal with flare-ups of diseases, including tuberculosis and chickenpox. However, the chickenpox vaccination is part of the U.S. immunization plan anyway, so there's no risk to anyone who has already been vaccinated or exposed to it. And tuberculosis has long history in the U.S. In 2013, there were 9,500 cases of tuberculosis in the country, according to the Centers for Disease Control and Prevention. Trump announced his presidential bid June 16. During his announcement speech in New York, Trump said if he were elected, he would "terminate" President Barack Obama's executive order allowing undocumented immigrants to apply for work visas and claimed Mexico was "sending people [across the border] that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists." The billionaire tycoon, who hopes to win the Republican nomination for the 2016 presidential race -- and is actually neck-and-neck with former Florida Gov. Jeb Bush as the party favorite among likely Republican voters -- later doubled down on his remarks about immigrants being rapists and criminals during an interview with CNN in early July. He again defended the comments in a statement Monday, and went one step further by accusing immigrants of being vectors of "tremendous infectious diseases." The remarks have been met with criticism from Trump's opponents, his business partners and even his own party. Trump has lost several business deals because of the claims about Mexicans, including his partnerships with Macy's department store, NBC, Serta and Nascar. Former Texas Gov. Rick Perry, also a 2016 presidential aspirant, said he was "offended" by Trump's remarks. "To paint with that broad a brush that Donald Trump did is -- I mean he's going to have to defend those remarks," Perry said. "I never will. And I will stand up and say that those are offensive, which they were." **The idea that immigrants are bringing disease into the U.S. isn't true.** Politicians and political pundits, from U.S. Rep. Randy Weber, R-Texas, to conservative television personality Pat Buchanan and author and radio host Lou Dobbs, have often underscored the threat of disease to stigmatize foreigners and immigrants. Such claims have frequently been used to argue immigrant children and mothers should be sent back across the border or to boot out immigrants working legally. **Health officials have denounced such claims as rooted in fear-mongering and political gain, not science.** When measles struck California earlier this year, some were quick to blame the outbreak on undocumented immigrants. Rep. Mo Brooks, R-Ala., said a "lot of the diseases" that enter the U.S. are "borne by [an] illegal alien," and pinned the outbreak that sickened dozens across several states on immigrants. The measles probably did start because of a virus brought to the U.S. from overseas, but not from Mexico. Health officials said it likely came from a foreign tourist visiting Southern California or from an American who returned with the virus after traveling abroad. For the most part, **there's nothing coming across the border that U.S. health officials wouldn't expect to encounter or with which they've never dealt.** The most common diseases immigration health officials have encountered are the everyday cold and other respiratory infections, as well as certain stomach bugs and diarrheal conditions. Most health problems in immigration detention facilities have sprung from a lack of hand-washing, according to the Texas Department of State Health, not diseases immigrants brought with them.

AT: healthcare

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Lobb 9 (Annelena; [reporter for MarketWatch]; "US Stocks Bounce; Health-Care Strong; Banks, GM Weak"; 2/3/2009; <http://www.marketwatch.com/story/us-stocks-bounce-health-care-strong>)
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expected some declines as lingering uncertainty in the credit markets and the overall economy likely will influence investors to take short-term profit. But for much of the day, stocks have moved between positive and negative territory, with no real certainty as to which way the market might close. "The market doesn't seem to have any sense of what it wants to do today," said Chris Colarik, portfolio manager at Glenmede Investment Management. "A lot of people felt the move up went so quickly. There may be some reluctance to put money back to work." In a note to investors, Oppenheimer chief market technician Carter Worth said stocks are likely to remain around current depressed levels for another two or three months, mirroring the seven- to eight-month bear market in 2002 and 2003. Some market observers say this week's rally was likely initiated by traders and money managers buying back bets against stocks. Once the tide turns in a market where short-selling is popular, rallies can be exacerbated by the bears' rush to limit losses by buying back their bets. That's known as a "short squeeze." "I definitely believe this started with a 'short squeeze,' then some people came out of the woodwork and put a little money into the market," said Frank Beck, chief investment officer at Capital Financial Group, adding he himself had sold some clients' positions in the Grizzly Short Fund, an exchange-traded fund that takes short positions on financial and other individual stocks. He anticipates a "bear-market rally" comparable to the gains between the lows on Nov. 20 and the 2009 peak in January. Recently, the Dow Jones Industrial Average, which has leapt 623 points, or 9.5% since Monday, was up 44 points at 7213. General Motors rose 25%. Microsoft, however, slid 3.1% amid an earlier broad decline in large technology stocks. The tech-focused Nasdaq Composite Index was up 2 to 1428. The S&P 500 was up 3 at 753. Health-care and utilities stocks, traditional defensive sectors, were higher, a sign that risk appetite may not be as high as the previous three sessions suggested. Humana shares were recently trading up 9.7%, on heavy options activity, which some believe may indicate the company may be an acquisition target. Assurances from top executives at major banks that the companies have been profitable so far this year have helped drive the market's gains this week, but some market watchers say banks must now walk the walk, having set an expectation.

Advantage CP

1NC

Text: The United States Federal Government should expand health care coverage to all immigrants by banning deportation of undocumented immigrants.

CP solves – gives all undocumented immigrants health care

Congress 15 (Elaine; [MSW, DSW, LCSW, graduate school of social service, Fordham University]; "Expanding Health Care Coverage to All Immigrants"; 2015; <https://apha.confex.com/apha/143am/webprogram/Paper319772.html>) JKS

The Affordable Health Care Act (ACA) made health care possible for millions who had previously been uninsured. Yet there are many who are still excluded because of their immigration status. The face of America is changing, as there are more immigrants (40,000,000) in the United States than ever before of whom over one quarter (11,700,000) are undocumented

(US Census, 2014). Because this large undocumented population is not able to purchase health insurance, receive tax credits for the purchase of health care under ACA, or apply for Medicaid, they have no health care coverage. According to the Pew Hispanic Center (2014), nine million families can be referred to as mixed status families with undocumented parents and children who are U.S. citizens. In these families each family member may have different health care coverage. While undocumented parents can apply for their children with U.S. citizenship to receive Medicaid coverage, they themselves are not eligible for Medicaid or to receive health care coverage through employers. The widely acclaimed Presidential Executive Orders that provided a pathway to legal status for undocumented children (DACA) and their parents (DAPA) still did not extend health care to children and parents who are undocumented. Public health social workers have a professional and ethical responsibility to provide health care equity for all and thus strive to decrease health disparities. Yet they frequently encounter undocumented people who cannot access regular health care. The need for advocacy to extend health care coverage to all including undocumented immigrants will be discussed.

CP is possible – Obama is very interested in these immigration policies

FNL 7-10 (Fox News Latino; [News network for Latin American people of the United States]; “Obama administration seeks judges' OK for executive actions on immigration”; 7/10/2015; <http://latino.foxnews.com/latino/news/2015/07/10/obama-administration-seeks-judges-ok-for-executive-actions-on-immigration/>) JKS

President Barack Obama's administration tried again Friday to convince the 5th U.S. Circuit Court of Appeals in New Orleans to allow executive orders benefiting roughly 5 million undocumented immigrants to take effect. Those actions were blocked via a preliminary injunction handed down by U.S. District Court Judge Andrew Hanen on Feb. 16, and since then the Obama administration has sought to reverse that decision. Last November, Obama expanded the population eligible for the Deferred Action for Childhood Arrivals, or DACA, program, which was started in mid-2012 and has thus far has allowed more than 500,000 immigrants who came to the United States as children to receive a renewable two-year work permit and exemption from deportation. He also issued an order creating a new program, known as Deferred Action for Parents of Americans and Lawful Permanent Residents, or DAPA, that would allow some immigrants who are parents of U.S. citizens and lawful permanent residents to apply for work permits and a reprieve from deportation. Obama took those actions, neither of which provide a path to citizenship, after Congress did not pass a broad immigration overhaul bill last year. Justice Department attorneys argued Friday before a panel of three judges - the Republican-appointed Jennifer Walker Elrod and Jerry Edwin Smith and the Democratic-appointed Carolyn Dineen King - that those actions were lawful and necessary to fix a "broken" immigration system. But a coalition of 26 mostly Republican-led states, led by Texas, asked the judges to uphold the injunction handed down by Hanen, saying Obama had abused his presidential power. In an earlier decision in May, Elrod and Smith rejected the administration's request to lift the hold on the executive actions. A study released last November by the Migration Policy Institute, a Washington-based think tank, put the number of potential beneficiaries of DAPA and DACA at more than 5.2 million, or half of all unauthorized immigrants residing in the United States. Of that total, 3.7 million would be beneficiaries of DAPA and 1.5 million of DACA, including 300,000 people newly eligible under the expanded guidelines. EFE

CP Net-Benefit

CP would create a major boost of the economy

Livio 7-10 (Susan K.; [writer for NJ.com]; “Obama immigration order would boost N.J.'s sputtering economy, group says”; 7/10/2015; http://www.nj.com/politics/index.ssf/2015/07/obamas_immigration_executive_order_would_allow_200.html) JKS

More than 200,000 unauthorized immigrants living in New Jersey could provide a much-needed boost to the state's sputtering economy if President Obama's executive actions on immigration policy were allowed to proceed, according to a report by New Jersey Policy Perspective. Released in advance of a federal district court hearing in Texas on Friday challenging the president's executive order, the report predicts New Jersey would see 1,500 jobs and \$29 million in state and local taxes added to its economy each year. The executive order would protect from deportation 55,000 children in New Jersey who were brought to America before they were 16, and would allow 146,000 parents of children who are legal immigrants to apply for work authorization. Another 277,000 immigrants who entered the country illegally would not qualify, according to the report. "These federal actions on immigration are a clear, simple and important step forward for millions of immigrants across the nation. And as a state with many immigrants, New Jersey clearly has a lot to gain," says New Jersey Policy Perspective policy analyst Erika J. Nava, the author of the brief for the left-leaning group. "Most importantly, more than 200,000 New Jerseyans would directly benefit and be better integrated into the state's social and economic fabric. And when these folks are allowed to participate more fully in our communities, they'll help give an important boost to the state's economy, as well as put their own families on clearer paths out of poverty," she said. In February, a federal judge in Texas blocked the president's executive order, saying the federal government "has adopted a new rule that substantially changes both the status and employability of ... 4.3 million removable aliens." "In fact the law mandates that these illegally present individuals be removed," according to the decision. New Jersey has the sixth largest number of unauthorized immigrants who would qualify for the Deferred Action for Parents of Americans and Lawful Permanent Residents or DAPA program and expand the existing Deferred Action for Childhood Arrivals DACA program, according to the report. The child program applied to people 30 and older before the president's 2014 executive order. Although they are scattered throughout the state, the majority live Hudson, Bergen, Middlesex, Essex, Passaic and Union counties, according to the report. About 40 percent of qualified applicants in New Jersey are from India and Mexico. "Of the undocumented New Jerseyans hailing from India, over half would be eligible for these executive actions — the highest share of the largest origin countries," according to the report. Undocumented New Jerseyans directly affected by these policies would likely see a wage bump between 5 and 10 percent, "which would help to close the enormous gap between the average annual income of the state's undocumented families (\$34,500) and all New Jersey families (\$113,394)," the report said.

Counterplans

Oversight CP

Potential Text: Local police departments should adopt an internal system of oversight for pulling drivers over, and one that requires officers to demonstrate probable cause in order to receive authorization by a supervisor conduct searches.

The counterplan solves racism in local law enforcement

Epp et. Al 14 (Charles R. Epp - Ph.D. in Political Science from the University of Wisconsin-Madison, Stephen Maynard-Moody- Ph.D. Cornell University, Ithaca, NY, and Donald P. Haider-Markel- University of Wisconsin-Milwaukee Ph.D., Political Science. *Pulled Over How Police Stops Define Race and Citizenship*. University of Chicago Press. Published in 2014.)//lb

Second, to enforce this requirement, police departments should adopt internal guidelines and systems of oversight governing the decision to make a stop and conduct investigatory intrusions that are modeled on how departments regulate uses of force.²⁶ Thus, departments should prohibit pretextual stops except when justified by an overriding public safety exigency. To oversee this guidance, departments should require officers in every stop to articulate and record their reason for the stop and departments should conduct internal reviews of these reasons. Departments should strive to make pretextual stops the rare exception rather than the common pattern. Further, a computerized search of the person's name in crime records should be allowed only after the legal basis for the stop is reported and recorded. These recording and oversight procedures would severely limit the use of pretext stops in the hunt for crime and deliberately so—but **this is an essential step in limiting the racial bias now so evident in investigatory stops.** The essential third step is to prohibit searches unless based on **probable cause** to believe a crime has been committed. Consent searches authorize unfettered police discretion to search whoever they wish, even though a driver's consent cannot be considered freely given. Drivers told us that they felt they were "incarcerated" when pulled over and that they had no choice but to consent. Training police officers to solicit permission to search cars or persons takes undue advantage of individuals who are psychologically, if not legally, held by the police. Such consent relies on manipulation, as documented in Charles Remsberg's police training manual.²⁷ Searches should be conducted only after receiving specific **authorization by a supervisor** and should be allowed on an articulation of probable cause, or, in other words, particularized evidence to believe the person has committed a crime. This evidence should be recorded and evaluated by supervisors.

DOJ CP

Counterplan Text: Under 42 U.S.C. § 14141, the United States federal government should require the DOJ to repeal all local and state police authorities ability to racially profile under any circumstance, and sue for injunctive relief of police forces found to be racially profiling by regular complaint investigations, under Section 14141.

Solves racial profiling and police force credibility

Simmons '12 (Kami Chavis; 2011; Beginning to End Racial Profiling: Definitive Solutions to an Elusive Problem; Kami Chavis Simmons is a Professor of Law and Director of the Criminal Justice Program at Wake Forest University School of Law. In 2015, she was appointed as a Senior Academic Fellow at the Joint Center for Political And Economic Studies.;

poseidon01.ssrn.com/delivery.php?ID=289004112008113090031125110096017099025007057017006013098023078026017103009087090105005060043107058047118070066087085015006116019059007023093124006070074013100107011091032002072106083009115008101004120019099067104004015001116082104012093073114105006&EXT=pdf&TYPE=2; 7-12-15; mbc)

Much of the contemporary debate related to racial profiling focuses upon whether definitive proof exists regarding an officer's intentional discrimination or whether an agency has a policy or custom of racial profiling.⁹ It is unlikely that an officer will admit his or her bias or that an agency will produce their racially-biased policy, thus making definitive proof of profiling difficult to ascertain. A more effective strategy to address racial profiling involves ameliorating systemic policies and practices that encourage or tolerate racial profiling and to assist the police department in implementing practices that will rehabilitate minority's confidence in the police department. It is now widely accepted among scholars that much police misconduct is attributable to an organizational culture within law enforcement agencies that "cultivates or tolerates" police misbehavior.⁰ Experts have agreed that adjudicatory remedies that are focused on the past misconduct of individual officers are largely ineffective, and that the best way to address police misconduct is to implement proactive practices that encourage broader institutional changes." For example, the Christopher Commission, which examined the Los Angeles Police Department after the infamous police beating of Rodney King, found that a small number of officers within a police department were responsible for the majority of complaints."² Therefore, many experts theorize that identifying, monitoring, re-training, or disciplining "problem" officers is likely to lead to the greatest reduction in misconduct.¹ Civil rights suits against officers and municipalities, internal investigations, and citizen-complaint review boards are all tools to address police misconduct. These tools, however, are reactionary and are only utilized to remedy previous, discrete instances of misconduct. It is clear that these adjudicatory measures are inadequate to change the culture of a police department that engages in racial profiling or other systemic issues of misconduct. An institutional culture that encourages or tolerates racial profiling necessitates an institutional remedy. One of the most promising models to remedy systemic police misconduct is the DOJ's "pattern or practice" authority, which the federal government has used to implement systemic reforms within several local police departments nationwide. In 1994, Congress enacted 42 U.S.C. § 14141, a statute that seeks to address the policies and practices of a police agency, and has shown great promise in spurring institutional reforms in several local law-enforcement agencies.¹⁴ Pursuant to its "pattern or practice" authority under 42 U.S.C. § 14141, the DOJ has required several police departments nationwide, including the Los Angeles Police Department and the District of Columbia Metropolitan Police Department, to reform their policies and practices.¹¹⁵ Section 14141 grants the U.S. government the authority to sue for injunctive relief to change policies within a local police department where DOJ has found a pattern or practice of constitutional violations.¹⁶ Generally, the resulting consent decrees or agreements have included reforms of both substantive and procedural policies to create more transparency and ensure accountability.¹⁷ One reform includes modifying use of force policies to provide guidelines regarding what type of force is appropriate in apprehending a suspect and defining or limiting circumstances when certain uses of force are appropriate.¹⁸ Another common reform DOJ has required is the implementation of an early-warning tracking system to help supervisors identify officers who might need to be re-trained or disciplined.¹⁹ Collecting this type of information and using it to make training and personnel decisions may deter the intentional wrongdoing of individual officers. Yet another reform is the implementation of fair and comprehensive complaint processes for citizens who wish to report

alleged misconduct. ¹²⁰ Many citizens, especially minorities, are reluctant to file complaints against police officers because they simply believe that their complaints will not be fairly processed. To ensure fairness and reduce the possibility for retaliation, officers assigned to investigate citizen complaints should be sufficiently independent from the officers they are investigating. Notably, DOJ has also required several jurisdictions to compile information related to racial profiling.¹² Compiling and publishing information related to race and traffic stops and searches may help jurisdictions determine whether officers are disproportionately stopping racial minorities. With vigorous enforcement, DOJ's pattern or practice authority could lead to reforms that will ultimately address many of the systemic issues contributing to tension between minorities and the police.

Racial profiling kills police force legitimacy

Simmons '12 (Kami Chavis; 2011; Beginning to End Racial Profiling: Definitive Solutions to an Elusive Problem; Kami Chavis Simmons is a Professor of Law and Director of the Criminal Justice Program at Wake Forest University School of Law. In 2015, she was appointed as a Senior Academic Fellow at the Joint Center for Political And Economic Studies.;

poseidon01.ssrn.com/delivery.php?ID=289004112008113090031125110096017099025007057017006013098023078026017103009087090105005060043107058047118070066087085015006116019059007023093124006070074013100107011091032002072106083009115008101004120019099067104004015001116082104012093073114105006&EXT=pdf&TYPE=2; 7-12-15; mbc)

Finally, and perhaps most importantly, the perception that certain groups are treated unfairly undermines the legitimacy of the law enforcement agency, and thus has a deleterious effect on crime control and prevention.⁹⁴ Many members of minority communities are also disproportionately victims of crime and may live in areas that experience higher rates of crime.⁹⁵ For example, in many large urban areas, a disproportionate number of crime victims are African American, and thus partnerships between citizens and police are essential to crime prevention.⁹⁶ As one scholar noted, "[T]here is a causal link between the perception of the law and levels of compliance. Unfortunately, the perception in many poor and minority communities is that the law, as exemplified by the police, is illegitimate, a perception that encourages non-compliance." ⁹⁷ It follows that areas in need of the greatest amount of law enforcement protection are also likely to have a large proportion of residents who distrust law enforcement. Racial profiling also exacerbates tensions between racial minorities and law enforcement, and undermines the rationale for community policing. Thus, efforts to engage these citizens in crime prevention partnerships with law enforcement face challenges that may not be present in other communities. David Harris also notes that racial profiling can have a negative impact on the way in which minority groups view law enforcement. Harris writes, "Racially targeted traffic stops cause deep cynicism among blacks about the fairness and legitimacy of law enforcement and courts Thus it is no wonder that Blacks view the criminal justice system in totally different terms than whites do."⁹⁸ For example, San Diego Police Chief Jerome Sanders and the San Diego Police Department voiced concern that the "growing public perception that police target minority drivers [] was eroding public trust and need[ed] to be addressed if community policing. . . [was] [] to be successful."⁹⁹ Not only is racial profiling harmful to individuals and communities, but, as previously discussed, there is evidence demonstrating that racial profiling is an ineffective law-enforcement tool. Despite the disproportionate number of stops and searches of African-Americans and Latinos, studies show that when searched, these groups were less likely than Whites to have contraband.¹⁰⁰ Together, these facts confirm not only the existence of racial profiling, but that racial profiling is an ineffective tool for law enforcement whose costs outweigh

any negligible benefit. Given these societal costs, innovative solutions are required to address racial profiling.

Politics Links

ICE Links

ICE and DHS reform unpopular – prison lobbyists prove

Lee '15 (Esther Yu-Hsi; April 16, 2015; Millions Spent Lobbying By Private Prison Corporations To Keep A Quota Of Arrested Immigrants, Report Says; She received her B.A. in Psychology and Middle East and Islamic Studies and a M.A. in Psychology from New York University. A Deferred Action for Childhood Arrivals (DACA) beneficiary, Esther is passionate about immigration issues from all sides of the debate. She is also a White House Champion of Change recipient.; thinkprogress.org/immigration/2015/04/16/3647407/immigrant-detention-private-prison-11-million-lobbying/; 7-13-15; mbc)

Private prison corporations spent \$11 million over six years to lobby Congress to keep immigrants in detention centers, a new report released Wednesday found. The Grassroots Leadership report, Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota, found that lobbying efforts of the two largest private prison corporations have made them the main beneficiaries of aggressive immigration detention policies. For-profit family detention centers have come under scrutiny in recent times as migrant women renewed a hunger strike this week in Texas, demanding that they be released on bond with their children. Since 2007, Congress has approved federal funding for the Immigration and Customs Enforcement (ICE) agency to detain at least 33,400 people (increased to 34,000 in 2014) per day in detention facilities. Provisions in this budget have long been referred to as an “immigrant detention quota” and “bed mandate” on the rationale that they require a certain number of immigrants be detained at any given time. Last year, about 33,000 immigrants were held on a daily basis. “Defenders of the bed mandate say it remains a useful tool to compel ICE to devote the maximum amount of resources to catching and deporting illegal migrants and foreign-born legal residents who commit crimes, including dangerous gang members, rapists and other violent felons,” the Washington Post reported in 2013. A record number of immigrants have been kept in detention, but the majority are not violent offenders. When ICE released more than 2,000 detainees in 2013 to save money, House Homeland Security Committee Chairman Michael McCaul, R-Texas wrote a letter to then ICE director John Morton stating that ICE was “in clear violation of statute” for not maintaining all 34,000 bed spaces with immigrant detainees. Morton indicated that a continuing resolution funded ICE to “maintain an average daily population of approximately 34,000 individuals.” But DHS Homeland Secretary Jeh Johnson insisted during a House Appropriations Committee hearing last year that the quota wasn’t mandatory and that ICE should only “maintain the capability” for 34,000 beds, some of which “might be empty at any given time.” Rep. John Culberson (R-TX) contended at the time that the DHS should fill all the beds and enforcement officials do not have the authority to use discretion because they must “enforce the law as it is written.” In a possible sign that Johnson’s statement may signal a change in the interpretation of the statute, the daily detainee population for the first five months of 2015 dropped to around 26,000. The Grassroots Leadership report found that private prison corporations operate 62 percent of ICE immigrant detention beds, while nine of the ten largest ICE immigrant detention facilities are operated by for-profit prison corporations. The report also found that Corrections Corporation of America (CCA), one of the major private prison companies, “spent at least 75 percent of its lobbying expenditures in quarters where it has lobbied directly on the [Department of Homeland Security] Appropriations Subcommittee.” Meanwhile, GEO Group, another major private prison company, “has not directly lobbied the DHS Appropriations Subcommittee” but the report authors said that “the company recently began lobbying on immigration and immigrant detention issues, spending \$460,000 between 2011 and 2014 in quarters when they lobbied on these issues.” Last year CCA made \$195,022,000, while GEO made \$143,840,000 in profits. During a teleconference Wednesday, Rep. Adam Smith (D-WA) explained that the only way that Congress could get rid of a bed mandate would be through the annual DHS appropriations budget. “The Republican majority has resisted allowing those amendments to come up,” Smith said. He said that introducing a stand-alone bill getting rid of the mandate hasn’t

worked in the past. Reps. Bill Foster (D-IL) and Ted Deutch (D-FL) previously introduced such a bill, calling the mandate “a costly and inhumane directive,” but the bill hasn’t moved through Congress. Smith said that eliminating the bed mandate would be “the first step to eliminating privatization. It’s a huge thing that drives their profits.” Watchdog and activist groups across the country have long criticized the growing political influence of the private prison industry. The National Institute on Money and Politics found that GEO Group contributed \$5,709,456 to candidates over the past 12 years. Contribution money has gone to both Republican, Democrats, and third party candidates. According to the Center for Responsive Politics, companies like GEO Group, Corrections Corp. of America, and Management and Training Corp. all spent “significantly more lobbying in state capitals than on Capitol Hill... In 2014 alone, they spent nearly \$2 million lobbying Congress, and individuals from these companies gave well over \$500,000 to congressional candidates as well.” Republican candidates received more money overall, though GEO Group gave the highest individual contribution to Gov. Jerry Brown (D-CA). Overall, GEO Group contributed nearly \$3 million to the Florida Republican Party.

Plan partisan- private prison lobbyists prove

National Immigration Forum Staff '13 (National Immigration Forum; August 22, 2013; THE MATH OF IMMIGRATION DETENTION; <https://immigrationforum.org/blog/themathofimmigrationdetention/>; 7-13-15-;mbc)

As previously indicated, the expansion of the immigration detention system has created a profitable market for those involved in operating county and state jails. The private prison industry has also benefited directly from this expansion. Corrections Corporation of America (CCA) is the largest ICE detention contractor, operating a total of fifteen ICE-contracted facilities with a total of 5,800 beds.[35] GEO Group, Inc. (GEO), the second largest ICE contractor, operates seven facilities with a total of 7,183 beds.[36] In FY2012 CCA and GEO reported annual revenues of \$1.8 billion[37] and \$1.5 billion[38] respectively. In December 2010, GEO purchased B.I. Incorporated, a company that has lucrative government contracts with ICE as the sole administrator of its alternatives to detention program.[39] Private prison companies in 2011 housed nearly half of all immigration detainees.[40] Private prison corporations have also exerted their influence on legislators by lobbying for laws that detain immigrants more frequently and for longer periods of time.[41] According to the Associated Press, the three corporations holding the largest percentage of ICE detention contracts, including CCA and GEO, collectively spent at least \$45 million in the past decade on campaign donations and lobbyists at the state and federal levels.[42] The relationships between legislators and private prison corporations are perhaps best illustrated by Arizona’s controversial S.B. 1070 bill, which was drafted in the presence of officials from CCA.[43] Of the 36 co-sponsors of S.B. 1070, 30 received campaign contributions from private prison lobbyists or companies, including CCA.[44] With the recent activity on immigration reform in both the House and the Senate, these companies have a vested interest in any reform related to interior enforcement. While both GEO and CCA have denied lobbying on immigration reform, the Lobbying Disclosure Act database shows that both companies have regularly lobbied the House and Senate on immigration matters in recent years.[45] With regards to the current effort to pass immigration reform legislation, GEO initially told media outlets that “The GEO Group has never directly or indirectly lobbied to influence immigration policy. We have not discussed any immigration reform related matters with any members of Congress, and we will not participate in the current immigration reform debate.” However their recent lobbying disclosure forms show that they have hired the DC based lobby group Navigators Global to lobby on behalf of the company with both houses of Congress on “issues related to comprehensive immigration reform”[46]. In June, S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, which is the Senate’s version of a comprehensive immigration reform bill, passed the Senate. The CBO estimates this bill could increase the prison population by 14,000, and further estimates a \$1.6 billion budget over the next decade.[47] Private estimates

suggest that private prisons will acquire 80 percent of the bed increase in government contracts, a significant profit for shareholders.[48] The influence of private prison corporations is even more troubling given persistent and numerous complaints by detainees held at private facilities, including sexual abuse,[49] inadequate access to translators, prolonged detention, and insufficient medical treatment.[50] ICE detention standards, designed to guide the operation of immigration detention facilities, are not expressly enforceable at many of the facilities under contract with ICE.[51] Given the lack of strict standards and proper oversight at these facilities, it is no surprise that sub-par conditions persist at these locations.

Conservative prison lobbies make the plan unpopular

Markowitz '15 (Eric; April 19, 15; Report: Private Prison Lobbyists Spend Millions To Keep Immigrants Locked Up; Eric Markowitz is a senior writer with the International Business Times, where focuses mostly on long-form feature writing. He is graduate of New York University's Arthur L. Carter journalism school.; www.ibtimes.com/report-private-prison-lobbyists-spend-millions-keep-immigrants-locked-1887875; 7-17-15; mbc)

In 2010, the Department of Homeland Security adopted a bed quota that required Immigration and Customs Enforcement (ICE) to detain about 34,000 individuals on any given day. The quota certainly did not benefit immigrants -- but it did prove to be extraordinarily lucrative for the private prison companies that picked up the new business. A report released last week by Grassroots Leadership, a Texas non-profit, details how private prison companies have spent five years lobbying the government, not only to maintain the quota, but to enact conservative immigration reform that would continue to ensure a steady flow of inmates into its detention centers. "Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention," says 62 percent of all ICE detention beds now are operated by for-profit prison companies. In fact, nine out of the 10 largest immigrant detention camps are private, with eight owned by only two corporations -- Corrections Corporation of America and the GEO Group. Those two corporations reaped about \$500 million in 2014 alone. To protect their interests, these companies -- particularly CCA -- have spent millions in conservative lobbying efforts. "Contrary to private prison corporation claims that they do not lobby on issues related to immigration policy, between 2008 and 2014, CCA spent \$10.56 million in quarters where they lobbied on issues related to immigrant detention and immigration reform," the authors note. The report also found since the 2010 bed quota was instituted, the two companies have expanded operations in a number of states, now detaining "3,600 refugee mothers and children, at enormous profit to these corporations." Critics say the conditions at these facilities are abysmal, and access to medical care is scant. The report detailed the experience of Henry Taracena, an immigrant who was detained for five months at the GEO-run Northwest Detention Center in Tacoma, Washington. Taracena participated in a hunger strike while detained to bring publicity to the facility's conditions.

Immigration reform partisan now – Republicans will block it until Obama backs down over immigration executive action

Everett and Seung '15(Burgess and Min Kim; 3/9/15; Immigration reform looks dead in this Congress; Everett is originally from Maine and a University of Maryland graduate. He got his start in journalism at the Portland Press Herald + Seung Min Kim is an assistant editor who covers Congress for POLITICO; www.politico.com/story/2015/03/immigration-reform-congress-115880.html; 7-17-15; mbc)

Singed by their defeat in the battle over Homeland Security funding, Republicans aren't about to renew their fight against President Barack Obama's executive actions on immigration anytime

soon. When the GOP-controlled Senate bent to Democratic demands to fund the Department of Homeland Security, effectively undercutting conservatives who were willing to allow the agency to shut

down until Obama backed down, there was talk of Senate GOP leaders returning to the immigration issue to find new ways to thwart Obama's orders. Story Continued Below But few within the GOP expect any kind of immigration debate in the Senate in the foreseeable future. The issue has been relegated to the back burner as Republicans instead focus on the budget, trade deals and, possibly, tax reform. "At this point, we have a lot of other issues to do," said Sen. Susan Collins (R-Maine), who authored stand-alone legislation to block Obama's immigration directives. "I'm very happy the Department of Homeland Security is funded, and I think the issue of the president's overreach with his executive order of last November is probably going to end up being decided by the courts. And that's not a bad option." Senate Republican leadership aides also indicated that the chamber is not likely to return to the Collins legislation in the next several weeks — a work period that will be dominated by anti-trafficking legislation, nominations, a fiscal 2016 budget and perhaps an Iran bill. In the House, committees are humming along on some immigration bills, but leadership has shown no indication when — or if — they will come to the floor. The inaction on immigration comes as the GOP is trying to improve its standing among Latinos in the 2016 presidential election. An "autopsy" of the party's problems after the 2012 election warned that Republicans "must embrace and champion comprehensive immigration reform. If we do not, our Party's appeal will continue to shrink." Reform advocates were buoyed when the Senate overwhelmingly passed a sweeping bipartisan bill in June 2013. But the measure stalled in the House. And immigration, until at least after the next election, is more likely to be fodder for the campaign trail than congressional action. And if there was any question, Obama's executive actions, which are deeply despised by Republicans, likely extinguished any remaining prospects of this White House working with the GOP on immigration. In a meeting with advocates last month, Obama said he was not hopeful this Republican-led Congress would pass immigration bills that he would be able to sign, one person who attended the meeting said. Senate Majority Leader Mitch McConnell (R-Ky.) left himself the option of bringing back the measure to stymie Obama's directives. And GOP leaders, wary of criticism from conservatives who are girding for combat over immigration, won't close the door entirely on revisiting it.

Department of Homeland Security commits human rights violations

Dagnal-Myron '14 (Cynthia; 11/04/14; Report Alleges Human Rights Abuses at DHS Facilities on the Mexican Border; Cynthia Dagnal-Myron is an award-winning former reporter for both the Chicago Sun Times and Arizona Daily Star and author of The Keka Collection.; www.huffingtonpost.com/cynthia-dagnalmyron/report-alleges-aystematic_b_6070102.html; 7-7-15; mbc)

Detainees at short-term Department of Homeland Security facilities in Southern Arizona have faced "a long term pattern of human rights violations" according to a report released today by the Guatemala Acupuncture and Medical Aid Project (GUAMAP), a non-governmental international health organization based in Tucson. In an email exchange, Blake Gentry, GUAMAP member and author of Deprivation Not Deterrence said the report was meant to "use our experience in health care and with the cultures of Guatemala in interpreting what conditions Central Americans were migrating from and what they were migrating to." GUAMAP, which has trained rural Guatemalan health care workers for over 20 years, conducted 45 minute interviews with 68 detainees over a two month period. According to Gentry, two dozen additional families were interviewed, but asked that their responses not be made public, "even with the guarantee that personal identifying information would not be published." The families felt "anxiety over their future US immigration proceedings." Among the violations reported by detainees were: Insufficient, spoiled and sub-standard food Insufficient or tainted drinking water Psychological, physical, or verbal abuse Insufficient medical care, most notably for pregnant women and children Anecdotal evidence of the latter was given by a Honduran mother who said her young son, "began to bleed from the nose" while in detention. She said a border agent told her that "this is normal," and refused to allow medical personnel to attend to the sick child. Along with tales of abuse and statistics to support those allegations, the report also "debunks... the public perception of immigrants as terrorists and criminals," Gentry asserted. Economic displacement created by NAFTA and CAFTA trade

agreements drove and continues to drive rural agricultural workers out of those countries in order that they can survive," Gentry said. Gentry added that some 6.6 million of the approximately 11 million undocumented in the United States are "farm workers who are migrating to survive economic collapse in the agricultural labor market." "In plain terms their jobs were destroyed by large plantation agriculture now reaping enormous profits and US commercial agriculture that exports basic crops to those areas where they used to grow such crops." Gentry also believes the report proves "the DHS (Department of Homeland Security) policy of subjecting immigrants to harsh treatment in border patrol stations in order to deter them from coming has failed." "We perceive looming international threats but are being guided by fear and those who traffic in selling fear," Gentry said, also comparing current immigration policies to those which eventually sent several Native American tribes--once also considered "illegals"--down the infamous Trail of Tears. "However, this time, [it is] our neighbors in North America and Central America, whose immigrants account for 73% of all undocumented in the United States," Gentry said. "We do not live in an isolated region any longer. If you make international trade deals to exchange goods, capital investments and technology, but exclude the people hurt by the worst by those trade deals, more illegal people will be coming unless the deals are fixed. We can no longer afford not to [fix them]--unless taxpayers want to shell out more money for a problem we were told was going to be solved in 1995."

States CP

federal enforcement bad

Federal crime enforcement is ineffective – Proves the Counterplan Solves

Muhlhausen and Little 7 (David B Muhlhausen PhD is a leading expert on criminal justice programs in The Heritage Foundation's Center for Data Analysis and Erica Little is a staff member at The Heritage Foundation, "Gang Crime: Effective and Constitutional Policies to Stop Violent Gangs," 6/6/07, Date Accessed: 7/13/15, <http://www.heritage.org/research/reports/2007/06/gang-crime-effective-and-constitutional-policies-to-stop-violent-gangs>, SZ)

Overfederalization of Crime. The tendency to search for a solution at the national level is mis-guided and problematic. Federal crimes should address problems reserved to the national government in the Constitution. In a speech to the American Law Institute, the late Chief Justice William Rehnquist reiterated what the Judicial Conference of the United States had stated years before: "Civil and criminal juris-diction should be assigned to the federal courts only to further clearly defined and justified national interests."[7] He went on to list the types of crimes to which the federal government should be limited: offenses against the federal government or its interests, crimes with a substantial multi-state or international aspect, crimes involving complex commercial or institutional enterprises, serious state or local government corruption, and crimes raising highly sensitive local issues.[8] Criminal street gangs are a problem common to all of the states, but the crimes that they commit are almost entirely and inherently local in nature and regulated by state criminal law, law enforcement, and courts. For example, despite the fact that an automobile theft could involve interstate travel, it does not do so in most instances. State agencies investigate and prosecute such crimes. Adding the label of "gang crime" does not change the offense in a way that justifies or constitution-ally authorizes federal involvement unless there really is significant interstate activity that has a direct and substantial effect on interstate commerce. In the same speech to the American Law Institute, Rehnquist repeated a principle enunciated by President Abraham Lincoln in the 19th century and President Dwight D. Eisenhower in the 20th century: "Matters that can be adequately handled by the states should be left to them, [and] matters that cannot be so handled should be undertaken by the federal government." [9] When Congress adds to the federal criminal law, it generally claims to do so based on its power under Article I, Section 8 of the Constitution, which is known as the Commerce Clause, arguing that the activity being criminalized has some sort of effect on interstate commerce. This use of the Commerce Clause is far from the true meaning of the Constitution. As Justice Clarence Thomas wrote in his concurring opinion in *United States v. Lopez*, if Congress had been given authority over matters that simply "affect" interstate commerce, most of Article I, Section 8, which enumerates Congress's powers, would be rendered surplusage.[10] In addition to violating the constitutional structure of the U.S. government, federalizing crime also reduces accountability and efficiency as law enforcement agencies fight crime. By involving the federal government, Congress undermines the responsibility of state and local law enforcement to develop effective crime-reduction policies. Local officials can pass the buck by pointing the finger at federal enforcement authorities. The problem is compounded because federal action is often ineffective. Federalizing a crime is frequently a symbolic gesture, enabling Congress to say that it has addressed the problem without regard to whether or not the new laws will actually be implemented, much less actually reduce crime.[11] Although it may appear harmless, Congress's gesture only impedes state and local enforcement in addressing a problem that should be solved primarily at the state and local levels. In addition to undermining state and local accountability, federal involvement in crime fighting is detrimental to quintessential federal responsibilities. Enforcing criminal law that is not really national in scope is a misuse of federal resources and a distraction from true national concerns. By increasing the federal role in traditional state and local responsibilities, Congress needlessly drains federal resources that should be used for more urgent priorities such as pursuing foreign spies, combating counterfeiting, fighting international terrorism, and improving homeland security.

solves human rights

All 50 States failed both the UN and Amnesty International's standards for protection of life

Laughland and Lartey '15 (Oliver and Jamiles; June 18, 15; Oliver Laughland is senior reporter for Guardian + Lartey is a reporter for the Guardian US US; www.theguardian.com/us-news/2015/jun/18/us-states-police-use-of-force-standards-amnesty; 7-13-15; mbc)

Every state in the US fails to comply with international standards on the lethal use of force by law enforcement officers, according to a report by Amnesty International USA, which also says 13 US states fall beneath even lower legal standards enshrined in US constitutional law and that nine states currently have no laws at all to deal with the issue. The stinging review comes amid a national debate over police violence and widespread protest following the high-profile deaths of 18-year-old Michael Brown in Ferguson, Missouri; 43-year-old Eric Garner in New York; 50-year-old Walter Scott in South Carolina; and 25-year-old Freddie Gray in Baltimore – all unarmed black men killed by police within the past 11 months. Amnesty USA's executive director, Steven Hawkins, told the Guardian the findings represented a "shocking lack of fundamental respect for the sanctity of human life". "While law enforcement in the United States is given the authority to use lethal force, there is no equal obligation to respect and preserve human life. It's shocking that while we give law enforcement this extraordinary power, so many states either have no regulation on their books or nothing that complies with international standards," Hawkins said. The Counted: people killed by police in the United States in 2015 – interactive The Guardian is counting the people killed by US law enforcement agencies this year. Read their stories and contribute to our ongoing, crowdsourced project Read more The analysis, which Hawkins said he believed was the first of its kind, compared state statutes on law enforcement's use of lethal force with international legislation, including the enshrinement of the right to life, as well as United Nations principles limiting lethal use of force to "unavoidable" instances "in order to protect life" after "less extreme means" have failed. Further UN guidelines state that officers should attempt to identify themselves and give warning of intent to use lethal force. Advertisement Amnesty found that in all 50 states and Washington DC, written statutes were too broad to fit these international standards, concluding: "None of the laws establish the requirement that lethal force may only be used as a last resort with non-violent means and less harmful means to be tried first. The vast majority of laws do not require officers to give a warning of their intent to use firearms." The report arrived just weeks after the recommendations of Barack Obama's police taskforce were made public and his executive actions on police reform criticized for not going far enough to curtail police violence. The presidential commission stated that "not only should there be policies for deadly and non-deadly uses of force", but that a "clearly stated 'sanctity of life' philosophy must also be in the forefront of every officer's mind". The Amnesty review found that only eight states require a verbal warning to be given before an officer engages in lethal force. In nine states, law enforcement officers are legally allowed to use lethal force during riot. In Pennsylvania, for instance, the use of force statute mandates that deadly force is justifiable if it is "necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse". Further, Amnesty found that in 20 states it is legally permissible for law enforcement officers to employ lethal force against an individual attempting to escape prison or jail, even if they pose no threat. In Mississippi, for instance, law declares "the killing of a human being ... justifiable ... [w]hen necessarily committed by public officers, or those acting by their command in their aid and assistance, in retaking any felon who has been rescued or has escaped". Amnesty's report also charges that the laws on lethal force in 13 states

do not even meet the less stringent constitutional standard set by the 1985 US supreme court case Tennessee v Garner. The case was centered on the death of an unarmed black 15-year-old, Edward Garner, a suspect in a home burglary. He was shot in the back of the head as he fled by officers acting under a Tennessee state statute which permitted “use all the necessary means” to make an arrest of a fleeing subject. The 6-3 majority decision declared that police may not use deadly force to prevent a suspect from escaping unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others”. The states whose laws do not meet this constitutional standard, according to Amnesty, tend to include permissive or vague language around the use of force. North Dakota’s statute, for example, permits deadly force against “an individual who has committed or attempted to commit a felony involving violence”, without defining the level of violence that might warrant deadly force. Amnesty identifies nine states – Maryland, Massachusetts, Michigan, Ohio, South Carolina, Virginia, West Virginia, Wisconsin and Wyoming – alongside Washington DC where no law enforcement officer lethal force statutes exist.

solves immigration

States work out immigration issues while Congress argues

Grovum 2014 (Jake [Staff Writer for Stateline]; With No Federal Fix, States Are Addressing Immigration on Their Own; August 25, 2014; www.governing.com/news/headlines/with-no-federal-fix-states-are-addressing-immigration.html; jDUBS)

With Congress at a standstill on immigration issues, states have pursued their own solutions, with some offering in-state tuition and financial aid to unauthorized students and others approving more spending to enforce immigration laws. “While Congress cannot seem to take action on immigration issues, states remain engaged in debating and solving immigration challenges, whether we are discussing services or enforcement.” state Sen. John Watkins, a Virginia Republican and co-chair of the National Conference of State Legislatures’ immigration task force, said in releasing an immigration report during NCSL’s annual meeting last week. States have enacted 132 immigration-related laws this year, according to the report. The number is only slightly down from last year, even though some states, including immigration hot spot Texas, held no legislative session this year. Seven states approved resolutions calling on Congress or the White House to act on a immigration issues like deportation policy and a general overhaul of federal laws. In many cases, the laws enacted in the states continued a trend of opening the door to recent immigrants, authorized and unauthorized, to be more engaged in civic life and the community. The measures include employment and labor regulations, education policies and health-care access. Among the notable examples: Florida and Tennessee joined 15 other states that offer in-state tuition by law for unauthorized immigrants. Four states offer it through their higher education systems’ boards of regents. Washington state went further this year, joining California, New Mexico and Texas in offering financial aid to unauthorized students. Florida also made it possible for unauthorized immigrants to be members of the state bar association. In New York and Oregon, lawmakers approved measures to expand health care access to immigrants, including those who are unauthorized and in general excluded from federal safety-net programs like Medicaid, the federal-state health care program for the poor. New York’s measure aims to make medical assistance available to those who might be otherwise ineligible because of their immigration status under federal law. Oregon will spend \$60,000 to study creating a basic health plan that could serve legal resident immigrants who are excluded from other programs. California, meanwhile, continued to be a leader in pushing for more immigrant-friendly laws. Lawmakers approved a measure that would bar employers from pursuing punitive immigration enforcement actions against their workers for any reason. Other states went in the opposite direction. Missouri, for example, approved a law blocking any in-state tuition benefit for unauthorized immigrants. Six other states have also moved to block in-state tuition for those immigrants. Arizona lawmakers approved a change to make it a felony to assume someone else’s identity to be declared eligible to work. In South Carolina, notaries public must now read and write English and be registered to vote. Utah repealed a law that urged its Commission on Immigration and Migration to coordinate with local, state and federal officials to help integrate immigrants into the state. Despite the flurry of state activity, however, few of the measures approved in 2014 generated the sort of controversy that engulfed states such as Arizona and Alabama in recent years. According to the NCSL report, no states moved to offer driver’s licenses to unauthorized immigrants this year (11 states and the District of Columbia already offer them), a step that has ignited strong opposition in some states. There were no broad-based immigration omnibus measures passed in the states this year either, according to the report. Much of the legislative action covered in the NCSL report, however, predated the national focus on the flood of unaccompanied child immigrants flooding across the U.S.-Mexico border. In just the early weeks of that crisis, many states moved to respond to the situation. Some states, such as Maryland, led by Democratic Gov. Martin O’Malley, took steps to welcome child immigrants, calling on religious and other private groups to provide shelter for them. Other governors, such as Dave Heineman of Nebraska and Terry Branstad of Iowa, both Republicans, criticized federal officials for considering their states as potential landing zones for immigrant children. Massachusetts Democratic Gov. Deval Patrick saw a backlash from his initial openness to house immigrant children, and the state ended up not sheltering any children. The child immigrant situation could lead to more action in general, but also to a further divide among the states in how they treat immigration in general. Already, Republican Gov. Rick Perry of Texas has led the way in strong reactions to the immigrant crisis, sending his state’s National Guard to the border for extra security. Washington state Rep. Sharon Tomiko Santos, a Democrat who also co-chairs the NCSL immigration task force, said action in the states might have been down a bit this year because people had hoped Congress might do something. Because it didn’t, “states are going to try to fill that vacuum,” she said. “Our motto is that the federal government has the responsibility to address the immigration policy,” she said, “but states have the responsibility to address immigrant integration.”

States solve immigration issues better than the federal government

Nowrasteh 6/16 (Alex [Immigration Policy Analyst at the Cato Institute]; Immigration reform: Let the states lead the way; June 16, 2015; www.latimes.com/opinion/op-ed/la-oe-nowrasteh-let-states-issue-guest-worker-visas-20150613-story.html; jDUBS)

Texas and California are trying to reform legal migration on their own. The politics in these two states couldn't be more different, but legislators in both states recently proposed running their own guest-worker visa programs to get around the federal immigration reform gridlock. Relying on states to create their own migration systems may well be the solution to America's immigration woes. One-size-fits-all national immigration laws aren't working. Federal reform efforts have repeatedly failed, so why not let states take a crack at it? States experiment with education, welfare and drug policies — immigration should be next. A state-based guest-worker visa seems like a radical idea because immigration rules generally fall under federal jurisdiction in the United States. However, Canada and Australia — which like the U.S. are continent-spanning, economically diverse countries with traditions of federalism — each have such programs. In a recent report, Canada called its Provincial Nominee Program a success; 96% of the program's immigrants to Manitoba, British Columbia, Alberta and Saskatchewan were employed within a year, many filling niche rolls in the labor market. If the U.S. government followed that example and relinquished some migration powers to state governments, we'd see a proliferation of different visas regulated in various ways. California might create a state visa for high-tech workers and agricultural laborers, while Texas might create visas for agriculture, construction and high tech. Michigan could create one for real estate investors in Detroit. There could be hundreds of different visas all tuned to local economic demands rather than just one or two temporary federal visas forced to fit the needs of the entire U.S. economy. Texas and California could be the first to succeed with pilot programs. Texas' brief legislative session saw three bipartisan bills introduced to create a state-based guest-worker visa program. The California Assembly just passed a guest-worker visa bill authored by Assemblyman Luis Alejo (D-Salinas). After noting the failure of federal immigration reform, Alejo said, "If California wants change in immigration policy, we as state officials must stand up and lead." His bill would create a guest visa work permit for unauthorized farmworkers already working in the state. None of the Texas bills would have legalized any current unlawful migrants, but they would have provided for the future entry of legal migrant workers to Texas. In both states, the bills require that the federal government grant a waiver or permission to run their own programs. That has been a stumbling block for Kansas, Utah and Colorado, which have also tried to establish their own guest-worker programs in recent years. The waivers weren't forthcoming, but Washington would have a much harder time ignoring politically powerful California and Texas, which have the two largest economies in the United States. State-based guest-worker programs admittedly bring up some potentially thorny issues. One is that migrants who enter the U.S. in one state could simply leave and work in another illegally. That problem would probably be a minor one. Only about 2% of current visa "overstays" involve guest workers, while 87% are tourists and vacationers. Guest workers are more closely regulated than tourists, and they have much more to fear from deportation, so fewer of them overstay. If, however, state guest workers do disappear, states have more flexibility to experiment with responses and prevention measures. They might make guest workers pay a bond that they forfeit if they violated the program, or levy fines against employers when their workers leave, or deduct some amount of wages to be returned when the worker leaves the U.S. as agreed. Another concern is abuse of guest workers, as has happened in the past. Allowing guest workers' visas to be tied to employment in a state rather than to specific employers would go a long way toward preventing such abuses. States are in a better position than the federal government to discover, appropriately punish and design programs to prevent worker abuse. State guest workers would not be eligible for citizenship. The Constitution unambiguously assigns naturalization — the process of becoming a U.S. citizen — to the federal government. A decentralized guest-worker visa would merely allow states to create narrow and enforceable migrant worker programs tailored to local needs. With immigration reform deadlocked on the federal level, Washington should get out of the way and let the states devise their own migration policies.

Congress immigration reform better than states

Joaquin 2014 (Linton [General Counsel of the National Immigration Law Center]; Congress, not states, should handle immigration reform; 2014; www.progressive.org/news/2013/05/182221/congress-not-states-should-handle-immigration-reform; jDUBS)

Congress should enact common-sense immigration reform to put an end to the frustration that has led to a patchwork of poorly conceived anti-immigrant laws at the state level. While a panel of U.S. senators debates how to repair the immigration

system, a federal appellate court panel seated 109 miles south in Richmond, Va., will be considering whether to allow parts of South Carolina's anti-immigrant law, modeled after Arizona's notorious SB1070, to take effect. Almost a year ago, the U.S. Supreme Court found that several key provisions of Arizona's law were unconstitutional, affirming that the federal government has supreme authority over immigration law and enforcement. Congress should exercise that authority now. Its failure to deal with the problems created by our out-of-date immigration laws led to a patchwork of harsh and discriminatory state laws sharing a common thread: to make life so miserable for immigrants that they "self-deport," a term coined by the architect of several of these state laws and made famous by Mitt Romney. Some of the provisions in these laws have included keeping undocumented immigrants from exercising their First Amendment rights, or from getting rides to work or being able to rent a house. Enforcement of the laws would certainly have subjected people of color to racial profiling. Our organization, the National Immigration Law Center, with assistance from the Mexican American Legal Defense and Educational Fund, the American Civil Liberties Union and the Southern Poverty Law Center, has challenged these laws in Alabama, Arizona, Georgia, Indiana, South Carolina and Utah.

solves organized crime

Counterplan solves organized crime

Muhlhausen and Little 7 (David B Muhlhausen PhD is a leading expert on criminal justice programs in The Heritage Foundation's Center for Data Analysis and Erica Little is a staff member at The Heritage Foundation, "Gang Crime: Effective and Constitutional Policies to Stop ViolentGangs," 6/6/07, Date Accessed: 7/13/15, <http://www.heritage.org/research/reports/2007/06/gang-crime-effective-and-constitutional-policies-to-stop-violent-gangs>, SZ)

The best way to prevent and suppress gang-related crime is to adhere to federalist principles that respect the allocation of responsibilities among national, state, and local governments. To address gang-related crime appropriately, the national government should limit itself to handling tasks that are within its constitutionally designed sphere and that state and local governments cannot perform by themselves. The national government should secure the nation's borders, deport gang members who are illegal immigrants, incarcerate them if they return to the United States illegally, and produce research and coordinate information sharing on law enforcement activities that involve interstate gang-related crime. While criminal street gangs are a problem common to all of the states, the crimes that they commit are almost entirely and inherently local in nature and regulated by state criminal law, law enforcement, and courts. For this reason, state and local governments are the most appropriate level of government to develop policies to prevent and suppress most gang-related crime. On the prevention side, Boys and Girls Clubs and multisystemic therapy have a track record of success in preventing delinquency and may be promising gang-related crime prevention programs. For gang suppression, Boston's Operation Ceasefire demonstrated that a law enforcement strategy based on generating a strong deterrent to gang violence can make a difference.

solves racial profiling

State citizenship solves for racial profiling

Markowitz 15 (Peter L. Markowitz has his J.D. from New York University School of Law. "UNDOCUMENTED NO MORE: THE POWER OF STATE CITIZENSHIP." Stanford law review 67.4 (2015): 869-915. ProQuest. Web. 7 July 2015.)//lb

Our national dialogue on immigration is stuck. Millions of individuals living without legal documentation are nonetheless deeply integrated into our economy and our families, and have become something of a semipermanent underclass. All reasonable observers agree that these individuals are largely here to stay. Nevertheless, they are unable to participate in our political process, thereby undermining our democracy, and the instability caused by their status not only visits hardships on immigrant communities but also negatively impacts our collective well-being. While a significant majority of Americans favor federal reform, including a legalization program for undocumented immigrants, Congress is unlikely to act soon. States thus have an opportunity to take the lead on the immigration issue. By adopting a broad definition of state citizenship and formally welcoming immigrant populations into state political communities, states can begin to move our national conversation forward. At the same time, they can substantially improve the lives of marginalized immigrant communities and improve the health, safety, and economies of the states as a whole.

States CP

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Text:

The 50 states and all relevant territories in the United States should collectively announce that, pursuant to all allowances in current laws, they are no longer participating in any law enforcement or surveillance activities with U.S. Immigration and Customs Enforcement. All states and local police departments should adopt an internal system of oversight for pulling drivers over and require officers to demonstrate probable cause in order to receive authorization by a supervisor conduct searches.

States can empirically pass legislation to opt out of cooperation with ICE policies

Wessler, 13 --- independent reporter in New York who has reported from across the United States, Mexico and the Caribbean on immigration, the safety net, criminal justice, poverty and the human fallout of the financial collapse (6/3/2013, Scott Freed Wessler, "Connecticut Limits Cooperation With Secure Communities," <http://www.colorlines.com/articles/connecticut-limits-cooperation-secure-communities>, JMP)

The Connecticut State Senate voted unanimously on Friday to substantially limit cooperation between local police departments and federal deportation officials. The House already approved the bill. It will now move to the governor, who has vowed to sign it. The state will be the first in the country to pass a version of the so-called Trust Act, which prohibits local authorities from detaining most non-citizens at the request of Immigration and Customs Enforcement unless the individual has been convicted of a felony or was already ordered deported.

The bill comes in response to the Secure Communities program, a federal-state data sharing program that sends finger print records from local arrests to the federal government. Though ICE has consistently claimed that it uses the program to target people with criminal convictions, over half of those removed from the country under the program were charged with no crime or a minor violation.

"It's now unanimous in Connecticut: not one more innocent person should be racially profiled and turned over to Immigration Customs Enforcement," Megan Fountain of the group Unidad Latina en Acción said in a statement. "Not one more worker should be unable to report abuse to the police."

Critics say S-Comm feeds on unaccountable local policing, including the use of racial profiling and breeds fear in immigrant communities. A recent study by a University of Illinois Chicago professor found that 44% of the 1000 immigrants and Latinos surveyed said the program made them less likely to contact cops if they are the victims of crime. Nearly 40 percent of respondents said that local immigration enforcement programs make them fearful of leaving their home.

Since the S-Comm program was first rolled out in 2008, 140,000 of the 266,000 people deported through data sharing were convicted of no criminal charge or a low-level charge. The Connecticut

legislation will limit local compliance with the program to cases involving serious convictions, as well as to people with outstanding arrest warrants, existing deportation orders, or who've been listed on federal gang and terrorism databases. The bill also permits local authorities to detain an immigrant at ICE's request if cops deem them to "present an unacceptable risk to public safety."

A version of the Trust Act has been introduced in other states, including California, where California Gov. Jerry Brown vetoed the bill last year. A more limited version has been introduced in the California state legislature. As of March of this year, 80,000 people had been deported from California through S-Comm. In the two years it's been operational in Connecticut, where Gov. Dan Malloy has said he will sign the bill into law, just 456 immigrants were removed from that state. Immigrant rights advocates say that's hundreds too many.

"This is a monumental victory for the immigrant rights movement, Ana Maria Rivera, of the New Haven group Junta for Progressive Action, said in a statement. "The fact that advocates, our Governor and the entire Connecticut legislature worked together to **send the message to ICE that we will not allow our communities to be separated** is historic."

The Connecticut bill is the second in a week in that state to protect the rights of undocumented immigrants. On Thursday, the state legislature there passed a bill that let's all residents, including those lacking immigration papers, to apply for driver's licenses.

The key variable is drawing a clear distinction between ICE and state and local police roles --- the counterplan does this

Lansdowne, 7/25/15 --- served as chief of police in San Diego, Richmond and San Jose (William, "Keep clear, separate roles for local law enforcement and ICE," <http://www.sacbee.com/opinion/op-ed/soapbox/article28641010.html>, JMP)

The tragic killing of Kathryn Steinle by an undocumented immigrant in San Francisco has drawn national attention to the relationship between local police and immigration enforcement. In my four decades in uniform and 20 years as police chief, I saw again and again politicians' temptation to respond to a singular, heart-wrenching incident with sweeping policy change. In my experience, this always does more harm than good.

In response to Steinle's senseless death, some have called for an end to policies that limit local agencies' entanglement with federal immigration enforcement, blaming San Francisco for this tragedy. In the wake of a devastating incident like this, it is difficult, yet important, to take a step back to examine why it is that so many law enforcement officers believe **it is critical to maintain clear and separate roles for local law enforcement and federal Immigration and Customs Enforcement.** Carrying out our respective roles, we keep our communities and country safe.

Helping to advance the technique of community-oriented policing is one of my proudest accomplishments in my decades of law enforcement service. Having officers meet regularly and frequently with the community members they are sworn to protect and serve is the foundational element of this proven technique. Requiring those same officers to inquire about the immigration status of a victim, witness or even a suspect dismantles the trust we are working to build and undermines our ability to investigate and prevent crime.

When police officers and sheriff's deputies are tasked with carrying out federal immigration enforcement, immigrant families – many of whom are of mixed status, with some members legal and some undocumented – understandably become fearful of any encounter with law enforcement.

This has the ill effect of making routine law enforcement duties much more difficult and in some cases impossible. A study by the University of Illinois at Chicago found that 44 percent of Latinos surveyed said they would be less likely to contact police officers if they were the victims of a crime because they feared any interaction with police might lead officers to ask about their immigration status or that of family members.

Sound policing requires trust between law enforcers and the members of the public, so that community members share information that helps prevent crimes from occurring and so that victims and witnesses come forward to help police solve crimes. For years, we saw the negative consequences when cities and counties were forced to bear the costs of complying with federal immigration policies. We learned the hard way that wedding local law enforcement agencies' work to the federal government's deportation tactics breeds deep-seated mistrust in the police.

To date, more than 320 localities throughout the country, including 50 in California, have stopped holding individuals beyond their ordinary release merely on the basis of an ICE detainer request. **Instead, sheriffs and police departments have adopted due process protections to operate within the law, reduce the risk of deterring innocent crime victims and witnesses from coming forward, and restore community trust.** In the tragic killing of Steinle, all ICE would have had to do is present San Francisco with a judicial order authorizing detention, and local authorities could legally have kept Lopez-Sanchez in custody.

Instead of using Steinle's tragic death as a vehicle to tear down smart policing policies across our state, our members of Congress should use this moment as an opportunity to ask law enforcement officials why they have worked so hard to establish trust and cooperation with immigrant communities.

Solvency --- State / Locals Key

Counterplan solves --- most profiling occurs by state and local agents

Hannon, 14 (12/8/2014, Elliot, "Justice Department Announces New Limits on Racial Profiling by Law Enforcement,"

http://www.slate.com/blogs/the_slatest/2014/12/08/new_limits_on_racial_profiling_by_law_enforcement_announced.html, JMP)

The Obama administration released a new set of guidelines on Monday aimed at curtailing the profiling of specific groups by law enforcement. The Justice Department issued the expanded rules prohibiting profiling on the basis of race, religion, national identity, gender, sexual orientation, and gender identity by federal law enforcement—such as the FBI. The new policy broadens the Bush administration's 2003 policy that banned racial and ethnic profiling, except for cases of national security. The new rules, however, "won't apply to screening at borders and airports, where Department of Homeland Security personnel have long given extra scrutiny to

people from certain countries,” the Wall Street Journal reports. “The policy also doesn’t apply to local or state law enforcement, beyond those personnel assigned to federal task forces.”

Attorney General Eric Holder ordered the review to the Justice Department policy in 2009 and the new guidelines were announced this week as local police tactics faced enormous criticism following the deaths of Michael Brown and Eric Garner. While the newly announced guidelines extend the restrictions on the use of profiling, **“[c]oncerns about racial profiling on the part of civil-liberties groups mostly have to do with traffic stops and pat-downs of pedestrians,”** according to the Journal. **“Because federal law-enforcement agents rarely engage in those activities, barring them from profiling may have little impact on how and why people are stopped in their everyday lives.”**

State and local officers commit most of the abuses

Saab, 14 --- Senior Government Relations Analyst at Deloitte (12/8/2014, Maria, “One Step Forward, Two Steps Back: DOJ Profiling Guidance Revisions Fail to Ban Profiling,” <http://www.aaiusa.org/blog/entry/one-step-forward-two-steps-back-doj-profiling-guideline-revisions-fail-to-a/>, JMP)

Holder’s new guidelines arrive during a time where law enforcement activities are under intense scrutiny. Conversations regarding immigration reform, border security, and recent events in Ferguson, MO., New York City, and Cleveland not only emphasize the need to address such activities, but also highlight how little these new guidelines will address the real issues at stake. For one thing, the changes will only apply to federal law enforcement agencies, and will not extend to local and state law enforcement officers, which have been the source of a number of related controversies. The Obama Administration hopes that the new guidelines will serve as a possible roadmap for local police to reform their own practices regarding profiling, but **this does not ultimately guarantee change on behalf of local police forces that work closely with particularly vulnerable communities.**

Solvency --- Internal Guidelines

The counterplan solves overreach and racism by police departments

Epp et. Al 14 (Charles R. Epp - Ph.D. in Political Science from the University of Wisconsin-Madison, Stephen Maynard-Moody- Ph.D. Cornell University, Ithaca, NY, and Donald P. Haider-Markel- University of Wisconsin-Milwaukee Ph.D., Political Science. *Pulled Over How Police Stops Define Race and Citizenship.* University of Chicago Press. Published in 2014.)//lb

Second, to enforce this requirement, police departments should adopt internal guidelines and systems of oversight governing the decision to make a stop and conduct investigatory intrusions that are modeled on how departments regulate uses of force.²⁶ Thus, departments should prohibit pretextual stops except when justified by an overriding public safety exigency. To oversee this guidance, departments should require officers in every stop to articulate and record their reason for the stop and departments should conduct internal reviews of these reasons. Departments should strive to make pretextual stops the rare exception rather than the common pattern. Further, a computerized search of the person’s name in crime records should be allowed only after the

legal basis for the stop is reported and recorded. These recording and oversight procedures would severely limit the use of pretext stops in the hunt for crime and deliberately so—but **this is an essential step in limiting the racial bias now so evident in investigatory stops.** The essential third step is to prohibit searches unless based on probable cause to believe a crime has been committed. Consent searches authorize unfettered police discretion to search whoever they wish, even though a driver’s consent cannot be considered freely given. Drivers told us that they felt they were “incarcerated” when pulled over and that they had no choice but to consent. Training police officers to solicit permission to search cars or persons takes undue advantage of individuals who are psychologically, if not legally, held by the police. Such consent relies on manipulation, as documented in Charles Remsberg’s police training manual.²⁷ Searches should be conducted only after receiving specific authorization by a supervisor and should be allowed on an articulation of probable cause, or, in other words, particularized evidence to believe the person has committed a crime. This evidence should be recorded and evaluated by supervisors.

AT: Can’t Solve --- USFG Forces Cooperation

Connecticut proves that’s states can pass legislation to block state and local police cooperation with ICE. That’s Wessler.

And, the only action the federal government compels state action on is the sharing of fingerprints but that is not what their internal link to the police advantage is about --- it assume other, more overt forms of local and state police cooperation.

Federal government doesn’t mandate state and local law enforcement cooperation

Linthicum & Romney, 7/19/15 (Kate Linthicum and Lee Romney, “L.A. County considers new immigration program for jails in light of S.F. slaying,”

<http://www.latimes.com/local/california/la-me-immigration-jails-20150720-story.html#page=1>,

JMP) *** Note --- **Jeh Johnson is the Homeland Security Secretary**

At the hearing, Johnson faced heavy criticism from Republicans, who asked why ICE hasn't required local agencies to comply with all aspects of the new program.

"I do not believe that we should mandate the cooperation of state and local law enforcement officials," Johnson said. "I believe that the most effective way to work with jurisdictions, particularly the larger ones, is through a cooperative effort with a program that removes the legal and political controversy."

Rep. Zoe Lofgren (D-San Jose) welcomed Johnson's approach, which she called more "respectful to local communities" than previous ICE jails programs. While Secure Communities was at times presented as a mandatory program that local officials had to comply with, **the new program acknowledges that local jurisdictions may craft their own policies about what types of criminal convictions would warrant notification,** she said.

"Somebody sitting in Washington doesn't know the details of how to do policing in San Jose or San Francisco or Chicago," she said.

For some local officials, giving ICE agents so much as a heads up on release — even for those previously convicted of violent felonies and facing new charges of violence — is unacceptable without a warrant.

"The idea of notifying undermines the interest of limiting compliance with ICE," said San Francisco Supervisor John Avalos.

10th amendment also prevents federal mandates

Asian Law Caucus, 15 (4/13/2015, ICE Out of California Implementation Act: Building Upon the California Trust Act, <http://www.slideshare.net/JenniferRojas10/ice-out-of-california-implementation-guide>, JMP)

Just like ICE holds, notification to ICE of an individual's release date is completely voluntary. **Under the Tenth Amendment, ICE is prohibited from imposing any mandatory duties on local law enforcement agencies to engage in civil immigration enforcement.** Because notification runs contrary to the purpose of the TRUST Act and creates distrust within immigrant communities, advocates should ask local law enforcement to opt out of PEP-Comm by adopting policies that refuse notification to ICE.

The Priority Enforcement Program replaced the Secure Communities program their evidence is discussing --- it is VOLUNTARY program

Ocampo, 7/20/15 --- Associate Director of Immigration at the Center for American Progress (Lizet, "Federal-Local Coordination on Immigration Enforcement: Prioritizing Public Safety," <https://www.americanprogress.org/issues/immigration/news/2015/07/20/117772/federal-local-coordination-on-immigration-enforcement-prioritizing-public-safety/>, JMP)

The recent shooting death of Kathryn Steinle in San Francisco is a tragedy. The United States must do everything in its power to avoid tragedies like this in the future. Given that the suspect was undocumented, some public figures have used this instance to ignite a debate about the U.S. immigration system. Policymakers should look at what more can be done to ensure better communication between federal and local authorities. But the furor surrounding this controversy has been sorely lacking in actual facts regarding both local cooperation with federal immigration enforcement and the role of trust in effective local law enforcement.

With the U.S. undocumented population totaling an estimated 11 million people, the U.S. Department of Homeland Security, or DHS, and U.S. Immigration and Customs Enforcement, or ICE, must determine how to prioritize their resources in order to enforce immigration law. Given that most immigrants have deep community ties—having lived in the country for more than 10 years and having made substantial contributions to both U.S. society and the economy—the Obama administration has focused on specific enforcement priorities, which include national security threats and convicted violent criminals.

As the federal government has tailored its enforcement priorities, states and localities also have a strong need to prioritize resources for the benefit of public safety. In response, **they have worked to create community trust policies:** individualized polices that determine what is best for local law enforcement agencies and the communities they serve.

The evolution of federal-local collaboration

The practice of engaging local police in federal immigration enforcement has dramatically increased in recent years. While some forms of collaboration with local law enforcement has existed for decades, the federal government has only just recently asked local police to act as enforcers of federal immigration policies. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act added Section 287(g) to the Immigration and Nationality Act, which authorized ICE to enter into agreements with state and local law enforcement in order to enforce immigration law. However, it was not until 9/11 and the ensuing heightened focus on national security that 287(g) agreements were implemented: The number of jurisdictions participating in the program jumped from eight in 2006 to 69 in 2010. This new relationship, combined with a lack of adequate training for all parties involved, began to increase concerns about racial profiling in some jurisdictions, drastically damaging trust with police.

In 2008, the George W. Bush administration began piloting the Secure Communities program, which expanded nationwide under the Obama administration. Under Secure Communities, when anyone was booked into police custody, local law enforcement were required to send fingerprints to the Federal Bureau of Investigation, or FBI, and the DHS. For those the DHS wanted removed from the country, a detainer was issued—a request that the state or local jail hold the individual for 48 hours, allowing ICE to remove them from the United States. Many of the same concerns that arose from 287(g) resurfaced with the implementation of Secure Communities, including continued concerns regarding racial profiling; undocumented individuals with minor offenses, such as traffic violations, being targeted for arrest by local police, leading to deportation; and a continued undermining of trust in police.

Entanglement can harm public safety, encourage racial profiling, and violate the Constitution

As the practice of engaging police in immigration enforcement has become more widespread, so has concern with the system itself. As law enforcement leaders have stated, requiring state and local law enforcement agencies to enforce federal immigration laws leads to communities fearing the police, undermines community trust, and leads to a decline in reported crimes, as well as the level of cooperation with law enforcement officials. For example, a 2013 study found evidence of fear and lack of trust in major cities across the country: 70 percent of undocumented individuals reported that they are less likely to contact police if they are the victim of a crime due to local police entanglement with federal immigration enforcement. And the trust concerns go beyond the undocumented population as it affects those with citizenship and the community at large. In the same study, nearly half of all Latinos said they are less likely to contact the police because they fear that officers will take the opportunity to inquire into either their immigration status or the status of people they know.

These fears are not unfounded. Past iterations of the program—namely 287(g) and Secure Communities—led to numerous deportations of individuals with deep community ties and no criminal history, as well as extensively documented racial profiling. That is why hundreds of local sheriffs and law enforcement officials support policies that limit federal-local entanglement on immigration. These community trust policies would allow police departments to work more

effectively with their communities to both solve and prevent crimes. In addition, a number of federal courts have ruled that holding someone beyond the time permitted under state law without a judicial finding of probable cause is an unconstitutional deprivation of an individual's liberty. In other words, the DHS detainer policies violate the Constitution's Fourth Amendment.

Due to the community-related and legal concerns, President Obama announced in November 2014 that Secure Communities would be **replaced with a new voluntary program** called the Priority Enforcement Program, or PEP. The Obama administration has recently begun to roll out the program.

There are several key differences between PEP and Secure Communities. In addition to sending fingerprints to the FBI and the DHS at booking, the DHS now determines if an undocumented individual is a priority for removal under **more specific and narrower enforcement priorities**. **Given the constitutional concerns, the new PEP program moves away from detainers and toward notifications**—defined as requests for local police to notify ICE 48 hours before an individual is released. Local jurisdictions can then fulfill the requests based on their local enforcement policies and priorities. If necessary, ICE has the legal avenue to ask local jurisdictions to detain individuals through a warrant, and the agency maintains the authority to detain individuals it deems a priority at any time. Additionally, in March, ICE announced new, enhanced oversight and release procedures focused on individuals that pose a public safety or national security threat.

AT: Can't Solve --- Federal Rollback

***note when prepping file --- a version of this ev is in the AT: USFG Forces Cooperation Block

Secretary of Homeland Security empirically resists GOP criticism to force more state and local cooperation. Even the impetus for rollback proves we have a strong politics link too.

Linthicum & Romney, 7/19/15 (Kate Linthicum and Lee Romney, "L.A. County considers new immigration program for jails in light of S.F. slaying,"

<http://www.latimes.com/local/california/la-me-immigration-jails-20150720-story.html#page=1>, JMP) *** **Note --- Jeh Johnson is the Homeland Security Secretary**

At the hearing, **Johnson faced heavy criticism from Republicans, who asked why ICE hasn't required local agencies to comply with all aspects of the new program**.

"I do not believe that we should mandate the cooperation of state and local law enforcement officials," Johnson said. "I believe that the most effective way to work with jurisdictions, particularly the larger ones, is through a cooperative effort with a program that removes the legal and political controversy."

Rep. Zoe Lofgren (D-San Jose) welcomed Johnson's approach, which she called more "respectful to local communities" than previous ICE jails programs. While Secure Communities was at times presented as a mandatory program that local officials had to comply with, **the new program**

acknowledges that local jurisdictions may craft their own policies about what types of criminal convictions would warrant notification, she said.

"Somebody sitting in Washington doesn't know the details of how to do policing in San Jose or San Francisco or Chicago," she said.

For some local officials, giving ICE agents so much as a heads up on release — even for those previously convicted of violent felonies and facing new charges of violence — is unacceptable without a warrant.

"The idea of notifying undermines the interest of limiting compliance with ICE," said San Francisco Supervisor John Avalos.

AT: Can't Solve --- Not Resolve Trust

CP solves --- it draws a clear distinction between federal and state and local efforts --- that is the key variable in rebuilding with local communities. That's Lansdowne.

Their ev ssumes SQ piecemeal efforts by states and localities --- the counterplan has EVERY STATE simultaneously refuse cooperation with ICE. This is clear national action that would send an unmistakable signal.

States are perceived as agents of the U.S. as a whole and the collective nature of the counterplan ensures a deeper and more sustainable relationship

Blase, Phd-Government-UT Austin 2k3 pg online @ <http://www.lib.utexas.edu/etd/d/2003/blasejm039/blasejm039.pdf>

Although what the states and cities are doing may not rise to the level of federal law, many of these policy initiatives are in harmony with domestic policy goals. Collectively, it can be argued, they serve to shape the foreign relations of the nation as a whole. Ivo Duchacek sees no difference in relations conducted by federal actors and by subnational actors. "If by diplomatic negotiation we mean processes by which governments relate their conflicting interest to the common ones, there is, conceptually, no real difference between the goals of paradiplomacy and traditional diplomacy: the aim is to negotiate and implement an agreement based on conditional mutuality."⁴⁵ Brian Hocking objects to treating the foreign relations of subnational governments as if they were something distinct from the federal level. Hocking studies what happens in federal systems when foreign policy issues become local concerns. He sets his approach apart from the complex interdependence crowd, such as Duchacek, saying that ideas such as "paradiplomacy" places subnational activities outside of traditional diplomatic patterns.

Hocking sees non-central governments as integrated into a dense web of diplomatic interactions, in which they serve more as "allies and agents" in pursuit of national objectives rather than as flies in the ointment. "The nature of contemporary public policy with its dual domestic- international features, creates a mutual dependency between the levels of government and an interest in devising cooperative mechanisms and strategies to promote the interests of each level."⁴⁶ Rather than separating the activities of non-central governments from those of central governments, Hocking's goal is to "locate" subnational governments in the traditional diplomatic and foreign policy processes initiated and carried through by the federal government.

Politics

Agency Links

Executive Action links to politics and gets rolled back

Weaver 13 (Kent, Professor at Georgetown University and a Senior Fellow in Governance Studies at the Brookings Institution, "Policy Leadership and the Blame Trap: Seven Strategies for Avoiding Policy Stalemate", March 2013

[http://www.brookings.edu/~media/research/files/papers/2013/3/29%20policy%20leadership%20blame%20weaver/weaverpolicy%20leadership%20and%20the%20blame%20trapv5032813.pdf\\CLans\)](http://www.brookings.edu/~media/research/files/papers/2013/3/29%20policy%20leadership%20blame%20weaver/weaverpolicy%20leadership%20and%20the%20blame%20trapv5032813.pdf\\CLans)

EXECUTIVE ACTION: If a hyper-partisan and divided Congress is unable to break policy stalemates, what about executive action as an alternative? There certainly are some opportunities for breaking stalemate through executive action, as President Obama showed in June 2012 when he suspended deportation of young illegal immigrants who had entered the country illegally. Additional executive action by the Obama administration has been promoted by liberal advocates of action in policy areas such as climate change, gun control home mortgage refinancing, and gay and lesbian rights. But it clearly has limitations as well: most changes taken through executive action are reversible, relatively modest, and risk being portrayed in Republican blame-generating narratives as the actions of an arrogant president who skirts the law.

Presidents are tied to agency action --- Obama will get embroiled

Wallison, 3 --- resident fellow at AEI (1/1/2003, "A Power Shift No One Noticed," <http://www.aei.org/issue/15652>)

Control over independent regulatory agencies has traditionally resided with Congress, which created all of them. The recent controversy over the Securities and Exchange Commission suggests, however, that now Congress, the White House, and the public all take for granted that the independent agencies are the president's responsibility. The political frenzy surrounding Enron's collapse and other corporate scandals may have produced--or at least exposed--a significant shift in the relationship between Congress and the White House. The efforts of congressional Democrats to pin some of the blame for the scandals on the president and the head of the Securities and Exchange Commission--and President Bush's willingness to act as though the SEC is his responsibility--may signal the end of more than a century of experimentation with independent regulatory agencies as a so-called "fourth branch" of government. History of Independent Agencies Independent agencies such as the SEC have always been regarded as "arms of Congress," outside the control of the executive branch. The president appointed the members and the chairman, but the terms for these officials overlapped presidential administrations, allowing--and encouraging--them to act without policy direction from the White House. The political fallout from the recent scandals has turned all this on its head. These independent agencies are creatures of Congress, not the Constitution. The first, the Interstate Commerce Commission (ICC), was established in 1887 to control the powerful railroad industry. Later, especially during the Progressive and New Deal eras, a number of other agencies were created, several of which still exist--including the SEC, the Federal Trade Commission, and the Federal Communications Commission. Several others, such as the Federal Power Commission and the Civil Aeronautics Board, went out of business a quarter-century ago. The ICC closed its doors in 1995. There was no clear reason, or constitutional rationale, why the duties of these bodies could not have been performed by regular executive branch departments. Presidents have expressed their unhappiness with this diminution of their authority, and some have tried to influence agency policies through the appointments process, but they have not confronted Congress on the issue. And Congress--always jealous of its prerogatives in the face of the executive branch's growing power--has never conceded that the independent regulatory agencies could take policy direction from the president. Then, in 1971, the status quo was called into question. The President's Advisory Council on Executive Organization--known as the Ash Council after its chairman, Roy L. Ash of Litton Industries--recommended that almost all of the functions of these bodies be transferred to single administrators, appointed by the president and accountable to him. The Ash Council's rationale for this reform was simple: If the president's policy control did not extend to these independent agencies, then his responsibility for them could not be clearly fixed and voters could not hold him accountable. Moreover, the president's policies, even if adopted by Congress, could be frustrated through contrary actions by the independent agencies. The Ash Council's proposal, like many reform ideas, went nowhere. There was no support in Congress for enhancing the president's power, and the Nixon administration--beset first by economic problems and then by the Watergate scandal--had no stomach for challenging Congress. (The Ash Council's report did lead, however, to the creation of the Environmental Protection Agency, headed by an administrator who answers to the president.) During the Reagan administration, however, the executive branch became more assertive. The Justice Department took the Constitution's separation of powers seriously, which by implication challenged the very legitimacy of the independent regulatory agencies. Nevertheless, because of congressional sensitivities and the continuing sense that

these bodies were quasi-judicial in nature, White House officials were warned that all contacts with the independent regulatory agencies had to be approved in advance--or actually carried out--by the White House counsel's office. The Reagan administration never seriously considered taking on Congress through a legislative proposal that would bring these independent agencies within the constitutionally established structure. The Presidential Role All this history appears to have been forgotten in the politics of 2002. The Democrats, hoping to make an election issue out of the SEC's "failure" to stop "corporate corruption," proceeded to blame a Republican president for events that were solely within the authority of the SEC. There was no indication that departments or agencies unquestionably controlled by the president had any role for policing either the securities industry or the companies under scrutiny. So if President Bush was somehow responsible for what happened at Enron, WorldCom, Tyco, and the rest, it had to be as a consequence of some presidential authority over the SEC. To be sure, the president had appointed the chairman and the other members of the SEC, but that in itself would not make him blameworthy unless one assumed that he was also directly responsible for how the SEC acted before, and after, the scandals erupted. That is the nub of the important but largely unnoticed change that has occurred: the unchallenged assumption on the part of all parties--in Congress, in the media, among the public, and even in the White House itself--that the president was fully accountable for an agency that has always been viewed as independent. The significance of this change in the grand government scheme of things can hardly be overstated. Without legislation or judicial decision, **the president has suddenly become electorally responsible for the decisions of bodies that were considered to be within the special purview of Congress, susceptible only to congressional policy direction.** Of course, this functional revolution did not give the president any new powers with respect to the independent regulatory agencies. But **the die is now cast. The way the American people look at the president's responsibilities apparently is changing, and that will affect the attitude of Congress.** If the American people believe that the president should be responsible for the actions of the SEC, it will be difficult to convince them otherwise. Significantly, since Harvey Pitt's resignation as SEC chairman in November, the media have routinely referred to the president's choice to head the SEC, investment banker William H. Donaldson, as a member of the Bush "economic team."

Independent agency action can spur a congressional backlash --- especially when it goes counter to its interests

Datla and Revesz 12 (Kirti and Richard, NEW YORK UNIVERSITY SCHOOL OF LAW PUBLIC LAW & LEGAL THEORY RESEARCH PAPER SERIES WORKING PAPER NO. 12-44 LAW & ECONOMICS RESEARCH PAPER SERIES WORKING PAPER NO. 12-23t, "Deconstructing Independent Agencies (and Executive Agencies)", August 2012 \\CLans)

The ability of agency heads to adopt policies somewhat independently of presidential monitoring and control matters only if agency heads will diverge from the President's preferences in the absence of direct presidential control. One might ask why the preferences of an agency head would ever diverge from those of the President who appointed him, given that the President presumably appoints agency heads who share his policy preferences. But the President is not the only "principal" of an agency head. Congress, political parties, regulated interest groups, and the agency staff exert influence on the agency head.²⁵⁷ Congress primarily exerts influence over agency heads (and presumably also conveys the preferences of the political parties) through the power of the purse. Thus "[an] agency has an incentive to shade its policy choice toward the legislature's ideal point to take advantage of that inducement."²⁵⁸ The preferences of members who serve on the agency's appropriations committee will presumably carry more weight than those of Congress generally. Congress also can influence agencies through hearings and legislative proposals. Political parties also influence agency heads and can cause an agency head to diverge from the President's preferences. Because agency heads tend not to retire from public life after their tenure, they therefore consider the impacts of their decisions on future career prospects.²⁵⁹ Agency heads will consider the preferences of their political party, which controls (or at least influences) their potential for advancement. Decisions that will "optimize the agency head's future stream of income and reputational benefits will not necessarily be compatible with the [P]resident's agenda at all times."²⁶⁰ Interest groups also exert influence over agency heads. The phenomenon of interest group influence is commonly referred to as agency capture. The capture thesis recognizes that because interest groups representing regulated entities tend to be overrepresented in the agency decision-making process compared to interest groups representing public interests, the outputs of agencies will tend to be biased in favor of those

interests.²⁶¹ Interest groups are overrepresented in agency decision making because they are well organized, well funded, possess an information advantage over the agency, and can offer perks such as future employment.²⁶² Finally, agency staff members are able to influence agency heads as a result of several factors. First, “government administrators will seek employment at an agency because of an ideological identification with that agency’s mission.”²⁶³ Then, as agency heads serve in their positions, they gain expertise and “adopt the preferences and perspectives of agency careerists on policy issues”—called “going native.”²⁶⁴ Finally, the agency staff simply spends more time with the agency head than the President or his advisors can.

Circumvention

Circumvention --- Agency Reconfiguration

Plan gets circumvented – rename agency and redistribute roles – how ICE was formed

US Legal, 7 (US Legal Law Digest, “United States U.S. Immigration and Naturalization”, June 3 2007, <http://lawdigest.uslegal.com/immigration/u.s.-immigration-and-naturalization/7262/#ReorganizationAfterSeptember112001>) KW

Over the years, INS was repeatedly criticized for its seemingly unmanageable bureaucracy. Border Patrol agents and INS investigators developed reputations of being undertrained and overworked. People applying for immigration benefits often encountered backlogs that stretched for years. Many suggestions were made for reorganization, but the terrorist attacks of 2001 finally precipitated major change. In the wake of September 11, INS was criticized for its failure to prevent the terrorists from entering the country. Calls for change became more strident after the revelation that several of the hijackers had received visas to come to the U.S. to attend flight-training schools.

On November 19, 2002, President George W. Bush signed legislation that established the Department of Homeland Security, a cabinet-level department. DHS encompassed 22 agencies and 190,000 employees. Along with INS, the Coast Guard and the Customs Service came under DHS jurisdiction on March 1, 2003.

Under the auspices of DHS, the U.S. Citizenship and Immigration Services (USCIS) has assumed the responsibility for administering benefits, including oversight over:

Immigrant and nonimmigrant admission to the country

Work authorization and other permits

Naturalization of qualified applicants for U.S. citizenship

Asylum and refugee processing

Immigration enforcement now comes within the purview of the Directorate of Border and Transportation Security. Duties are further divided between the Bureau of Immigration and Customs Enforcement (ICE), and the Bureau of Customs and Border Protection (CBP). ICE is responsible for the enforcement of immigration laws within the U.S. CBP is responsible for inspections of people coming to the country, and for patrolling the border. Enforcement responsibilities for ICE and CBP include:

Preventing aliens from entering the country unlawfully

Detection and removal of aliens who are living in the U.S. unlawfully

Preventing terrorists and other criminal aliens from entering or residing in the U.S.

ICE formed when another agency was dismantled – same thing could happen to ICE

Hollingsworth, 14 (Gabrielle, LegalMatch Legal Writer and Attorney at Law, “INS Reorganization”, 4/16/14, <http://www.legalmatch.com/law-library/article/ins-reorganization.html>)
KW

What Was the INS?

“INS” is an acronym for the Immigration and Naturalization Service, a U.S. agency that was dismantled in 2003. The law that formed the INS was the Immigration and Naturalization Act (INA). As a response to the 9/11 attacks on the World Trade Center, the Patriot Act made major changes to the INA in 2001. The feeling existed that the INS no longer met the needs of a society under threat of terrorism.

What Replaced the INS?

Among the changes included creating the Student and Exchange Visitor Information System (SEVIS), a computerized system to keep track of foreign students living in the US. Other changes included the 2002 Homeland Security Act and the 2002 Enhanced Border Security and Visa Entry Reform Act. These amendments mandated, for reasons of national security, that a number of federal agencies be **created, renamed, and reorganized.**

On March 1, 2003, the Immigration and Naturalization Service (INS) was dismantled and reorganized into the Department of Homeland Security (DHS). Within the DHS there are three new agencies: the U.S. Citizenship and Immigration Services (USCIS), the U.S. Immigration and Customs Enforcement (ICE), and the U.S. Customs and Border Protection (CBP).

The USCIS absorbed the former INS office administration and immigration services. ICE, the main enforcement arm of the DHS, absorbed the former U.S. Customs investigators, the Federal Protective Service, and the Federal Air Marshal Service. And CBP absorbed the former INS and Customs Inspectors, the Department of Agriculture, and the Border Patrol.

As a result of these changes, the U.S. immigration agencies are now more “enforcement-oriented,” meaning that they aim to help increase the security of the U.S., while protecting U.S. citizens from terrorism within their borders.

Even small changes to names causes them to be considered new agencies

MCALEENAN and RAGSDALE 14 (KEVIN K. MCALEENAN Acting Deputy Commissioner U.S. Customs and Border Protection Department of Homeland Security and DANIEL H. RAGSDALE Deputy Director U.S. Immigration and Customs Enforcement Department of Homeland Security. “Authorizing Customs and Border Protection and Immigration and Customs Enforcement.” April 8, 2014
<http://www.ice.gov/doclib/news/library/speeches/140408ragdale.pdf>) KW

With the creation of DHS, the enforcement and service functions of INS and the U.S. Customs Service were absorbed into the Directorate of Border and Transportation Security, including U.S. Customs, Bureau of Border Security, and Bureau of Citizenship and Immigration Services. In 2003, President George W. Bush submitted a reorganization plan for DHS, renaming the Bureau of Border Security the Bureau of Immigration and Customs Enforcement and the Customs Service the Bureau of Customs and Border Protection. In 2007, DHS changed the name of the

Bureau of Customs and Border Protection to U.S. Customs and Border Protection and the Bureau of Immigration and Customs Enforcement to U.S. Immigration and Customs Enforcement.

History proves the agencies always change but immigration control only gets stronger

Allgov ND— (provides up-to-date news about more than 340 departments and agencies of the U.S. government, <http://www.allgov.com/departments/department-of-homeland-security/us-immigration-and-customs-enforcement-ice?agencyid=7352>). WM

Immigration first became a political issue in the late 19th Century as waves of European and Asian immigrants flooded into the US. After the Civil War, some states started to pass their own immigration laws, which prompted the Supreme Court to rule in 1875 that immigration was the responsibility of the federal government, not the states. To solidify this duty, US officials created the Office of the Superintendent of Immigration within the Treasury Department in 1891. This office was responsible for admitting, rejecting and processing all immigrants seeking admission to the United States and for implementing national immigration policy. Legislation in March 1895 upgraded the Office of Immigration to the Bureau of Immigration and changed the agency head's title from Superintendent to Commissioner-General of Immigration. Also during the 1890s, the legendary immigration station at Ellis Island in New York opened and became the nation's largest and busiest immigrant-processing center well into the 20th Century.

In 1906, Congress passed the Basic Naturalization Act which established naturalization procedures that have endured until today. The act encouraged state and local courts to relinquish their jurisdiction over immigrants to federal courts, and it expanded the Bureau of Immigration into the Bureau of Immigration and Naturalization.

Seven years later, in 1913, the Department of Commerce and Labor reorganized into today's separate cabinet departments, and for a time, the Bureau of Immigration and Naturalization followed suit, each becoming a separate bureau, one for immigration, one for naturalization.

After World War I, immigration into the US again rose, prompting Congress to act once more by instituting the national-origins quota system. Laws passed in 1921 and 1924 limited the numbers of newcomers by assigning a quota to each nationality based upon its representation in previous US census figures. Each year, the State Department issued a limited number of visas; only those immigrants who had obtained them and could present valid visas were permitted entry. Because of the limitations that the quota system imposed on immigration, illegal attempts to enter the US first began to occur. Illegal entries and alien smuggling occurred along land borders, so Congress created the Border Patrol in 1924 within the Immigration Service. Stricter immigration policies coupled with Border Patrol apprehensions resulted in the bureau getting involved in deportations.

In 1933, Congress decided to remarry immigration and naturalization into one agency, creating the Immigration and Naturalization Service (INS). With war brewing in Europe in the 1930s, immigration took on greater importance, especially with fears of fascist spies entering the country. President Franklin D. Roosevelt moved the INS from the Department of Labor to the Department of Justice in 1940. The task of securing American borders against enemy aliens became a key duty of the INS during WWII, causing it to double in size, from approximately 4,000 to 8,000 employees.

Following the attack on Pearl Harbor by Japan in December 1941, national fears about foreign-born citizens and residents erupted. In response, President Roosevelt signed an executive order

that forced thousands of Japanese-Americans living on the West Coast to live in internment camps. The INS played a role in this forced relocation, setting up internment camps and detention facilities

In the post-war era, immigration concerns shifted from those of European descent to those entering the US from Latin America and Asia. In 1965, Congress amended federal immigration law by replacing the national-origins system with a preference system designed to reunite immigrant families and attract skilled workers. Although the number of immigration visas available each year was still limited, Congress continued to pass special legislation, as it did for Indochinese refugees in the post-Vietnam era of the 1970s.

The Immigration Reform and Control Act of 1986 expanded the INS's responsibilities, making it more of a modern-day law-enforcement agency. The act charged INS with enforcing sanctions against American employers who hired undocumented aliens. This meant the INS was now investigating, prosecuting and levying fines against corporate and individual employers and deporting aliens found to be working illegally in the US. Also during the 1980s, anti-immigrant movements began to rise, focusing mostly on Hispanic immigration in the American Southwest. This backlash continued into the 1990s with the passage of initiatives in California that sought to ban social services to illegal immigrants and eliminate bilingual education in public schools.

The terrorist attacks of Sept. 11, 2001, shifted the immigration debate in a different direction. Upon learning the hijackers of commercial airliners that crashed into the World Trade Center and the Pentagon were non-US citizens who had slipped into the country despite some of them already being on terrorist “watch lists,” federal officials decided to make dramatic changes in government operations overseeing domestic security and immigration. As part of the formation of the Department of Homeland Security in 2003, the INS was changed into the US Citizenship and Immigration Services, while the US Customs Service became the US Customs and Border Protection agency. Furthermore, the law enforcement arms of the former INS and Customs Service were folded into the newly created Immigration and Customs Enforcement (ICE) in order to “more effectively enforce our immigration and customs laws and to protect the United States against terrorist attacks,” according to ICE. Almost overnight, ICE became the second largest law enforcement agency in the country, next to the FBI.

Immigration Northwestern

Topicality

States

Immigration is handled at local and state level not entirely by the federal government

Harvard Law Review 2015, “Policing Immigrant Communities,” Harvard Law Review, 4/10/ 15, 128 Harv. L. Rev. 1771

Enforcement by Federal Delegation. — Immigration enforcement is the prerogative of the federal government, but Congress has defined circumstances under which the federal government may delegate immigration-enforcement authority to state and local police. The biggest federal delegation program, the 287(g) program, allows the Attorney General to grant immigration enforcement authority to state and local police departments that sign Memoranda of Understanding (MOU) with Immigration and Customs Enforcement (ICE). These MOUs allow state and local police to enforce civil immigration laws so long as they participate in ICE training, agree to ICE supervision, and abide by certain ICE rules.

States have their own laws for immigration independent of the federal government.

Harvard Law Review 2015, “Policing Immigrant Communities,” Harvard Law Review, 4/10/ 15, 128 Harv. L. Rev. 1771

(b) Enforcement by State Authority. — States and cities often enforce federal immigration laws — and their own immigration policies — without federal authority. States, at times joined by the federal government, claim an “inherent authority” to enforce federal criminal laws. The purported authority stems from the Tenth Amendment: one sovereign has the authority to assist another sovereign in arrests and, since states retain their sovereignty under the Constitution, they have the power to arrest for violations of federal criminal law. Additionally, states often enact laws that target immigrants and allow officers to regulate immigration. For instance, many states have “human smuggling” laws that prohibit transporting consenting unauthorized immigrants into the state. Others restrict undocumented-immigrant employment. Arizona, for instance, amended its identity theft laws to criminalize the use of false information to get a job, whether the identity belonged to a “real or fictitious person.” And some states and cities target the jobs that immigrants can get. Together, inherent arrest authority and independent state laws mean police target and detain suspected immigrants and their communities without the authorization or oversight of the federal government.

Federalism Answers

Immigration Federalism Bad

Curtailing the States power to make immigration laws good

Stella Burch **Elias 2013**, Associate Professor of law, University of Iowa, “The New Immigration Federalism,” Ohio State Law Journal, 12/06/2013, <http://moritzlaw.osu.edu/students/groups/oslj/files/2013/12/6-Elias.pdf>

The Supreme Court’s recent immigration preemption doctrine effectively precludes states passing their own anti-unauthorized-immigrant “immigration” laws. Although some state legislators may fear that this curtailment of their lawmaking powers will herald a permissive era of amnesty and laissez-faire acceptance of undocumented immigrants, all available evidence suggests that the opposite is true. Under the Obama Administration, federal immigration authorities have carried out record numbers of deportations, with over 400,000 immigrants removed from the United States in 2009 and 2010, and with the Department of Homeland Security set to deport two million immigrants by 2014—approximately the same number of immigrants who were deported in the 105 years from 1892 to 1997.¹⁰⁹ Despite this extraordinary record of immigration enforcement activity, since President Obama took office, according to the National Conference of State Legislatures, a record number of immigration-related laws were passed by state governments, including thirty-seven pertaining to state participation in immigration enforcement.¹¹⁰ State engagement with the enforcement of federal immigration laws excluding individuals from entry to the United States is not a new phenomenon,¹¹¹ but state involvement grew exponentially in the early years of the twenty-first century.¹¹² This growth involved a plethora of state laws authorizing direct enforcement of federal “immigration laws,” whether under so-called 287(g) agreements with ICE delegating authority to do so,¹¹³ or under independent state initiatives such as Arizona’s S.B. 1070.¹¹⁴ At the same time a wide range of exclusionary “alienage” laws pertaining to the treatment of immigrants were introduced, limiting immigrants’ access to housing, employment, or language, and effectively serving an indirect enforcement function.¹¹⁵

Solvency deficit--- States strongly support anti-immigrant laws

Raquel **Aldana 08**, Willam S. Boyd School of Law and University of Nevada, Las Vegas, February 2008, Vol 41, No. 3, http://lawreview.law.ucdavis.edu/issues/41/3/rights-remedies/41-3_Aldana.pdf

Since the events of 9/11, anti-immigrant groups like the Federation of American Immigration Reform (FAIR) and the U.S. English-Only, Inc. have been supporting or promoting local efforts to pass anti-immigrant ordinances or include them as propositions in key local elections.²⁵⁶ In 2006 alone, at least seventy-eight state immigration related bills were approved in thirty-three states.²⁵⁷ These ordinances range from denying the undocumented basic worker protections to restricting their access to higher education and other state benefits, such as denying them driver’s licenses, barring them from congregating as day laborers, and prohibiting them from speaking Spanish.²⁵⁸ The ordinances also include housing and employer restrictions, such as the 2006 Hazleton, Pennsylvania anti-immigrant ordinances that sought to bar the undocumented from taking jobs, renting apartments, or engaging in other commercial transactions. These housing and employer ordinances would have required employers, landlords, and businesses to monitor the immigration status of workers and tenants. They also sought to impose both civil and criminal penalties on employers, landlords, or businesses that violated the restrictions.

Local communities plan to add more officers in immigration raids

Raquel **Aldana 08**, Willam S. Boyd School of Law and University of Nevada, Las Vegas, February 2008, Vol 41, No. 3, http://lawreview.law.ucdavis.edu/issues/41/3/rights-remedies/41-3_Aldana.pdf

One thing is certain: like federal enforcement, local immigration enforcement will be characterized as regulatory in nature, particularly when the consequences continue to be nonpenal. In Hazleton, undocumented tenants and workers will be forced out of workplaces and homes, and possibly reported to immigration agencies, but not prosecuted per se. Nevertheless, these consequences are all extremely harsh, and criminal prosecution, as in the federal immigration enforcement context for such crimes as identity theft and fraud, remains a strong possibility.

An interesting parallel exists between these new anti-immigrant ordinances and attempts by local police to regulate disorder among the homeless and poor. For many generations, local police enforced laws criminalizing public order offenses, such as vagrancy, loitering, and public drunkenness, until the courts stepped in to declare them unconstitutional under doctrines such as the prohibition against status crimes.³⁰⁰ These legal challenges, however, encouraged the proliferation of order-maintenance policies that replaced criminal with administrative enforcement, namely through property regulation tools like zoning laws.³⁰¹ Here again, the relaxed criminal safeguards in the context of administrative law enforcement has made it possible for these measures to survive judicial scrutiny at a significant “cost of rights.”³⁰² Local anti-immigrant ordinances, such as those in Hazleton, if successful, have the potential to exponentially multiply the number of law enforcement officers involved in immigration raids, and are likely to suffer from similar “costs of rights,” including to the Fourth Amendment.

Despite public backlash states strongly support restrictive immigration laws

Shannon K. **O’Neil 13**, Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director of the Civil Society, Markets, and Democracy Program, 2013, " TWO NATIONS INDIVISIBLE MEXICO, THE UNITED STATES, AND THE ROAD AHEAD,"

States took up the call—most vocally in Arizona. Facing a tough reelection fight in 2010, Governor Jan Brewer did not hesitate as she signed the Support Our Law Enforcement and Safe Neighborhoods Act, or Arizona SB 1070. The law required police officers to check people’s immigration status if there was a “reasonable suspicion” that they might be here illegally, and made it a crime not to have official identification on hand. In defending the bill, Brewer assured constituents that it would protect U.S. citizens “against a relentless and daily barrage of narco-terrorist drug and human smugglers.”¹⁶

Public outrage immediately spilled forth. Rallies around the country denounced the bill, with protesters carrying signs saying “Stop the hate” and “What does illegal look like?” Opponents warned that now WWH—“walking while Hispanic”—would be a crime. **Yet counter rallies also occurred, with placards declaring “Arizona got it right” and “Adiós illegals.”** Opinion polls revealed strong backing for the law, and similar initiatives began to work their way through other state legislatures across the country, passing in Georgia, Alabama, Indiana, and South Carolina.¹⁷

State Flexibility Now

Immigration federalism curtails the states' ability to make immigration laws

Stella Burch **Elias 2013**, Associate Professor of law, University of Iowa, "The New Immigration Federalism," Ohio State Law Journal, 12/06/2013, <http://moritzlaw.osu.edu/students/groups/oslj/files/2013/12/6-Elias.pdf>

State and local "alienage" laws designed to welcome, integrate, and include immigrants play an increasingly important, but hitherto underexplored role in U.S. immigration law and policy. While some states have developed exclusionary statutes and regulations pertaining to immigrants, especially undocumented immigrants, other states and localities—including individual localities within immigrant-exclusionary states—have promulgated laws designed to foster the inclusion and integration of all immigrants into their local communities.¹⁹⁴ It is not possible to discuss in this Article all of the myriad inclusionary measures adopted in different locales throughout the United States. This Part therefore focuses on two examples of local and state immigrant-inclusionary provisions that have proliferated since the mid-1990s: (1) so-called sanctuary laws, designating areas (usually cities) as "sanctuaries" from immigration enforcement and providing all residents, regardless of immigration status, with equal access to local governmental services; and (2) in-state tuition initiatives and other measures designed to provide immigrant youth with equal access to higher education. This Part argues that while the new immigration federalism curtails states' and localities' ability to engage in immigrant-exclusionary lawmaking, it simultaneously creates opportunities for states and localities to promulgate laws designed to foster immigrant inclusion.

Econ Answers

Immigration Bad for Mexican Econ

Immigration steals innovation and economic benefits from Mexico

Shannon K. **O’Neil 13**, Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director of the Civil Society, Markets, and Democracy Program, 2013, " TWO NATIONS INDIVISIBLE MEXICO, THE UNITED STATES, AND THE ROAD AHEAD,"

Mexican immigrants’ time in the United States has helped to debunk the facile stereotypes of the PRI days, including views of Mexico’s northern neighbor. Nearly six in ten Mexicans see life as better in the United States; for those with friends and relatives up north the number is even higher. Today over half of Mexicans have a favorable opinion of the United States, near Spain and Britain.⁸³

Yet Mexico’s widespread and long-standing migration to the United States has had its drawbacks as well. Over six hundred thousand (or about a sixth) of all Mexican college degree recipients and roughly half of all PhD holders reside in the United States.⁸⁴ Here, U.S. gains are Mexico’s losses, as these professionals make their careers, start their businesses, and contribute to communities far away from their native land. Economists call this phenomenon “**brain drain**”—an exodus of talent from the very countries that need it most.

Remittances too are not an unqualified benefit. The money sent back to families divides small towns between the haves and the have-nots. The influx of dollars to migrants’ hometowns can drive up local prices, making it harder for those that remain to make ends meet. This pushes even more to migrate, perpetuating a cycle that ensures survival, but not development.

Open borders hurts Mexican Economy

Nonie **Darwish 2013**, “IS ILLEGAL IMMIGRATION GOOD FOR MEXICO?,” Frontpage Magazine, 6/18/2013, <http://www.frontpagemag.com/fpm/193700/illegal-immigration-good-mexico-nonie-darwish>

If the huge number of illegal immigrants from Mexico was good for Mexico as a nation, then how come its economic, political and security conditions have not improved over the years, but instead have steadily deteriorated? The steady absorption of the bottom of Mexican society by the US has deprived Mexico of its motivation to improve its economy and to become a government that serves the welfare and living conditions of its poor and unemployed. Why should Mexico work hard on improving conditions for the poor and unemployed if America is doing the job for them?^a It is not easy for any nation to be located on the border with a giant economic super power like the United States. This situation tempts smaller nations to exist like small fish living off the crumbs and leftovers of a giant whale.^a The situation in both Mexico and the US is unnatural and self-defeating, leaving Mexico stagnant and unmotivated to improve and meet the needs of its citizens. Groups in America who claim moral superiority for being on the side of open borders and absorbing all illegal aliens because they have big hearts are in fact absolving the Mexican government of its duty toward its citizens and economy and are contributing to the internal problems of Mexico and the United States. In the long run, we are not doing Mexico a favor with our open borders, but we are crippling them and robbing them of the healthy functioning of their nation.^a The US should immediately end the politicization of the immigration issue not only for the sake of America, but also for the sake of Mexico. We need a sane immigration policy that respects US sovereignty and that helps Mexico become more responsible as an independent nation to end its sluggish economy and political corruption.^a The sovereignty of both the US and Mexico has been compromised under the status quo, which is unsustainable. Either we control the US border or say goodbye to both US and Mexican sovereignty as two separate nations.

Immigration prevents Mexico from improving its economy

Bill Ong **Hing 2011**, Professor of Law at the University of San Francisco, "Mexico's Economy Is the Problem That Anti-Immigrant Laws Won't Solve," Huffington Post Politics, 05/ 25/ 2011, http://www.huffingtonpost.com/bill-ong-hing/mexicos-economy-is-the-pr_b_829377.html

Everyone agrees that we need immigration reform. For years, Congress has attempted to strike a principled balance between greater enforcement and a fair way to adjust the status for the 10 to 12 million undocumented immigrants in the country. However, even immigrant rights advocates must acknowledge that legalization will not solve undocumented migration permanently. An expansion of visas will certainly help, but if the package does not include at least the first steps toward helping Mexico improve its economy and infrastructure, undocumented Mexican migration will continue, and the tension over undocumented migration will resurface down the road. To truly understand undocumented migration, we have to do what Americans have thus far been unwilling to do: Look beyond the simple explanation that migrants cross the border in search of work. We have to ask why they cannot find what they want in Mexico. In 1994, we were told that NAFTA would solve the undocumented problem because new jobs would be created in Mexico. But NAFTA ultimately contributed to huge job losses in Mexico. Mexican corn farmers could not compete with heavily-subsidized U.S. corn farmers, and now Mexico imports most of its corn from the U.S. Because of globalization, 100,000 jobs in Mexico's domestic manufacturing sector were lost from 1993 to 2003. Where do those unemployed workers look for work? El Norte.^e An economic turnaround in Mexico is central to solving the undocumented migration challenge in the United States. Conservatives should understand that. And liberals should recognize that reducing undocumented migration is in Mexico's interest as well; the persistent loss of able-bodied workers needed to build its infrastructure and economy only hurts Mexico. All of us understand that economic investment in Mexico will not and, probably, should not be done without close monitoring.

Relations Answers

Relations High

US/ Mexico relations high now --- NAFTA proves

Enrique Peña Nieto **2015**, President of Mexico, “Why the U.S.-Mexico Relationship Matters,” Politico, 1/ 06/ 2015, <http://www.politico.com/magazine/story/2015/01/us-mexico-relationship-enrique-pea-nieto-113980.html#.VaqtpCpViko>

Our countries have an intense economic relationship that is spread over a myriad of areas. Since the beginning of my administration, I have worked with President Barack Obama to create bilateral mechanisms that harness the full potential of our relationship. We are already seeing concrete results from the High Level Economic Dialogue (HLED), the Mexico-U.S. Bilateral Forum on Higher Education, Innovation and Research (FOBESII), the Mexico-U.S. Entrepreneurship and Innovation Council (MUSEIC) and the 21st Century Border Action Plan of 2014. We are steadfast in our belief that the continuous promotion of bilateral trade is a win-win situation for both our countries. Mexico is the third largest trading partner of the U.S., just behind China and Canada. Total bilateral trade between us amounted to more than \$500 billion during 2013. Our exports to the U.S. have increased significantly since NAFTA entered into force, with roughly 80 percent of them coming to this country. Meanwhile, U.S. exports to Mexico in 2013 were \$226 billion, up 443 percent since 1993. In fact, Mexico buys more U.S. goods than all of the BRICS combined—and nearly as much as the entire European Union. Moreover, 5.9 million U.S. jobs depend on trade with Mexico. Even Mexican exports benefit the American economy: 40 percent of the value of Mexican exports to the U.S. contains American inputs. By 2020, Mexico will have the capacity to build one in every four vehicles in North America, up from one in six in 2012. Additionally, Mexico has begun to invest in high technology exports; we have become the leading exporter of flat screen televisions in the world, the fourth largest computer exporter and a growing pioneer in the aerospace industry. We are interlinked.

The Mexican population's approval rate of the US is at its highest since '09

Juliana Menasce **Horowitz 13**, Senior Researcher at Pew Global Attitudes Project, 5/1/2013, "How Mexicans See America," <http://www.pewglobal.org/2013/05/01/how-mexicans-see-america/>

When U.S. President Barack Obama travels to Mexico this week, he will encounter a Mexican public that has far more positive attitudes about the United States than at any time in the last several years.

America’s image south of the border fell sharply in 2010, when Arizona passed a “show me your papers” law aimed at identifying, prosecuting and deporting immigrants who are in the U.S. illegally. But Mexican views have rebounded since then, and U.S. favorability ratings are now at their highest point since 2009. The prospects for U.S. immigration reform may be, at least in part, the source of renewed Mexican approval of their neighbor to the north.

A new Pew Research Center poll found that 66 percent of Mexicans have a favorable opinion of the U.S., up 10 percentage points from a year ago and up 22 points from May 2010, immediately following the enactment of Arizona’s immigration law. The last time America’s image was as strong among Mexicans was in 2009, when 69 percent said they had a favorable opinion.

Drug War Alt Cause

Alt cause drug wars--- plan can't solve--- fuels bad relations and misunderstandings between the two governments

David **Shirk 13**, Associate Professor at University of San Diego and Director of the Justice in Mexico Project, 5-4-13, "U.S.-Mexico Relations Complicated, Conditioned By Drug War," <http://www.npr.org/2013/05/04/181053775/u-s-mexico-relations-complicated-conditioned-by-drug-war>

SCOTT SIMON, HOST:

In many ways, the relationship between the U.S. and Mexico is complicated and conditioned by the long and the bloody war on drugs. It's difficult to say exactly how many people have been killed in that war, but Mexican media have estimated that around 70,000 people have died since 2006; many thousands more have been disappeared. The United States has been closely involved, providing money, technology and intelligence to the Mexican government.

But Mexican President Enrique Pena Nieto has begun to back away from the U.S. And this week, his administration said they would limit its contacts with American agencies. David Shirk is an associate professor at the University of San Diego. He studies the U.S.-Mexico relationship, and joins us in our studios. Thanks so much for being with us.

DAVID SHIRK: Thank you for having me.

SIMON: How closely has the United States been involved?

SHIRK: In the last 12 years, and especially the last six years, have really been a high-water mark in U.S.-Mexico collaboration, particularly on security issues. Levels of trust are so high that we have had the opportunity to fly drones in Mexico, we have agents operating in direct collaboration with their Mexican counterparts, we've seen record levels of extradition. So, the collaboration is at a much higher level of intensity than we've ever seen before - or has been, at least over the last six years or so.

SIMON: And has U.S. involvement been helpful?

SHIRK: That's a great question. I think it has been, depending on what you consider to be success. We have not seen violence go down. We have not necessarily seen the flow of drugs diminish. We have not seen necessarily an overall reduction in corruption in Mexico. But you can look at tactical successes. The dismantling of major organized crime groups, the target of specific organized crime figures has been accomplished over the last several years, thanks to this very high level of collaboration.

SIMON: So, why would President Enrique Pena Nieto be eager to reduce that cooperation?

SHIRK: Well, I'm not sure that the idea is necessarily to reduce collaboration so much as to reshape the dynamics of collaboration. I think that's probably how the Pena Nieto administration would portray this. For one thing, the Pena Nieto administration is trying to move away from the security policies that were employed by the Calderon administration. So, these efforts to go after high-level targets and to dismantle drug-trafficking organizations is diminishing as a priority of the Mexican government. And what they have emphasized instead is promoting citizen security.

I think that the Pena Nieto administration thinks that you had a real problem with the lack of coordination under the Calderon administration. And their idea, in the Pena Nieto government, is to try to tighten up and centralized the mechanisms of coordination and cooperation with the United States. And I think that's a deliberate attempt to vet and control whatever types of cooperation we're going to see between the U.S. and Mexican government.

SIMON: Well, that raises an issue that I think you've even touched on in some of your writings. Has this been, in many ways, a drug war that's been an American war conducted over the border?

SHIRK: I think that there are a lot of people who would agree with that idea. And in some ways, you can see that the drug war, as it's played out over the last 34 years, in particular as a U.S. proxy war. That said, over the last six years, working with Mexico, U.S. officials have consistently tried to let Mexico set the agenda. U.S. officials that I spoke to, repeatedly - and Mexican officials - repeatedly expressed the understanding that Mexico and the United States were working together because they had a shared responsibility to deal with the problem of drug trafficking and organized crime. But I think U.S. officials are really waiting to see whether they will be able to cooperate with the Pena Nieto administration and in what areas. Because there is some sense that the trust and collaboration that was built up over the last six years is at least on hold, if not in recession.

SIMON: It seems to me - I've spoken with Mexicans, who, to deal in shorthand, are sick of the drug wars and sick of the cartels and blame them for thousands of deaths, and yet at the same time, in some ways, they blame Americans for being the market for those drugs.

SHIRK: Yeah, I think that's true. I mean, first of all, I think many Mexicans are tired of having their country portrayed as a lawless, violent and corrupt place. That said, I also think that, for many Mexicans, this incredible fight that they've made over the last six years to try to take on organized crime has not yielded major gains in stopping the flow of drugs in even necessarily breaking down some of the major cartels that operate in Mexico. So, there is a sense that they've made all of this effort and it's primarily to prevent U.S. drug consumers in engaging in an illicit market activity. I think some Mexicans may simply say this is not worth the effort. This is not our fight. Let's let the drug traffickers get back to business as usual and we can get on with our lives.

Other/Random

AT: Cartels Impact

Mexico is resilient--- drug cartels can't make a failed state

Pamela K. **Starr 09**, director of the U.S.-Mexico Network and Associate Professor of International Relations at USC April 2009, "Mexico and the United States: A Window of Opportunity?," <http://www.pacificcouncil.org/document.doc?id=35>

This suggests that violence and insecurity on the Mexican side of the U.S. southern border will persist in the years ahead and occasionally spill over into American territory. That does not mean, however, that Mexico is likely to become a “failed state” as many have recently argued. The Mexican state is relatively strong, albeit with important pockets of profound institutional weakness. The reach of the federal government—from tax collection to poverty programs—is felt throughout the country. Unlike the Taliban, the Mexican cartels have no interest in overthrowing the Mexican state but instead, like any businessmen, simply want to reduce state intervention in their economic enterprise. And unlike Pakistan, Mexico lacks the sharp regional, ethnic, and religious divides that feed the formation of anti-state political actors. This balance of power obviously has not prevented the crime syndicates from controlling a large number of municipalities; corrupting politicians and law enforcement officials; killing policemen, state prosecutors, and federal police officials; and sowing fear and insecurity in several key border towns. Nor does it preclude the possibility of occasional unpleasant surprises, like the assassination of high ranking government officials. But **it limits the likely reach of their influence and thereby suggests that while the violence will persist in the years ahead, the cartels are not well positioned to threaten the stability and survival of the Mexican state.**

Offcase

DA Link---Surveillance K2 Border Control

Surveillance and interoperable databases are key to extensive border control

Anil **Kalhan 14**, Associate Professor of Law at Drexler University and chair of the New York City Bar Association's International Human Rights Committee, "Immigration Surveillance," 74 Md. L. Rev. 1,
<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr>

Far from being a clear, fixed line that is coextensive with the territorial border, the picture of the migration border that emerges is a worldwide, pointillist archipelago of layered boundary points, both fixed and mobile. New immigration surveillance technologies are what make this reconfiguration of the migration border possible. To police this deterritorialized boundary, federal immigration authorities cooperate and coordinate with an enormous number of public and private actors—both within and outside the United States—to collect, analyze, store, and share biometrics and other personal information, to identify individuals, to monitor and control mobility, and in some instances to detain individuals or otherwise restrain their liberty. Interoperable database systems help to create and make possible these broader assemblages, which “integrate and coordinate otherwise discrete surveillance regimes” in both “temporary configurations [and] in more stable structures”—thereby **connecting and integrating** the vast array of actors and institutions involved in immigration governance.²⁴⁸

Disease DA

Immigration control conducts medical examinations for immigrants and prevents the introduction of diseases into the U.S.

Anil **Kalhan 14**, Associate Professor of Law at Drexler University and chair of the New York City Bar Association's International Human Rights Committee, "Immigration Surveillance," 74 Md. L. Rev. 1,
<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr>

Public Health Surveillance. Public health officials have also implemented systems to conduct **disease surveillance on noncitizens** who have entered the United States. Individuals long have been inadmissible on certain public health-related grounds, and Congress has required individuals seeking admission to undergo medical examinations in their countries of origin before being issued immigrant visas or being admitted as refugees. **Individuals seeking to enter as nonimmigrants can be required to undergo medical examinations upon arrival at ports of entry.**²¹¹ To implement these inadmissibility provisions and the statutory obligation to **prevent communicable diseases** from being introduced and transmitted within the United States, the Centers for Disease Control and Prevention has established the Electronic Disease Notification system, which collects and stores health information on these individuals and transmits that health information to state and local public health authorities and refugee resettlement authorities when noncitizens with certain specified health conditions enter their jurisdictions.²¹²

The US-Mexico border is a gateway for contagious diseases--- curtailing surveillance sends Michelle **Weinberg 03**, Division of Global Migration and Quarantine, January 2003, "The U.S.-Mexico Border Infectious Disease Surveillance Project: Establishing Binational Border Surveillance," http://wwwnc.cdc.gov/eid/article/9/1/02-0047_article#comment

The 2,000-mile U.S.-Mexico border is one of the world's busiest international boundaries. An estimated 320 million people cross the northbound border legally every year (1). The U.S.-Mexico border is a unique region where the geopolitical boundary does not inhibit social and economic interactions nor the transmission of infectious diseases among residents on each side of the border. Some border cities (such as El Paso and Ciudad Juarez) are separated by a short distance and serve as one large metropolitan area for the local community (Figure 1). From an epidemiologic perspective, the border population must be considered as one, rather than different populations on two sides of a border; pathogens do not recognize the geopolitical boundaries established by human beings. The border region has a population of approximately 11 million people (2), many of whom cross the border daily to work, shop, attend school, seek medical care, or visit family and friends (3,4). The border population also includes persons who pass transiently through the region and others who come the area to work in maquilas, the border factories. The region has experienced tremendous population growth. During 1993–1997, the U.S. border population grew by 1.8% annually, more than double the national U.S. average of 0.8%, while the Mexican border population has grown by 4.3% per year, almost three times the national Mexican annual growth rate of 1.6% (2,5). Population growth has been spurred by increased economic opportunities after the North American Free Trade Agreement was implemented in 1994. Currently, an estimated 3,300 maquilas, employing >1 million workers, are located along the border (6,7). The proliferation of border factories has generated a wave of internal migration of persons from other regions of Mexico and Central America toward the border (8).

From Mexico's perspective, the border encompasses some of the country's most economically prosperous states. In contrast, the U.S. border region is among the poorest areas in the United States, with >30% of families living at or below the poverty level (8). Along the Texas border, an estimated 350,000 or more people live in 1,450 unincorporated areas known as colonias, which lack adequate sanitation infrastructure (8).

The large population movement, limited public health infrastructure, and poor environmental conditions contribute to increased incidence of certain infectious diseases (8–11) Analysis of data from the U.S. National Notifiable Diseases Surveillance System for 1990 through 1998 showed increased risks for certain foodborne, waterborne, and vaccine-preventable diseases in U.S. counties within 100 kilometers of the border, compared with nonborder states. These data show a two- to fourfold greater incidence of hepatitis A, measles, rubella, shigellosis, and rabies and an eightfold greater incidence of brucellosis in border counties than in nonborder states (11). Studies have identified the importance of cross-border movement in the transmission of various diseases, including hepatitis A (12,13), tuberculosis (14–18), shigellosis (19), syphilis (20), Mycobacterium bovis infection (21), and brucellosis (22,23).

Despite the high prevalence of infectious diseases and increasing movement of people across the borders, no surveillance system had been established to assess the border population as a geographic unit. Gaining an accurate picture of public health needs was limited by the following factors. First, the surveillance case definitions used for public health reporting in Mexico and the United States are different. Also, laboratory confirmation is often unavailable in the Mexican border states, and therefore reported cases of infectious diseases are defined primarily by clinical findings. In contrast, for the many notifiable diseases in the United States, laboratory confirmation is required, and U.S. surveillance is heavily based on laboratory reporting. This system likely underestimates the true incidence rates. In the past, the two countries have exchanged limited border surveillance data. However, these differences diminish the usefulness of national surveillance data for developing a comprehensive, regional understanding of infectious disease epidemiology in the border areas. A consistent binational perspective is essential to effectively control and prevent the transmission of infectious diseases that move easily through the geopolitical boundary.

The Border Infectious Disease Surveillance (BIDS) project was designed to bridge this surveillance gap by forming partnerships among institutions in both countries serving the region and bringing together each country's complementary experiences in syndromic and laboratory-based surveillance. This report describes the establishment of a binational surveillance system for hepatitis and febrile exanthems along the U.S.-Mexico border.

Illegal Immigration DA

Border Security Reduces illegal immigration

Manuela **Angelucci 11**, Ph. D development economist, 7/29/11, "U.S. Border Enforcement and the Net Flow of Mexican Illegal Migration" <http://www-personal.umich.edu/~mangeluc/EDCC-enforcement.pdf>

This paper contributes to the existing literature on Mexican illegal migration to the United States and its border enforcement by estimating the effect of enforcement on the net flow of undocumented migrants. Border enforcement increases migration costs, reducing the inflow of illegal migrants and increasing their human capital. The marginal effect of enforcement is a positive function of enforcement for the inflow but a constant or decreasing one for the outflow. Thus, as enforcement increases in the time period considered, it becomes more effective at reducing the net flow of illegal migrants. This evidence of high and rising migration costs that select a better pool of illegal migrants provides a rationale for Chiquiar and Hanson's findings that Mexican migrants who live in the United States in the 1990's and 2000's are not negatively self-selected: as the costs get higher, low human capital individuals are prevented from migrating.

Visas CP

Visa programs like the CP solve and provide remittances

Melissa **MacNeil 8**, Discussion of the Validity of a Guest Worker Program in the United States, "Discussion of the Validity of a Guest Worker Program in the United States", http://digital.library.unt.edu/ark:/67531/metadc86950/m2/1/high_res_d/macneil-melissa.pdf

Migration flows follow certain patterns, and governments develop policy responses based on the type and duration of migratory flows. The aim of most new immigration policy implemented in Western countries is to curb illegal migration. Several authors have outlined plans that would curb illegal migration and are pertinent to the discussion of a guest worker program because most involve provisions that could be remedied by such a program. Martin and Straubhaar argue that to slow migration, governments on both sides of the issue must maximize the migration experience by ensuring payoffs with the "three R's," which are recruitment of workers, remittances to family members in emigration areas, and a return to the country of origin when the migrant has earned his targeted amount (Martin & Straubhaar, 2002). These three factors ensure that the migrant maximizes savings potential, and rather than settle in the immigration area they return to their country of origin with more social capital and thus power within the community. As remittances are an important component of ensuring that the rotation model of migration functions effectively, the benefits of remittances must be maximized. Currently, emigrant communities are not benefiting up to their potential from the remittances sent by migrant workers because there is not enough competition from money transfer agencies, which keeps the costs of transfer low. Countries with high rates of emigration have not effectively implemented programs to encourage small investments of remittance money, and the governments themselves do not effectively appropriate remittance revenue into long-term investments (Martin & Straubhaar, 2002).

Trade CP---1NC

The United States federal government should decrease restrictions on trade between the United States and Mexico

Releasing protectionist policies boosts the Mexican economy--- motivates Mexicans to stay

Pamela K. **Starr 09**, director of the U.S.-Mexico Network and Associate Professor of International Relations at USC April 2009, "Mexico and the United States: A Window of Opportunity?," <http://www.pacificcouncil.org/document.doc?id=35>

Evidence of dysfunction in the U.S. immigration system is so bountiful and varied that policymakers and advocates from all points of view agree that the **current system is broken**. An effective, multifaceted reform of immigration law is obviously the ideal longterm response despite the disagreements over detailed provisions and sequencing that produced a stalemate in 2007. Despite President Obama's promise to take up the issue before the end of 2009, however, it remains unclear that a broad legislative effort on immigration will rise to the top of Washington's agenda in 2009 or even 2010, given competing priorities in domestic policy, such as health care, and the need to address the economic crisis. **But that does not mean nothing can be done**.

If the United States is serious about reducing migration from Mexico, it should help Mexico create the **500,000 new jobs needed each year** to employ new entrants into the Mexican job market. This effort should target the above mentioned **aid programs** to the regions in Mexico that have only recently begun to send migrants to the United States. Since the culture of migration is apt to be less well-developed in these new sending regions, **job creation can be a more powerful motivation to stay home than in regions where migration has already become a way of life**. This effort could also include expanded loan guarantees provided by the Overseas Private Investment Corporation. The most important U.S. policy tool for helping to create jobs in the Mexican economy, however, is not aid but **fairer trade**. Although reducing existing protection in the midst of an economic crisis is evidently not feasible, **new protectionist impulses must be averted**. Keeping the U.S. economy open to competitive Mexican exports and reducing subsidies on U.S. exports to Mexico, meanwhile, are essential medium-term policy reforms. And while trade alone is not a development or an anti-poverty program, it is hard to imagine how a country such as Mexico, where trade accounts for 30 percent of national production, can prosper in an increasingly protectionist environment. The United States must internalize the reality that if Mexico cannot export its goods to its main trading partner, it is destined to **continue exporting labor instead**.

Trade CP---Solves Immigration

Trade and economic relations stop negative immigration and foster effective ties between the US and Mexico

Oscar **Montealegre 13**, M.A. in International Relations at University of Westminster and contributing writer at Diplomatic Courier, 1/25/13, " U.S.-Mexico Relations: Love Thy Neighbor," <http://www.diplomaticcourier.com/u-s-mexico-relations-love-thy-neighbor/>

It is not common knowledge that Mexico is the United States' **third largest trading partner**, behind Canada and China. Every day, at least a **billion dollars of goods flows across the border**. Yet, Mexico is frequently negatively caricaturized, primarily with images of migrants illegally crossing the border into the U.S. and stealing U.S. jobs. Instead of viewing Mexico as a valuable partner that can benefit the U.S. in many facets, it is perceived as a liability, a region that cultivates corruption and violence and is the root of the current U.S. immigration 'problem' that has spurred controversial rogue measures like Arizona's SB 1070.

In matters of foreign policy, Mexico is an afterthought—our attention and resources are diverted to the Middle East or to grand strategies based on 'pivoting' our geopolitical and economical capacity towards Asia. With the U.S. economy performing at a snail-like pace, an emphasis on exports has re-emerged, but the bulk of the exporting narrative revolves around Asia. This is unfortunate, because our neighbor to the south has quietly positioned itself to be the **next jewel in the emerging markets portfolio**.

For example, Market Watch (a Wall Street Journal subsidiary) recently published a bullish article on Mexico with the following headline: "Mexico: Investor's New China". The Economist published an opinion piece titled "The Global Mexican: Mexico is open

for business”, highlighting Mexican companies that are investing locally and in the U.S. and arguing that Mexico is fertile ground for more investment, especially in the manufacturing sector. And according to The Financial Times, BRIC countries (Brazil, Russia, India, and China) are no longer the flavor of the month; Mexico is now taking over that distinction.

In essence, immigration and the drug trade will no longer anchor the relationship between the U.S. and Mexico; instead, economics, finance, trade, and commerce will dictate the terms between the neighboring countries.

However, in order to move forward, undoubtedly the elephant in the room must be addressed promptly. Immigration—although the topic is polarizing, it is imperative that President Obama tackles this issue steadfastly and in the most bi-partisan manner possible. It can be seen as one-sided that the onus is on the U.S., while Mexico gets carte blanche in its contradictory policy with their border patrol methods towards Central American migrants entering through Guatemala. True, but when you are world’s super power, not all is fair in love and war.

Fortifying borders, beefing up security, creating walls that divide the two countries that mimic uncomfortable parallels between Israel and Palestine should not be the main focus. With the world becoming more flat, the emphasis in tackling the immigration quagmire should be trade and commerce. Engagement, interaction, and the exchange of ideas should be the picture we want to paint. We should not foster the argument that an open border policy and a global business paradigm will compromise American jobs and bite into our distinctive American competitiveness.

The reason Mexicans cross the border illegally into the U.S. is because of one desire: opportunity. If Mexico develops a lasting robust economy, Mexicans will no longer desire to come to the U.S. in such droves. According to Nelson Balido, President of the Border Trade Alliance, this already occurring: “Mexico’s economy has, for the most part, weathered the worst of the economic downturn, meaning that more young Mexicans can reasonably seek and find work in their patria rather than heading north.”

A strong American economy is extremely favorable for Mexico. Turn the tables a bit, and ponder what it means for the U.S. when a Mexican economy is robust and stable—more export possibilities for the U.S.; more investment from the U.S. to Mexico, and vice versa, creating a win-win situation. Less need for Mexicans to leave their homeland and look for jobs in the U.S.

Sounds familiar? The characteristics of many vibrant emerging markets such as China, Indonesia, Brazil, and India, are occurring right next door. Why go East when we can venture South? Or perhaps, approach both simultaneously. According to a Nomura Equity Research report, Mexico in the next decade will surpass Brazil in being Latin America’s largest economy. When comparing Mexico on a GDP per capita basis, Mexico happens to be less developed than Argentina, Chile, and Brazil. This might sound negative, but in actuality it should be music to investors’ ears: more catching up for Mexico, meaning more investment and business activity.

Moreover, Mexico’s economy is highly interconnected with the U.S. economy. Currently, Mexico sends almost 80 percent of its exports to the U.S., and roughly 50 percent of its imports are from the U.S. Manufacturing costs in Mexico are once again competitive compared to China. Ten years ago, China’s labor costs were four times cheaper than Mexico, but with labor wages in China inflating, Mexico now has a comparative advantage because its proximity to the U.S. Shipping cargo across the Pacific can be more expensive and arduous, versus trucking cargo from northern Mexico and delivering to Wisconsin in a matter of days.

However if the U.S. administration continues to close the borders, the exchange of commerce between Mexico and the U.S. will suffer due to setbacks of just getting goods to cross the border. Luckily, NAFTA is already in place, but both parties (and Canada) can do more to cut red tape and streamline the movement of trade and commerce.

States CP

Banning state immigration laws relieves the economy

Shannon K. **O’Neil 13**, Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director of the Civil Society, Markets, and Democracy Program, 2013, " TWO NATIONS INDIVISIBLE MEXICO, THE UNITED STATES, AND THE ROAD AHEAD,"

Local laws too have had deleterious effects. Early in 2011, Georgia passed a strict new immigration law to “relieve” it of the burdens of illegal aliens. As the start date approached, immigrant farm workers fled Georgia’s famous peach orchards and Vidalia onion fields. Searching for a solution, the governor asked farm owners to hire parolees. 34 The experiment ended almost as soon as it started, as nearly all quit within the first day, claiming the work was too hard. One participant observed, “Those guys out here weren’t out there thirty minutes and they got the bucket and just threw them in the air . . . They just left, took off across the field walking.” By mid-June, Georgia farmers were desperate for help; there were eleven thousand vacant field-hand positions, and the economy had already lost hundreds of millions of dollars. 35

More comprehensive studies reaffirm this anecdotal evidence. A study by University of Alabama researcher Samuel Addy estimates the combined effects of lost sales and income taxes (somewhere between US\$80 million and US\$350 million) and the fall in aggregate demand from lost consumers (eighty-five thousand unauthorized immigrants, roughly 5 percent of the state’s workforce) from Alabama’s restrictive immigration laws could shrink the state’s annual GDP by up to US\$11 billion (6 percent). 36 Studies by the Center for American Progress and the University of Arizona have found that deporting unauthorized immigrant workers would have a similar effect in California and Arizona respectively. 37 A different study by the Americas Society / Council of the Americas suggests that restrictive laws hurt rather than help local employment in the long run. 38

Privacy K Links

The problems of immigration surveillance revolve around the right of privacy and individual interests

Anil **Kalhan 14**, Associate Professor of Law at Drexler University and chair of the New York City Bar Association's International Human Rights Committee, “Immigration Surveillance,” 74 Md. L. Rev. 1,

<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr>

Immigration surveillance demands reassessment of the interests at stake when personal information and travel history are collected, maintained, analyzed, and disseminated for purposes related to immigration control and the mechanisms to protect those interests. 304 The proliferation of zones where immigration control activities take place—and where detailed information on individuals and their migration and mobility histories is collected and subsequently aggregated, stored, and disseminated—carries a range of social costs. 305 While it is entirely appropriate to collect, maintain, and disseminate personal information for immigration control purposes in some contexts and subject to certain constraints, both individuals and society as a whole have legitimate interests in preserving zones in which these immigration surveillance activities do not take place and in making sure that when they do take place those activities are appropriately limited and constrained.

To some extent, those interests are individual interests, stemming from the value of preserving individual anonymity or quasi-anonymity more generally and the individual harms that can result when individuals’ migration and mobility are routinely tracked and detailed information is

maintained.³⁰⁶ But they also arise from a broader set of social concerns that surveillance and information privacy scholars have increasingly recognized as important. These social interests—for example, preventing coercive or excessive aggregations of unrestrained government power—often have less to do with the particular information being collected in any given instance than with the harms that can arise from the means of surveillance and information management.³⁰⁷ In recent decisions, the Supreme Court has signaled a willingness to give greater weight to these kinds of interests than they have traditionally received.³⁰⁸

Their Aldana evidence recut says privacy rights for immigrants should be recognized

Raquel **Aldana 08**, Willam S. Boyd School of Law and University of Nevada, Las Vegas, February 2008, Vol 41, No. 3, http://lawreview.law.ucdavis.edu/issues/41/3/rights-remedies/41-3_Aldana.pdf

Finally, privacy rights for immigrants should be recognized, despite their constructed illegality, because there are compelling policy reasons for protecting privacy in certain spaces.³³¹ In the workplace, for example, immigration raids have devastated employers, the wellbeing of small towns, and the economic well-being of the entire nation.³³² The reality is that immigrant workers dominate certain industries, including agriculture and meatpacking plants like that of Swift & Co. “Ridding” the country of twelve million undocumented workers through raids is not only unrealistic but incredibly disruptive.

Border DA

1NC Shell

Border Patrol is effective in keeping illegal immigrants out

Lynnette **Curtis 10**, 9-5-10, "Border Patrol finds success in curbing illegal immigration, targets Las Vegas," <http://www.reviewjournal.com/news/border-patrol-finds-success-curbing-illegal-immigration-targets-las-vegas>

For some Border Patrol agents, boredom has replaced illegal immigration as Public Enemy No. 1. That is a good thing, said Chris Van Wagenen, a supervisory agent, as he steered his SUV past cotton fields near the Colorado River in late August.

"It's been a very hard battle to get where we are," he said. "We've gone from getting killed to having things handled."

In the last several years, the Yuma sector's border with Mexico has transformed from one of the busiest, most dangerous hot spots for illegal crossings to practically sleepy.

The U.S. Border Patrol now considers the sector, which includes 126 miles of U.S.-Mexico border, to be under "operational control," and it is a model for other sectors that line the border.

This unprecedented level of control has allowed Yuma to branch out and focus more of its efforts on areas within its sector but farther from the border, including a city 300 miles away that officials say has become a hub for human and drug smuggling from Mexico.

U.S. Border Patrol agents recently descended upon that city -- Las Vegas -- where they raided several bus stations, arrested 31 suspected illegal immigrants and angered some in the Hispanic community.

Curtailing border control allows criminals to enter the U.S.

Albaro **Tutasig 14**, Worker's Institute Research Fellow at Cornell University, 9-8-2014, "IMMIGRATION: A NATIONAL SECURITY THREAT?," <http://cuslar.org/2014/09/08/immigration-a-national-security-threat/>

The argument that undocumented immigration is a threat to the security of the United States is also supported by the criminal activities that accompany the increasing number of people immigrating to the United States—in particular the rising numbers of individuals crossing the U.S.-Mexican border. According to a Congressional Research Service report released in August 2012, revealed that over a 33-month period, about 159,000 undocumented immigrants were arrested by local authorities, but released shortly after. The report also showed that nearly one-sixth of previous detainees were arrested for crimes, mostly drunk-driving offenses, drug-crimes and felonies. In 2012, Republican Rep. Lamar Smith of Texas, then chairman of the House judiciary committee, criticized of what detractors have called a "catch and release" immigration policy: "Rather than protect the American people he was elected to serve, President Obama has imposed a policy that allows thousands of illegal immigrants to be released into our communities." ICE claimed the policy was aimed at focusing limited resources on apprehending dangerous criminals.

ISIS terrorists reside in Ciudad Juarez

Lauren **Carroll 14**, PolitiFact staff writer and major in Political Science from Duke University, 9-17-2014, "Is ISIS in Mexico and planning to cross the border?," <http://www.politifact.com/truth-o-meter/statements/2014/sep/17/trent-franks/isis-mexico-and-planning-cross-border/>

With the Islamic State of Iraq and Syria growing in the Middle East, nearly half of Americans think the country is less safe than it was before Sept. 11, 2001, according to a recent poll.

Some Republicans have expressed concern that the southern border is so porous, members of the extremist group could slip into the United States from Mexico. And a few have said such a plot is already in the works -- but federal agencies don't agree.

Rep. Trent Franks, a Republican from Arizona, said his state faces an imminent threat in a recent phone conference with conservative nonprofit Staying True to America's National Destiny. BuzzFeed picked up Franks' comment, and it made its way around the Internet.

"It is true, that we know that ISIS is present in Ciudad Juarez or they were within the last few weeks," Franks said. "So there's no question that they have designs on trying to come into Arizona. The comment that I've made is that if unaccompanied minors can cross the border then certainly trained terrorists probably can, too. It is something that is real."

Several other politicians have made similar claims, including Texas Gov. Rick Perry, Rep. Lou Barletta, R-Pa., and Sen. Marco Rubio, R-Fla. And the claims are spreading around conservative online media, like the Daily Caller, Breitbart News and pundit Sean Hannity at Fox News.

Drug cartels export terrorists across the border

Judicial Watch 2015, non-partisan educational foundation promoting transparency, accountability and integrity in government, politics and the law, 4-14-2015, "ISIS Camp a Few Miles from Texas, Mexican Authorities Confirm,"

<http://www.judicialwatch.org/blog/2015/04/isis-camp-a-few-miles-from-texas-mexican-authorities-confirm/>

ISIS is operating a camp just a few miles from El Paso, Texas, according to Judicial Watch sources that include a Mexican Army field grade officer and a Mexican Federal Police Inspector.

The exact location where the terrorist group has established its base is around eight miles from the U.S. border in an area known as "Anapra" situated just west of Ciudad Juárez in the Mexican state of Chihuahua. Another ISIS cell to the west of Ciudad Juárez, in Puerto Palomas, targets the New Mexico towns of Columbus and Deming for easy access to the United States, the same knowledgeable sources confirm.

During the course of a joint operation last week, Mexican Army and federal law enforcement officials discovered documents in Arabic and Urdu, as well as "plans" of Fort Bliss – the sprawling military installation that houses the US Army's 1st Armored Division. Muslim prayer rugs were recovered with the documents during the operation.

Law enforcement and intelligence sources report the area around Anapra is dominated by the Vicente Carrillo Fuentes Cartel ("Juárez Cartel"), La Línea (the enforcement arm of the cartel) and the Barrio Azteca (a gang originally formed in the jails of El Paso). Cartel control of the Anapra area make it an extremely dangerous and hostile operating environment for Mexican Army and Federal Police operations.

According to these same sources, "coyotes" engaged in human smuggling – and working for Juárez Cartel – help move ISIS terrorists through the desert and across the border between Santa Teresa and Sunland Park, New Mexico. To the east of El Paso and Ciudad Juárez, cartel-backed "coyotes" are also smuggling ISIS terrorists through the porous border between Acala and Fort Hancock, Texas. These specific areas were targeted for exploitation by ISIS because of their understaffed municipal and county police forces, and the relative safe-havens the areas provide for the unchecked large-scale drug smuggling that was already ongoing.

Mexican intelligence sources report that ISIS intends to exploit the railways and airport facilities in the vicinity of Santa Teresa, NM (a US port-of-entry). The sources also say that ISIS has “spotters” located in the East Potrillo Mountains of New Mexico (largely managed by the Bureau of Land Management) to assist with terrorist border crossing operations. ISIS is conducting reconnaissance of regional universities; the White Sands Missile Range; government facilities in Alamogordo, NM; Ft. Bliss; and the electrical power facilities near Anapra and Chaparral, NM.

Nuclear terror is feasible and likely – high motivation

Matthew **Bunn '15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, “Reducing the risks of nuclear theft and terrorism,” from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 419-420

But we now live in an age that includes a few groups intent on inflicting large-scale destruction to achieve more global objectives. In the 1990s, the Japanese terror cult Anni Shinrikyo first sought to buy nuclear weapons in Russia, then to make them themselves, before turning to biological weapons and the nerve gas they ultimately used in the Tokyo subways. ¶ Starting also in the 1990s, al Qaeda repeatedly sought nuclear materials and the expertise needed to make them into a nuclear bomb. Ultimately, al Qaeda put together a focused program reporting directly to Ayman al-Zawahiri (now head of the group), which progressed as far as carrying out crude but sensible conventional explosive tests for the nuclear program in the desert of Afghanistan. ¶ The killing of Osama bin Laden and the many other blows against al Qaeda have surely reduced the risk that al Qaeda could put together and carry through a nuclear bomb project. But by how much? The core organization of al Qaeda has proved resilient in the past. There is every reason to believe Al-Zawahiri remains eager to inflict destruction on a nuclear scale. Indeed, despite the large number of al Qaeda leaders who have been killed or captured, nearly all of the key players in al Qaeda's nuclear program remain alive and at large - including Abdel Aziz al-Masri, an Egyptian explosives expert who was al Qaeda's “nuclear CEO.” No one knows what capabilities a secret cell of al Qaeda may have managed to retain or build. And regional affiliates and other groups in the broader violent Islamic extremist movement — particularly some of the deadly Pakistani terrorist groups — may someday develop the capability and intent to follow a similar path. ¶ North Caucasus terrorist groups sought radiological weapons and threatened to sabotage nuclear reactors. There is significant, though less conclusive, evidence that they sought nuclear weapons as well — particularly confirmation from senior Russian officials that two teams were caught carrying out reconnaissance at Russian nuclear weapon storage sites, whose very locations are a state secret. ¶ More fundamentally, with at least two, and probably three, groups having gone down this path in the past twenty-five years, there is no reason to expect they will be the last. The danger of nuclear terrorism will remain as long as nuclear weapons, the materials needed to make them, and terrorist groups bent on large-scale destruction co-exist.

Terrorism causes extinction---hard-line responses are key

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation, July 2013, "Strategic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented

fashion. That, coupled with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage. They may act on their own, or they may act as proxies for nation-states that wish to duck responsibility. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of technology trends means that small numbers of people can obtain incredibly lethal power. Now, for the first time in human history, a small group can be as lethal as the largest superpower. Such a group could execute an attack that could kill millions of people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even to drive the human race to extinction. Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. A real defense will require rebuilding our military and intelligence capabilities from the ground up. Yet, so far, strategic terrorism has received relatively little attention in defense agencies, and the efforts that have been launched to combat this existential threat seem fragmented. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

Add-Ons

The US-Mexico border is a gateway for contagious diseases--- curtailing surveillance allows for disease breakout in the U.S.

Michelle **Weinberg 03**, Division of Global Migration and Quarantine, January 2003, "The U.S.-Mexico Border Infectious Disease Surveillance Project: Establishing Binational Border Surveillance," http://wwwnc.cdc.gov/eid/article/9/1/02-0047_article#comment

The 2,000-mile U.S.-Mexico border is one of the world's busiest international boundaries. An estimated 320 million people cross the northbound border legally every year (1). The U.S.-Mexico border is a unique region where the geopolitical boundary does not inhibit social and economic interactions nor the transmission of infectious diseases among residents on each side of the border. Some border cities (such as El Paso and Ciudad Juarez) are separated by a short distance and serve as one large metropolitan area for the local community (Figure 1). From an epidemiologic perspective, the border population must be considered as one, rather than different populations on two sides of a border; pathogens do not recognize the geopolitical boundaries established by human beings. The border region has a population of approximately 11 million people (2), many of whom cross the border daily to work, shop, attend school, seek medical care, or visit family and friends (3,4). The border population also includes persons who pass transiently through the region and others who come the area to work in maquilas, the border factories. The region has experienced tremendous population growth. During 1993–1997, the U.S. border population grew by 1.8% annually, more than double the national U.S. average of 0.8%, while the Mexican border population has grown by 4.3% per year, almost three times the national Mexican annual growth rate of 1.6% (2,5). Population growth has been spurred by increased economic opportunities after the North American Free Trade Agreement was implemented in 1994. Currently, an estimated 3,300 maquilas, employing >1 million workers, are located along the border (6,7). The proliferation of border factories has generated a wave of internal migration of persons from other regions of Mexico and Central America toward the border (8).

From Mexico's perspective, the border encompasses some of the country's most economically prosperous states. In contrast, the U.S. border region is among the poorest areas in the United States, with >30% of families living at or below the poverty level (8). Along the Texas border, an estimated 350,000 or more people live in 1,450 unincorporated areas known as colonias, which lack adequate sanitation infrastructure (8).

The large population movement, limited public health infrastructure, and poor environmental conditions contribute to increased incidence of certain infectious diseases (8–11) Analysis of data from the U.S. National Notifiable Diseases Surveillance System for 1990 through 1998 showed increased risks for certain foodborne, waterborne, and vaccine-preventable diseases in U.S. counties within 100 kilometers

of the border, compared with nonborder states. These data show a two- to fourfold greater incidence of hepatitis A, measles, rubella, shigellosis, and rabies and an eightfold greater incidence of brucellosis in border counties than in nonborder states (11). Studies have identified the importance of cross-border movement in the transmission of various diseases, including hepatitis A (12,13), tuberculosis (14–18), shigellosis (19), syphilis (20), Mycobacterium bovis infection (21), and brucellosis (22,23).

Despite the high prevalence of infectious diseases and increasing movement of people across the borders, no surveillance system had been established to assess the border population as a geographic unit. Gaining an accurate picture of public health needs was limited by the following factors. First, the surveillance case definitions used for public health reporting in Mexico and the United States are different. Also, laboratory confirmation is often unavailable in the Mexican border states, and therefore reported cases of infectious diseases are defined primarily by clinical findings. In contrast, for the many notifiable diseases in the United States, laboratory confirmation is required, and U.S. surveillance is heavily based on laboratory reporting. This system likely underestimates the true incidence rates. In the past, the two countries have exchanged limited border surveillance data. However, these differences diminish the usefulness of national surveillance data for developing a comprehensive, regional understanding of infectious disease epidemiology in the border areas. A consistent binational perspective is essential to effectively control and prevent the transmission of infectious diseases that move easily through the geopolitical boundary.

The Border Infectious Disease Surveillance (BIDS) project was designed to bridge this surveillance gap by forming partnerships among institutions in both countries serving the region and bringing together each country's complementary experiences in syndromic and laboratory-based surveillance. This report describes the establishment of a binational surveillance system for hepatitis and febrile exanthems along the U.S.-Mexico border.

Tuberculosis can breakout between the borders and develop resistant forms

Betsy **McKay 13**, Atlanta Bureau Chief for The Wall Street Journal, 3-8-2013, "Risk of Deadly TB Exposure Grows Along U.S.-Mexico Border,"

<http://www.wsj.com/articles/SB10001424127887323293704578336283658347240>

To be sure, the actual number of cases in the U.S. and Mexico is still small and the rates of multidrug-resistant TB—or MDR—are nowhere near as severe as India, China, or Eastern Europe, where drug-resistant TB is at epidemic proportions. In 2011, the most recent year available, Mexico had 467 MDR-TB cases, the World Health Organization estimates, while the U.S. had 124, according to the Centers for Disease Control and Prevention. Almost half of the U.S. cases came from California and Texas. Health officials say it is crucial to jump on prevention now, because the disease is transmitted airborne and can spread quickly.

"We're all connected by the air we breathe," said Thomas Frieden, director of the CDC, and a TB expert who successfully battled a major outbreak of multidrug-resistant TB in New York City in the 1990s, then spearheaded India's TB-fighting program for the World Health Organization.

Gonzalo Garcia has struggled with drug-resistant tuberculosis while living in Tijuana. He doesn't know when he contracted the disease.

In its drug-resistant forms, TB can still be fatal, and the treatment may be painful, requiring up to two years or more of medication and potentially months of isolation. Costs are steep too; according to a recent CDC study, treatment on average in the U.S. was about \$140,000 and ran as high as \$700,000.

For health officials, the challenge of trying to control an airborne disease along an area as large as the U.S.-Mexico border is enormous. More than 150 million people cross the border each year. Many, like Mr. Garcia, go back and forth to work, or to play, with visas that allow short trips in the border region. Two CDC quarantine

stations sit along the border to deal with health concerns. "TB is the most common disease we get called about," said Steve Waterman, chief of the CDC's U. S.-Mexico unit in the agency's Division of Global Migration and Quarantine.

The U.S.-Mexico border is "not like the Berlin Wall," said David Shirk, director of the Trans-Border Institute at the University of San Diego. "It's one region." That means people live on one side of the border and run a business on the other, and shoppers from both countries frequent the same malls, he said.

In the Mexican state of Baja California, officials are treating three cases of XDR-TB, a rare but severe form of the disease in which a patient's TB is resistant both to the two most potent drugs for treatment as well as some drugs used to treat drug-resistant TB, said Dr. Laniado-Laborin. Six new cases of this type were reported in the entire U.S. in 2011.

North of the border, in San Diego, the overall TB rate is around twice the U.S. national average. Los Angeles is grappling with its worst TB outbreak in a decade, and police have been reminded to use face masks when encountering those who are sick. "You can learn from San Diego how things could play out in the heartland of America," says Richard Kiy, chief executive of International Community Foundation, a public foundation that supports treatment of drug-resistant TB patients at Dr. Laniado-Laborin's clinic and elsewhere in Baja California.

Officials say that when drug-resistant cases show up in the U.S., there is often a Mexico connection. Of San Diego's 14 multidrug-resistant TB cases between 2007 and 2011, half were either from Mexico or had a Mexico link based on the particular strain of the disease, said Kathleen Moser of the county's Health & Human Services Agency, which sees many patients who live and work on both sides of the border.

Part of the problem, of course, is that Mexico's rate of TB infection is much higher—in some cases 10 times higher. The resistant strains begin to breed, experts say, when doctors there give patients similar drug regimens over and over. Other times, patients who aren't supervised closely abandon treatment before they are cured.

UQ

Border security is effective--- 84% of illegal crossings are prevented

Brad **Plumer 13**, Senior Editor at Vox and former reporter for the Washington Post, 6-21-2013, "Border security is the key to immigration reform. So how do we measure it?,"

<http://www.washingtonpost.com/news/wonkblog/wp/2013/06/21/border-security-is-the-key-to-immigration-reform-so-how-do-we-define-it/>

1) At the moment, the U.S. government considers border security in the Southwest about **84 percent "effective."**

It was only last year that the nine Border Patrol sectors along the Southwest border finally standardized their metrics for how effectively they were securing the border. The results are laid out in a 2012 report from the Government Accountability Office:

Each sector measures three things: "Apprehensions" are the portion of border-crossers who are caught and detained. "Turn backs" are people who had either climbed a fence or crossed the border but were sent back to Mexico. "Got aways" are, well, border-crossers who made it through without getting caught.

These numbers are thought to be reasonably accurate, says Rebecca Tallent, the director of immigration policy for the Bipartisan Policy Center. The Border Patrol will use cameras and other evidence to get a rough count for "turn backs" and "got aways." Workers at the Yuma sector, for instance, will comb the desert every morning and count footprints in the sand to see who slipped through in the night. That said, they're still rough estimates. It's very possible that other border-crossers are slipping by undetected.

In 2011, the GAO reports, border security along the Southwest was thought to be about 84 percent effective. That is, 16 percent of attempts to cross the border were successful — which amounted to about 85,000 people getting through. Another 61.3 percent resulted in apprehensions. And 22.7 percent of attempts were turned back.

Now, effectiveness varied by sector — the Yuma sector, which is very well-staffed, had an effectiveness rate of 93.7 percent. By contrast, border security in the Rio Grande Valley sector was just 70.8 percent effective. Here's a map of the sectors, via the BPC's Matt Graham:

Link

Terrorists will exploit open entrances in the border.

Todd **Steinmetz 11**, Homeland Security Analyst at EWA/IIT, Fall 2011, “Mitigating the Exploitation of U.S. Borders by Jihadists and Criminal Organizations,” <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1124&context=jss>

History demonstrates that terrorists search for security gaps and invent creative ways to exploit them. In fact, terrorists rely on security weaknesses to operate effectively. International terrorist groups know that criminal organizations in Central and South America maintain well-established networks that enable them to smuggle large quantities of narcotics and people across America's southern border. Terrorists could use these illicit criminal networks to smuggle weapons, chemicals, biological contaminants, and/or explosives into the United States. As Zapata County, Texas Sheriff Sigifredo Gonzalez observed:

"If smugglers can bring in tons of marijuana and cocaine at one time and can smuggle twenty–thirty persons at one time, one can just imagine how easy it would be to bring in two to three terrorists or their weapons of mass destruction... chances of apprehension are very slim."³¹

Terrorists also know that large segments of both the northern and southern border remain relatively unsecured. It is a known fact that several radical international Islamic groups maintain significant operations in Central and South America and engage in money laundering, drug trafficking, arms dealing, and other legitimate and illegitimate means to funnel millions of dollars every year into the hands of transnational terrorists.³²

Drug cartels in the border practice terrorist tactics--- decapitations and skinning

Carrie F. **Cordero 13**, Director of National Security Studies in the Georgetown University Law Center, “Breaking the Mexican Cartels: A Key Homeland Security Challenge for the Next Four Years,” <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2211&context=facpub>

The homeland security community has been forced to steadily increase its engagement on the issue of how the U.S. legal and policy framework should address the Mexico Situation. The traditional view has been to treat the Mexican drug cartels⁴ like criminal organizations—that is, primarily as a law enforcement issue. But, in recent years, the drug cartels have stretched beyond the Italian mafia model; their activities increasingly are more similar to those of international terrorist organizations and insurgencies as defined by the laws of war. According to Steven C. McCraw, Director of the Texas Department of Public Safety and a former FBI Agent, the Mexican Situation is both a public safety and national security issue.⁵

[The cartels] use military and terrorist tactics and weaponry ... They employ horrific tactics to intimidate their adversaries and the public such as decapitations, acid baths, skinning people alive, torture and Improvised Explosive Devices and they have expanded their criminal operations to profit from kidnappings, robberies, human trafficking, extortions, and theft We continu[e] [to] see multi-ton drug loads seized throughout Texas.⁶

In line with McCraw's description, events of recent years have made clear that the citizens of Mexico live in terror. Murder, torture, kidnappings, and extortion are the daily goings-on in Mexico at the direction of the cartels.⁷ The average Mexican citizen, law enforcement official, or local public official, may no longer have a

choice whether or not to cooperate with the cartels. When the choice is to cooperate, or face death of oneself or one's family, there really is no choice.⁸

The frightening security situation is not limited to the Mexican side of the border. Americans are at risk, too. Sigifredo Gonzalez, the Zapata County, Texas Sheriff, described in May 2011 how families on the United States side of the border have bullet holes in their homes and periodically need to hide or evacuate to avoid cross-border gunfire.⁹ U.S. citizens have been killed, including some on official duty (e.g., the February 2011 killing of U.S. Immigration and Customs Enforcement ("ICE") Agent Jaime Zapata by Los Zetas), and others innocently visiting Mexico (e.g., Agustin Roberto "Bobby" Salcedo).¹⁰

Once terrorist groups obtain nuclear weapons from Pakistan, bombs can be sent to the US through smuggling tunnels

Eben **Blake 15**, intern covering general affairs at IBTimes in New York City and currently pursuing a degree in English and History at Brown University, 6-3-2015, "Islamic State Nuclear Weapons: ISIS Claims It Can Smuggle Devices Through Nigeria, Mexico To The United States," <http://www.ibtimes.com/islamic-state-nuclear-weapons-isis-claims-it-can-smuggle-devices-through-nigeria-1950280>

The Islamic State group claims it could purchase a nuclear device from Pakistan and transport it to the United States through drug-smuggling channels. The group, also known as ISIS and ISIL, would transfer the nuclear weapon from Pakistan to Nigeria or Mexico, where it could be brought to South America and then up to the U.S., according to an op-ed allegedly written by kidnapped British photojournalist John Cantlie and published in Dabiq, the group's propaganda magazine.

The op-ed said that Boko Haram, the Nigerian jihadist group that announced its formal allegiance to ISIS in March, would make their efforts to transport a weapon to the U.S. much easier, reported Nigerian newspaper Premium Times. ISIS claims the Nigerian army is in a "virtual state of collapse" because of its war against Boko Haram.

While U.S. officials have dismissed the ability of the group to acquire or transport a nuclear weapon, Indian Minister of State Defense Rao Inderjit Singh said at the Shangri-La regional security conference in Singapore last weekend that "[w]ith the rise of ISIL in West Asia, one is afraid to an extent that perhaps they might get access to a nuclear arsenal from states like Pakistan." Bloomberg reported.

Cantlie describes how ISIL would hypothetically call on supporters in Pakistan to "purchase a nuclear device through weapons dealers with links to corrupt officials in the region," after which it would be "transported overland until it makes it to Libya" when "the mujahedeen move it south to Nigeria." It would then be moved to South America in the same method that "drug shipments bound for Europe pass through West Africa," according to Premium Times. After transporting the device through the "porous borders of South America" to Mexico, it would be "just a quick hop through a smuggling tunnel" to bring the nuclear bomb into America.

Since his abduction in 2012, Cantlie has appeared in multiple ISIS propaganda videos, including the series "Lend Me Your Ears."

Visas CP

INC

CP Text: The USFG should create a program, reminiscent of the Bracero Program, giving immigrants temporary visas to come work in the US as agricultural laborers with “visa portability”. Monetary sanctions will be utilized to assure cooperation.

That solves the cse

Alex **Nowrasteh 13**, Immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity, 3-5-2013, “Guest Workers Key to Reform,” <http://www.cato.org/publications/commentary/guest-workers-key-reform>

The U.S. Chamber of Commerce and AFL-CIO reached a tentative agreement to support increasing lawful migration through a guest-worker program for lower-skilled migrants. The details are obscure, but this agreement is an essential first step for successful immigration reform — a step so far ignored by the Obama administration.

Without a guest-worker program, quite simply, **immigration reform will fail.**

Overwhelmingly, immigrants come to the United States because they want jobs, and American businesses have jobs to give. Legalizing the unauthorized migrants already here is a sound policy, but without a legal channel for workers to come, others will continue to enter the country illegally.

Policymakers seem to forget that there is recent evidence to this effect. Ronald Reagan instituted an amnesty in 1986, but unauthorized immigration continued unabated. Increased border and immigration enforcement — and it did increase — couldn’t stem the tide.

It is foolish to expect legalization and enforcement alone to stop unauthorized immigration.

The demand is too strong on both sides of the labor equation. We need reforms that adapt to that reality.

Why is President Obama ignoring a guest-worker visa program? Because unions — one of the president’s most valued constituencies — have historically opposed guest workers.

A 2007 immigration reform effort largely failed because of union efforts to kill it. Late in the game, Senate Democrats amended the bill to end its guest-worker program after five years. The amendment passed 49-48 — with then-Sen. Obama, ominously, voting in favor. As a result, Republicans and business interests that supported increased lawful immigration withdrew their support, and the reform effort collapsed.

At the time, the leaders of the AFL-CIO, the Teamsters, and other **unions** all wrote letters opposing the guest-worker program. James P. Hoffa of the Teamsters opposed a guest-worker program because it would “[force] workers to toil in a truly temporary status with a high risk of exploitation and abuse by those seeking cheap labor.”

But the employer abuse issue is a straw man. There is a rather simple remedy: visa portability, which would allow guest workers to easily switch jobs. The ability to quit a job without the legal risk of deportation would give guest workers the ability to effectively enforce their own labor standards: They could depart an abusive employer without fear of deportation.

Instead of more migrant freedom, labor leaders are supporting more regulations for guest-worker visas. The Obama-endorsed blueprint wants reform to “protect workers by ensuring labor protections.” But those so-called protections have already made current lower-skilled guest-worker visas too costly for American employers — a by-product unions favor.

To their credit, unions support legalization of current unauthorized immigrants and family reunification. But from the Chinese Exclusion Act in 1882 through the race-based quotas of the 1920s to today, unions have supported every migrant-worker restriction.

César Chávez's United Farm Workers (UFW) lobbied hard to end the Bracero Program, a 1940s guest-worker program created to address an agricultural labor shortage created by World War II. UFW members beat up unauthorized migrants, formed a "wet line" (their words) on the border to stop migrants, and reported unauthorized immigrants to the Immigration and Naturalization Service.

If there is a model for a successful guest-worker program, however, **the Bracero Program is it.** Under Bracero, immigrants could work temporarily, but they had to leave the United States every season. **American farms got the labor they demanded, immigrant workers made money, and agricultural production increased.**

The program was so successful that it was extended until 1964. It combined enforcement that funneled migrants into a legal system with an unlimited temporary migration system. Often, Border Patrol agents enrolled unauthorized immigrants they arrested in the Bracero Program and let them return to work — this time lawfully.

Mexican workers thinking of entering the United States illegally overwhelmingly chose the legal Bracero option instead. Throughout the 1950s, unauthorized immigration declined by 95 percent. If a Bracero-type guest-worker visa existed today, one that allowed migrants to switch jobs and work in nonagricultural areas, **unauthorized immigration would dramatically decrease.**

Internal NB: Mexican Economy

The past Bracero program alleviated the Mexican economy

Maria Elena **Bickerton 01**, founding member of Bradshaw & Bickerton PLLC, 2001 "An Agricultural Law Research Article: Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program," http://nationalaglawcenter.org/publication/note-prospects-for-a-bilateral-immigration-agreement-with-mexico-lessons-from-the-bracero-program-79-texas-l-rev-895-919-2001/wppa_open/

Despite these concerns, the Mexican government recognized the advantages of the program. ⁷⁶ They had been assured that it would be a government-to-government program in which Mexico would have a strong voice. ⁷⁷ By working on American farms, the braceros would acquire technical skills that could benefit Mexican agriculture. ⁷⁸ The braceros would also have the opportunity to earn substantial money for themselves, their families, and their country, thus alleviating rural poverty and providing a safety valve to deal with a politically explosive underemployed population. ⁷⁹ Finally, it was a chance for Mexico to contribute significantly to the war effort, and refusing the American request risked "antagoniz[ing] the consumer of a potentially large amount of Mexican raw materials during the war." ⁸⁰ Mexico decided that overall the positive effects of the program outweighed the negative. ⁸¹

More Solvency Mechanisms

The guest-worker program establishes a bilateral relationship that improves the US' overall relations with Mexico

Maria Elena **Bickerton 01**, founding member of Bradshaw & Bickerton PLLC, 2001 "An Agricultural Law Research Article: Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program," http://nationalaglawcenter.org/publication/note-prospects-for-a-bilateral-immigration-agreement-with-mexico-lessons-from-the-bracero-program-79-texas-l-rev-895-919-2001/wppa_open/

Last year Mexican Labor Minister Jose Antonio Gonzalez Fernandez expressed his government's intention to ask the United States to join Mexico in examining the **possibility of a worker exchange**

program when the NAFTA labor side-agreement comes up for review in the future. 4 Such a bilateral effort, the Bracero Program was executed in the 1940s and 1950s.⁵ Under this program Mexican agricultural workers were legally permitted to temporarily enter the United States to work. The Bracero Program remains the only example of a bilateral immigration program between the United States and Mexico. 6 Since then, the U.S. government has made little effort even to discuss a new bilateral program for Mexican immigration to the United States. 7

This Note will examine the bilateral nature of the Bracero Program, and the various factors that made the program possible from 1942 until 1964. That is, what brought about the air of cooperation, what drove it away, and what was accomplished in the interim. Ultimately, this examination will demonstrate that the economic and political conditions that exist today are similar to those that existed when the Bracero Program was established, providing hope that a new bilateral labor agreement between Mexico and the United States may be forthcoming.

A bilateral immigration program could provide significant advantages over unilateral immigration policy. First, the two countries could more effectively achieve their migration goals through a cooperative effort since the policies of either nation can influence migration patterns. 8 Additionally, cooperation and compromise in the area of immigration can improve overall relations between Mexico and the United States so that cooperation will continue in other fields, such as trade. 9 However, differences in the sociopolitical atmosphere of the two countries and weaknesses in the Bracero Program itself indicate that a new agreement would not and should not follow the Bracero model. Nonetheless, the failures in cooperation and the weaknesses of the earlier program can provide some of the best insight on how any future bilateral immigration program should be structured.

Different card: Current immigration enforcement fails

Maria Elena **Bickerton 01**, founding member of Bradshaw & Bickerton PLLC, 2001 “An Agricultural Law Research Article: Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program,” http://nationalaglawcenter.org/publication/note-prospects-for-a-bilateral-immigration-agreement-with-mexico-lessons-from-the-bracero-program-79-texas-1-rev-895-919-2001/wppa_open/

Finally, the perception that Mexican labor migration to the United States was not amenable to control through unilateral efforts by either government, the perception that led to the creation of the Bracero Program, has been reaffirmed since the termination of the program. 183 Unilateral steps taken by the United States, for example, to stem the tide of illegal immigration have proven ineffective. 184 In fact, the United States experienced a significant increase in the pace of Mexican immigration in the 1970s and 1980s.¹⁸⁵ In the 1990s, approximately 200,000 Mexican immigrants (legal and illegal) came to the United States each year, 186 and one to two million additional Mexicans (legal and illegal) worked at least seasonally in the United States each year. 187

The U.S. response to the massive flow of unauthorized migration has focused on apprehending those attempting illegal entry. 188 Yet, instead of deterring attempted illegal entries, the U.S. strategy has only caused migrants to pay professional smugglers higher fees and to attempt crossing the border several times before successfully entering. 189 There has, in turn, been a significant increase in the number of migrants who have died while attempting to gain unauthorized entry.¹⁹⁰ The U.S. strategy has also created an unintended incentive for unauthorized migrants to remain in the United States once they have entered since re-entry is ever more difficult. 191

Cooperation with Mexico has advantages that improve the chances of having greater success in achieving the migration goals of both countries. 192 Although in the long run, both governments expect NAFTA to create jobs in Mexico for people who might otherwise immigrate to the United States,¹⁹³ reduced migration is an unrealistic expectation in the near- to medium-term future. 194 Conditions in both countries will continue to influence immigration decisions. 195 Conditions pulling Mexicans to the United States include the demand for immigrant labor by U.S. employers, opportunities and higher wages, and family connections in this country. 196 Conditions pushing Mexicans to leave Mexico include demographic population growth, urban and rural insecurity, economic restructuring disruptions, and severe degradation of the environment in Mexico. 197

A2: Solvency Deficits

Migration goals between both governments mean that the program will pass

Maria Elena **Bickerton 01**, founding member of Bradshaw & Bickerton PLLC, 2001 "An Agricultural Law Research Article: Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program," http://nationalaglawcenter.org/publication/note-prospects-for-a-bilateral-immigration-agreement-with-mexico-lessons-from-the-bracero-program-79-texas-l-rev-895-919-2001/wppa_open/

Any plan for a bilateral legalized worker program would have to address the human rights and illegal and permanent immigration problems of the Bracero Program. It would also have to overcome the fears of domestic labor and persuade American workers that such a program would not adversely affect the domestic job market. Additionally, it would have to overcome the extreme anti-immigrant attitude that has dominated U.S. public opinion in recent years. Nonetheless, it appears that conditions are quite favorable for a new immigration agreement with Mexico in light of the atmosphere of cooperation that exists, the confidence that the United States is enjoying with a booming economy, and the existence of common migration goals between the two countries.

Monetary sanctions and legalization protects the laborers and the bilateral agreement

Maria Elena **Bickerton 01**, founding member of Bradshaw & Bickerton PLLC, 2001 "An Agricultural Law Research Article: Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program," http://nationalaglawcenter.org/publication/note-prospects-for-a-bilateral-immigration-agreement-with-mexico-lessons-from-the-bracero-program-79-texas-l-rev-895-919-2001/wppa_open/

Many in Mexico have suggested that a new bilateral guest worker program, "operat[ing] within currently existing migratory labor markets," could satisfy the migration goals of both Mexico and the United States by replacing "highly exploited undocumented migrants" with regulated guest workers. ²²⁶ Legalizing migrant laborers on a bilateral basis allows both governments to ensure adequate safeguards for labor. With such protections, Mexican workers would have an incentive to remain within the program, the Mexican government would have assurances that their citizens' human rights would not be violated, and U.S. labor would be more likely to support the use of foreign labor. ²²⁷ U.S. growers should support the program, even with safeguards for the laborers, because it would help satisfy their need for a "just-in-time labor force."²²⁸ For both countries, such a program would also promote the return of Mexican immigrants to Mexico, minimizing "brain drain"²²⁹ so that Mexico can benefit from the migrants' new skills and conform to the seasonal fluctuations of the U. S. growers' demand for labor. ²³⁰

Of course, both countries must insist that enforcement of the safeguards be taken seriously to avoid a repetition of the worst aspects of the Bracero Program. Any bilateral migration agreement should contain mechanisms that provide serious incentives for enforcement of workers' rights under the agreement. ²³¹ For example, commentators have argued that automatic monetary sanctions for breaches of rules in international agreements can significantly strengthen the rights and obligations created by the agreement. ²³² Including this type of sanctions provision in any new bilateral migration program would penalize the United States if it were to ignore its obligations under the agreement as it did under the Bracero Program. Thus, the experience with the Bracero Program, while teaching us what mistakes to avoid, demonstrates that there are good prospects for a new bilateral program today.

CP Shields Link to Politics

Republicans pushing for guest worker programs

Yaël **Ossowski 15**, national investigative reporter for Watchdog, April 2, 2015, “Conservatives push guest worker program to halt illegal immigration,” <http://watchdog.org/209762/guest-worker-program/>

An easy way to fix the convoluted immigration system in the United States entails making it easier for foreigners to be hired, without a lot of red tape in their way.

Even the 8.1 million illegal immigrants now in the workforce.

That, at least, was the consensus of the five witnesses convened to present at the Senate Committee on Homeland Security and Government Affairs last week.

“I worry about a government that would criminalize the rational activity of someone selling their labor to improve their condition, and another who buys labor in order to make a profit — which is what our current immigration law does,” said Daniel Garza, executive director of the LIBRE Initiative, a free market organization representing Latinos. “I fear a growing government that hinders economic growth, that restricts opportunities.”

He was joined by experts from Pew Research Center, the U.S. Chamber of Commerce, the American Enterprise Institute and the Migration Policy Institute, who were all united behind the idea of expanding the existing guest worker program as a means to trigger economic growth and fix the nation’s immigration problems.

The committee hearing chaired by Sen. Ron Johnson, a Republican from Wisconsin, was called “Securing the Border: Defining the Current Population Living in the Shadows and Addressing Future Flows.” It focused more on reforming the visa programs than border controls, demonstrating a shift in the conservative examination of immigration.

The meeting was marked by a united front by the conservative-leaning panel of witnesses, coming from industry, academia and activism.

Asked what was needed for Congress to solve the illegal immigration crisis, Randel Johnson, a vice president of the U.S. Chamber of Commerce, pulled no punches. “It’s a combination of an expanded temporary worker programs and a sensible pathway to legalization,” he testified.

He emphasized that it must be easier for companies to hire immigrants to provide for the best educated and skilled employees to compete in the global marketplace.

The U.S. has the largest guest worker program in the world, made up of the H-2A and H-2B visas, which allow employers to temporarily hire foreign workers.

But even with the largest guest worker program in the world, the U.S. also has the distinction of having the largest illegal immigrant population in the world, according to the Migration Policy Institute, which makes for an interesting paradox.

That’s made worse by the fact there has been no significant immigration reform since at least 1996, when stricter policies were enacted and helped bulk up immigration enforcement instead of solving the problem of the growing population of undocumented immigrants.

“Immigration enforcement has cost the U.S. government over \$208 billion since 2001,” Marc Rosenblum, deputy director of the Migration Policy Institute, said at the committee hearing. “It spends more on immigration enforcement than any other federal criminal law enforcement activities combined.”

Senator Johnson, the committee chairman, generally agreed with the witnesses, but he remained skeptical about whether accepting larger numbers of immigrants and legalizing those already in the country would hurt the native workforce.

“There is a dispute as to whether undocumented workers have or haven’t depressed wages,” said Johnson, citing a case from a California energy company looking to hire technicians from outside the United States.

His question was immediately addressed and downplayed.

“The bulk of studies unquestionably find that there is almost no effect,” said Madeline Zavodny, economics professor at Agnes Scott College and an adjunct scholar at the conservative American Enterprise Institute. “There is no zero-sum number of jobs. When immigrants come, jobs also get created.”

She was unequivocal in her support for expanding a guest worker program to help not just immigrants but also native workers themselves.

“To protect native workers from unfair competition, we need to allow guest workers to move to employers who want to hire them and want to offer higher wages to have them,” said Madeline Zavodny, economics professor at Agnes Scott College and an adjunct scholar at the conservative American Enterprise Institute.

This positive take on immigration reform is rising not just among conservative economists and activists but also among the potential top GOP candidates for president, including **Sen. Rand Paul of Kentucky, Sen. Marco Rubio of Florida and Gov. Scott Walker of Wisconsin.**

Republicans pushing for non-border immigration reform

Paul **Dupont 15**, reporter for American Principles Project, 1-2-2015, “Republican-Led Immigration Proposals Taking Shape For New Year,”

<https://americanprinciplesproject.org/blog/republican-led-immigration-proposals-taking-shape-for-new-year/>

However, as I have argued in the past, bolstering border security and enforcement in other areas will not fix America’s immigration system on its own. There is also a need to improve U.S. guest worker programs in order to address the increasing demand for foreign workers to fill high- and low-skill positions for which American workers cannot be found. Fortunately, some in Congress also seem keen to tackle this issue:

Other Republicans are preparing legislation to address additional aspects of the immigration system. Rep. Raúl Labrador (R., Idaho), a onetime immigration attorney, plans two bills, an aide said.

One would create a temporary worker program that would allow as many as 350,000 foreigners to enter the country each year for construction, restaurant and other low-skilled jobs. These workers would have most of the labor rights afforded in a broad immigration bill that passed the Senate last year, such as the right to change jobs.

Meanwhile, Sen. Orrin Hatch (R., Utah) plans to introduce legislation making more visas available for high-tech workers, a spokesman said.

Sen. Dianne Feinstein (D., Calif.) is working on a bill revamping the agricultural visa program, based on provisions in last year’s Senate bill. Her staff is in talks on the measure with Republicans including Sen. Marco Rubio of Florida, who helped work out a compromise on this issue in 2013.

Of course, many details remain to be settled before any of these proposals can be fully evaluated. However, given the need for major reforms in these areas, news of such developments may give proponents of a truly conservative immigration policy reason to feel cautiously optimistic.

CP Shields Link to Border DA

Legalization of workers reveals terrorists from the migrating population

Daniel **Griswold 04**, director of the Cato Institute's Center for Trade Policy Studies, 4-1-2004, “Securing Our Borders Under a Temporary Guest Worker Program,”

<http://www.cato.org/publications/congressional-testimony/securing-our-borders-under-temporary-guest-worker-program-0>

Indeed, legalizing and regularizing the movement of workers across the U.S.-Mexican border could enhance our national security by bringing much of the underground labor market into the open, encouraging newly documented workers to cooperate fully with law enforcement officials, and freeing resources for border security and the war on terrorism.

Real immigration reform would drain a large part of the underground swamp that facilitates illegal immigration. It would reduce the demand for fraudulent documents, which in turn would reduce the supply available for terrorists trying to operate surreptitiously inside the United States. It would eliminate most of the human smuggling operations overnight. The vast majority of Mexican workers who enter the United States have no criminal record or intentions. They would obviously prefer to enter the country in a safe, orderly, legal process through an official port of entry, rather than put their lives in the hands of unscrupulous smugglers. By entering legally through a temporary worker program, they could travel freely across the border for multiple visits home rather than incurring the risk and expense of re-crossing the border illegally. As a consequence, legalization would drain the underground channels through which terrorists might try to enter the country.

Just as importantly, legalization would encourage millions of currently undocumented workers to make themselves known to authorities by registering with the government, reducing cover for terrorists who manage to enter the country and overstay their visas. Workers with legal documents would be more inclined to cooperate with law enforcement and provide evidence if they do not fear deportation. Furthermore, we would free up enforcement and border-control resources to focus on protecting the American homeland from terrorist attack. Our Department of Homeland Security should concentrate its limited resources and personnel on tracking and hunting down terrorists instead of raiding chicken processing plants and busting janitors at discount stores.

India CMS Georgia

India CMS Adv Answers

No Modeling

No modeling – India follows Britain not the US

Mate 10 (Manoj, J.D. Harvard Law School, “The Origins of Due Process in India: The Role of Borrowing in Personal Liberty and Preventive Detention Cases”, Berkeley Journal of International Law, 2010, 28 Berkeley J. Int'l L. 216, lexis)

It is important to note here that the particular structure of Article 19 reflected the framers desire for a constitution modeled on the Irish, **not the U.S. Constitution**.ⁿ¹³ Unlike the American system, which was predicated on horizontal separation of powers with separate coordinate legislative, executive and judicial branches, **India's constitutional system was rooted in the traditions of British parliamentary sovereignty and legal positivism. Thus, the emergence of a strong Supreme Court challenging parliamentary legislation via substantive due process was unlikely given this**

traditional historical context. But aside from the historical legacy of British rule and legal positivism, two specific historical factors directly influenced the Constituent Assembly to explicitly omit a due process clause in the section on Fundamental Rights. The first was the influence of United States Supreme Court Justice Felix Frankfurter on Constitutional Adviser B.N. Rau, who traveled to Britain, Ireland, the United States and Canada in 1947 to meet with jurists regarding the drafting and framing of the Indian Constitution.ⁿ¹⁴ The second factor was the tumultuous and chaotic period of communal violence that gripped Northern India as a result of the partition of Muslim Pakistan from Hindu India, which led the framers of the Indian Constitution to remove the due process clause from their draft constitution for the protection of individual liberty.

Countries don't emulate U.S. policies – past policies have undercut our model

Moravcsik 5 (Andrew, Professor of Government and Director of the European Union Program at Harvard University, January 31, 2005, Newsweek, “Dream On, America,” lexis)

Not long ago, the American dream was a global fantasy. Not only Americans saw themselves as a beacon unto nations. So did much of the rest of the world. East Europeans tuned into Radio Free Europe. Chinese students erected a replica of the Statue of Liberty in Tiananmen Square. You had only to listen to George W. Bush's Inaugural Address last week (invoking "freedom" and "liberty" 49 times) to appreciate just how deeply Americans still believe in this founding myth. For many in the world, the president's rhetoric confirmed their worst fears of an imperial America relentlessly pursuing its narrow national interests. But the greater danger may be a delusional America--one that believes, despite all evidence to the contrary, that the American Dream lives on, that America remains a model for the world, one whose mission is to spread the word. The gulf between how Americans view themselves and how the world views them was summed up in a poll last week by the BBC. Fully 71 percent of Americans see the United States as a source of good in the world. More than half view Bush's election as positive for global security. Other studies report that 70 percent have faith in their domestic institutions and nearly 80 percent believe "American ideas and customs" should spread globally. Foreigners take an entirely different view: 58 percent in the BBC poll see Bush's re-election as a threat to world peace. Among America's traditional allies, the figure is strikingly higher: 77 percent in Germany, 64 percent in Britain and 82 percent in Turkey. Among the 1.3 billion members of the Islamic world, public support for the United States is measured in single digits. Only Poland, the Philippines and India viewed Bush's second Inaugural positively. Tellingly, the anti-Bushism of the president's first term is giving way to a more general anti-Americanism. A plurality of voters (the average is 70 percent) in each of the 21 countries surveyed by the BBC oppose sending any troops to Iraq, including those in most of the countries that have done so. Only one third, disproportionately in the poorest and most dictatorial countries, would like to see American values spread in their country. Says Doug Miller of GlobeScan, which conducted the BBC report: "President Bush has further isolated America from the world. Unless the administration changes its approach, it will continue to erode America's good name, and hence its ability to effectively influence world affairs." Former Brazilian president Jose Sarney expressed the sentiments of the 78 percent of his countrymen who see America as a threat: "Now that Bush has been re-elected, all I can say is, God bless the rest of the world." The truth is that Americans are living in a dream world. Not only do others not share America's self-regard, they no longer aspire to emulate the country's social and economic achievements. The loss of faith in the American Dream goes beyond this swaggering administration and its war in Iraq. A President Kerry would have had to confront a similar disaffection, for it grows from the success of something America holds dear: the spread of democracy, free markets and international institutions--globalization, in a word. Countries today have dozens of political, economic and social models to choose from. Anti-Americanism is especially virulent in Europe and Latin America, where countries have established their own distinctive ways--none made in America. Futurologist Jeremy Rifkin, in his recent book "The European Dream," hails an emerging European Union based on generous social welfare, cultural diversity and respect for international law--a

model that's caught on quickly across the former nations of Eastern Europe and the Baltics. In Asia, the rise of autocratic capitalism in China or Singapore is as much a "model" for development as America's scandal-ridden corporate culture. "First we emulate," one Chinese businessman recently told the board of one U.S. multinational, "then we overtake."

No Indo-Pak War

No India-Pakistan war – nuclear deterrence checks

Khan 12 (Ikram Ullah, analyst for the South Asian Strategic Stability Institute, "Nuclear Pakistan: Defence Vs Energy Development," 7/26, <http://www.eurasiareview.com/26072012-nuclear-pakistan-defence-vs-energy-development-oped/>)

We must be clear that nuclear weapons are here to maintain peace and stability between Pakistan and India. Pakistan was forced to run its nuclear weapon program due to India's nuclear weapon program and its hegemonic ambition. Pakistan has long said that its nuclear weapon program is security driven. While on other hand Indian nuclear weapon program is not security driven, rather it is based on its regional and global aspirations.¶ The security threats still exist for Pakistan, but due to its credible nuclear deterrence Pakistan is capable of crushing such threats or plans. In the recent past, the tragedy, which many historians remember as the "Fall of Dhaka", carries some lessons for us to be learnt. If India could intervene at that time, then it is quite possible it could intervene in Balochistan. Now the nuclear capability of Pakistan deters India from perusing any kind of intervention because of the fear of perceived consequences.¶ It is Pakistan's credible nuclear deterrence capability that effectively neutralizes any ill intent of its opponent against its integrity and sovereignty. It is evident that after the December 13, 2001 terrorists attack on Indian Parliament, India mobilized its armed forces to attack on Pakistan, but refrained from doing so as it realized that any such irrational action would lead to a nuclear war. The same was the case after Mumbai attacks on November 26, 2008 – the nuclear deterrence prevailed and it prevented the likelihood of an all out nuclear war in South Asia.

A2 CMS = Honeytrap for Cyberattacks

CMS surveillance is not a honeytrap of privacy – aff claims are exaggerated

Xynou 13 (Maria, Policy Associate on the Privacy Project at the Centre for Internet & Society. She has previously interned with Privacy International and with the Parliament of Greece. Maria holds a Master of Science in Security Studies from the University College London. "India's 'Big Brother': The Central Monitoring System (CMS)" – April 8th - <http://cis-india.org/internet-governance/blog/indias-big-brother-the-central-monitoring-system>)

Another cyber security expert argued that the idea that the privacy of our messages and online activity would be intercepted is a misconception. The expert stated that: 'The police are actually looking out for open source intelligence for which information in public domain on these sites is enough. Through the lab, police can access what is in the open source and not the message you are sending to your friend.' Cyber security experts also argued that the purpose of the creation of the Mumbai social media lab and the CMS in general is to ensure that Indian law enforcement agencies are better informed about current public opinion and trends among the youth, which would enable them to take better decisions on a policy level. It was also argued that, apparently, there is no harm in the creation of such monitoring centres, especially since other countries, such as the U.S., are conducting the same type of surveillance, while have enacted stringent privacy regulations. In other words, the monitoring of our communications appears to be justified, as long as it is in the name of security.

Hack won't work – India's cyber-defenses are strong and improving.

Times of India 10 (Internally citing senior military officials - "Cyber war: Indian Army gearing up" - Times of India - July 19, 2010 – <http://timesofindia.indiatimes.com/tech/tech-news/Cyber-war-Indian-Army-gearing-up/articleshow/6187297.cms>)

The Indian Army is fighting attacks in the cyber world with electronic warfare capability of the "highest standard", say officials pointing out that virtual strikes have shot up from hostile quarters in both sophistication and frequency. "The army is cognisant of the threat to its cyber space from various state and non-state actors. But our network is well secured in compliance with the highest standards of cyber security," a senior official in the military headquarters told IANS on condition of anonymity. The official said the army has established an "impenetrable and secure wide area network exclusively for its functioning". Officials in the 1.3 million force privately admit they are facing "next generation threats" and are rather worried over the complex world of cyber warfare amid reports of Chinese and Pakistani spies targeting the Indian military establishment via the internet. Though attacks from hackers - professional or amateur - can come from anywhere in the world, cyber onslaughts have been more frequent from China and Pakistan, which have reportedly been peeking into India's sensitive business, diplomatic and strategic records. As per reports from the cyber industry, China and Pakistan hackers steal nearly six million files worldwide every day. A report in the US-based Defence Systems magazine found that there were 25 million new strains of malware created in 2009. That equals a new strain of malware every 0.79 seconds. The report underlines how the current cyber threat environment is dramatically changing and becoming more challenging as the clock ticks. However, the Indian army is confident. Revealing that secret information had been secured with unhackable electronic passwords, the official said various "cryptographic controls" have been incorporated in the wake of a significant number of viruses, worms and other forms of malware. To address cyber defence, which is also under threat from terrorist outfits that have their own trained recruits, officials said the army frequently upgrades its comprehensive cyber security policy to pro-actively deal with and anticipate these threats. The force has established the Computer Emergency Response Team (CERT) to respond to attacks targeting the army's critical systems and infrastructure. Another official said the army has its own cyber audit process conducted by cyber security personnel. "The audit is conducted in accordance with established security standards such as ISO 27001. Audit of the network is a continuous and active process which helps identification and mitigation of vulnerabilities in a network to counter latest threats as also check the network for cyber security policy compliance," he said. However, the official admitted there was no room for complacency in times of rapid technological change. "In the area of cyber space, the battle between hackers and defenders is an ongoing process, influenced by latest technological developments. Due to the dynamic nature of threats, the army is constantly upgrading its network," he said.

Successful hack couldn't create havoc – too much of India's critical infrastructure is not yet online. Dedicated networks also check risk of an attack.

Shukla 13 (Ajai. Indian journalist and retired Colonel of Indian Army. He currently works as Consulting Editor with Business Standard writing articles on strategic affairs, defence and diplomacy. He earlier worked with DD News and NDTV – "India's digital battleground" - Business Standard - June 21, 2013 - http://www.business-standard.com/article/current-affairs/india-s-digital-battleground-113062101013_1.html)

India has been slow in fixing its attention on cyber security. This may partly be because much of the country's critical infrastructure - power grids, public transportation, nuclear power plants, defence systems - is controlled by manual systems, or by standalone computer systems that are not linked over the internet. In that respect, India's infrastructural backwardness has proved useful against cyber-attacks. "It is not unusual to find central ministry officials in New Delhi using unsecured email systems, sometimes even commercial email accounts on public servers. But India's sensitive networks tend to be isolated, with no point of contact with the Internet that would render them vulnerable to online hacking. Several agencies have their own dedicated, secure fibre-optic networks, notably the military, Defence R&D Organisation (DRDO), and police's Crime and Criminal Tracking Network System," says Praveen Swami, strategic affairs editor of Network18.

India SDI

Modeling

Yes Modeling Links

India Models U.S. Surveillance structures

Chaulia 9 Sreeram Chaulia is associate professor of world politics at the OP Jindal Global University in Sonapat, India India caught in a terror tangle
http://www.atimes.com/atimes/South_Asia/KL11Df05.html

The ills in India's intelligence apparatus were highlighted recently when India's Home Minister P Chidambaram announced a new chief for the proposed National Intelligence Grid (NATGRID) project for counter-terrorism. This is an ambitious venture to pool all data and information relating to a person - ranging from bank accounts, rail and air travel to income tax, telephone and Internet usage. Without being obtrusive, NATGRID is mandated to link 21 different databases for the access of 10 security agencies. While it sounds like an innovate idea that could enable the speedy detection and interception of security threats, NATGRID is symptomatic of the troubles plaguing India's divided state. It is the brainchild of the Home Ministry, which sees itself as a veteran in competition with the office of the National Security Advisor (NSA) for the prized position as the lead governmental node handling strategic issues. The NSA, which falls under the all-powerful Prime Minister's Office, already has under its aegis, since 2004, the National Technical Research Organization (NTRO) - a highly specialized technical intelligence-gathering "super-feeder agency" - to act as a clearing house for all other members of the security establishment. Modeled after the US National Security Agency, NTRO had until recently been dubbed "India's newest secret agency". Now, the Home Ministry's NATGRID, or one or other of the ever-mushrooming pet creations of the vast Indian bureaucracy, might vie for this honor as they build their own personnel, budgets and images. The Home Ministry has also just floated the idea of forming a National Counter-Terrorism Center (NCTC), again borrowing a leaf from the American book, although this new body would have major overlaps in terms of technology and processes with the pre-existing NTRO. In May, just after the ruling Congress-led coalition retained power in general elections, the politically heavyweight Home Ministry began advocating a new Centralized Lawful Interception and Monitoring System that would "monitor all communication traffic to tighten the country's security and surveillance set-up" and catch early warning signals of impending terrorist attacks. These tasks, again, were hitherto being managed by a full-fledged department of the NTRO. There have been 20 major terrorist strikes in India since 2001, including attacks by militants in Jammu and Kashmir and on parliament in New Delhi, as well as bombings throughout the country. Prior to last year's attack in Mumbai, the deadliest strikes was the bombing of several railway stations and trains in the city in July 2006, with some 180 people killed. In May 2008, bombs exploded in crowded markets outside Hindu temples in the popular tourist destination of Jaipur, killing at least 60. In August 2008, National Security Advisor M K Narayanan said that as many as 800 terrorist cells operated in the country. The domestic Intelligence Bureau (IB), which comes under the purview of the Home Ministry, has also been active in the area of Internet telephony and interception of potential terrorist conversations, adding to the plethora of trespassing mechanisms over and above the heads of existing entities. The IB is now readying for the establishment of a new counter-intelligence center under its supervision. NTRO has struggled in other intramural battles with its notionally allied organization in the labyrinthine state security apparatus, the Research and Analysis Wing (RAW), India's external intelligence organization. The latter's failures in detecting Pakistani intrusions prior to the brief 1999 Kargil war had elicited criticism of its monopoly over foreign intelligence-gathering and culminated in calls to detach RAW's Aviation Research Center (ARC) and merge it with NTRO as a single super agency for technical intelligence. This handover has not been fully accomplished to date and continues to keep the scorebook of bureaucratic wrangling open with highly wasteful expenditure and possible national security costs. Often mocked as a "soft state" that has failed to rectify dysfunctional behavior, India can be better understood as a flabby state with far too many agencies, which work at cross-purposes and keep the structure unprepared and uncoordinated for the next potentially devastating blow of anti-national actors. The gaps and loopholes in the state's counter-terrorist response system have ironically grown with the proliferation of more and more agencies and projects. So bureaucratically dense has the web of competing interests and responsibilities within the Indian state become since the Mumbai attacks that the larger purpose of doing social good by advancing protection of citizens has been subsumed by a "me too" attitude in which everyone and anyone who has some clout within government will press a finger into the pie. In this game of bureaucratic politics, who gets which piece of the cake in terms of influence and counterbalancing "pull" (a uniquely Indian term referring to leveraging power) has overshadowed the core mission of finessing state responses to multifarious threats. Indian's melee of multiplying committees, bodies and agencies scarcely boosts the average citizen's confidence that he or she can be safer after all the revamps and "shakeups". A state is not a monolith but a vast constellation of loosely allied institutions, organizations and centers of power. Visualized from the summit or the apex, the state reproduces itself like hydra into smaller ramifications that carry the seal of sovereignty into the spaces that are inhabited by citizens. The give-and-take between these state agencies and the public is theoretically based on mutual trust and need. Unfortunately, the one-upmanship games bedeviling the Indian security structure have not done justice to this quid pro quo, which lies at the heart of contemporary political life. One pattern emerging from the mess of the flabby Indian state is the attempt of its top echelons to emulate the United States in terms of

merging, refurbishing or creating anew specialized agencies to tackle emerging security risks. What Indian policymakers may have missed in the process of learning lessons from the US is that the latter has been historically bogged down with the same severe symptoms of bureaucratic politicking.

India policy leaders emulate U.S. counterterrorism strategies

Rizvi 8 Dr Hasan-Askari Rizvi is a political and defence analyst, analysis: Imperatives of counter-terrorism —Dr Hasan-Askari Rizvi, <http://archives.dailytimes.com.pk/editorial/14-Dec-2008/analysis-imperatives-of-counter-terrorism-dr-hasan-askari-rizvi>

The post-Mumbai strategies of India and Pakistan reflect their immediate political concerns rather than long-term, coherent and shared perspectives on counter-terrorism. India is trying to extract maximum diplomatic dividend against Pakistan by activating multilateral channels and applying direct pressure. Pakistan is engaged in damage control in an extremely difficult diplomatic situation created by the Mumbai attacks. Pakistan has banned the Jama'at-ud Dawa, sealed its offices and arrested several of its leaders and activists. One wonders why the government had to wait for a UN Security Council resolution and prodding by the United States to act. Pakistan's intelligence agencies must have enough information on the activities of hard-line and militant groups, as well as on their linkages with the Taliban. It is also well known that a good number of non-Pakhtun Pakistanis are involved in the Pakistani Taliban movement. Similarly, Pakistani agencies would know if JuD was a front for banned terrorist group Lashkar-e Tayba. The present Pakistani government and military top brass view the Pakistani Taliban and other militant groups as a major threat to Pakistan's internal political and societal stability. This is a shift from the past when General Pervez Musharraf's regime pursued a dual policy of taking some action against these groups but leaving them enough space to continue with their activities in a low-key manner. The present government asked the military to launch the ongoing operations against the Taliban and Al Qaeda in some tribal agencies, and the operations have made significant gains in Bajaur and Khyber. Militants were also pushed back in Swat, though they are far from being fully contained. Given that the security forces had their hands full in the tribal areas, the government did not want to open a new front against militants in mainland Pakistan. However, consensus at the international level on the involvement of a Pakistan-based group in the Mumbai attacks left Pakistan with no credible option but to take immediate action against militant groups in the mainland. These groups are transnational and use all possible means, including violence, to pursue their agenda with total disregard to the imperatives of Pakistan as a nation-state in the comity of nations. They want Pakistan to be subservient to their agenda, and do not respect Pakistan's sovereign status and territorial boundaries. Should these movements be allowed to impose precarious foreign policy situations on Pakistan? If Pakistan is to function as a coherent and effective state, it cannot allow non-state actors to engage in violent and disruptive activities inside or outside its boundaries. Pakistan's policymakers need to do some hard and realistic thinking on the current situation and terrorism-related issues. Indian policymakers need to do the same. They need not descend into traditional India-Pakistan polemics to deflect criticism of internal security lapses and the probability of terrorism having domestic roots. The Indian government has not blamed the Pakistani government of direct involvement in the Mumbai attacks, but maintains that a Pakistan-based group planned and executed them. This places indirect responsibility on the Pakistani government, given that it is seen to have allowed such a group to use Pakistani territory for a terrorist attack abroad. However, semi- and non-official Indian circles rarely maintain this distinction and project Pakistan as an irresponsible terrorist state. They find encouragement to adopt this position in India's official effort to extract the highest possible diplomatic dividends against Pakistan at the international level. As citizens of a number of states were killed in the attacks, India has found it easy to mobilise support. It is interesting to note that Indian expats in the US are fully involved in the campaign to get Pakistan designated as a terrorist state and to get UN approval for Indian airstrikes in Pakistan. A review of this ongoing Indian diplomatic campaign gives a strong impression that India is more interested in undermining and isolating Pakistan at the international level to further India's wider regional agenda rather than evolving a shared regional counter-terrorism strategy. The present strategy may meet India's immediate domestic needs, but it does not serve the long-term need of countering terrorism holistically and effectively. This long-term objective cannot be achieved without working with Pakistan. A large number of people in India's official and non-official circles want to emulate the United States: the argument is that if the US can launch airstrikes in Afghanistan and invade Iraq in response to attacks on its soil, India can do the same to counter terrorism originating in Pakistan.

India and the U.S. dialogue on counter-terrorism strategies and India seeks to learn best practices from the U.S.

Kumar 15 Manan Kumar reporter for DNA India India prepares for bigger counter-terrorism collaboration with US Thursday, 15 January 2015 - 6:45am IST | Place: New Delhi | Agency: dna,<http://www.dnaindia.com/india/report-india-prepares-for-bigger-counter-terrorism-collaboration-with-us-2052633>

As India prepares to roll out red carpet to president Barack Obama as the chief guest during the Republic Day parade, Prime Minister's Office and union home ministry are finalising an elaborate agenda to address Indian concerns in the homeland security dialogue with their US counterparts. Poised to share wider range of concerns amidst increasing bonhomie, the two countries are looking forward to hold in-depth exchange of views on common areas of interest and collaboration to further mutual counterterrorism goals that includes checking the spread of Islamic State of Iraq and Syria (ISIS) and al Qaeda which recently announced its new wing, al Qaeda in Indian Subcontinent (AQIS). Though still better off than western countries in terms of youth traction towards ISIS, the twin threats are steadily creeping into India and the two countries are eager to learn from each other and develop joint strategies to check their spread, government sources said. The union home ministry is keen to learn from their US counterparts to check proliferation of Jehadi forums in cyberspace that is gaining ground among Urban Indian youth. Recent studies done by IB revealed thousands of Indian youth hooked to such forum thus giving rise to the fear of self indoctrination as Jihadis and possibility of lone wolf attacks. US expertise in checking such proliferation and ways to pinpoint the source of such forums and blocking them can help us tackle this threat in a major way, said sources adding that the talks are at an advanced stage to get the knowhow to get quicker access to block dangerous uploads on social media sites and import of better cyber forensic techniques to crackdown on virtual Jihadis. India is also banking on US for building capacity in cybersecurity and critical infrastructure protection to counter threats and keep terrorist at bay. The two countries will also hold advanced talk on law enforcement engagement proposals include sharing lessons learned and best practices in SWAT team training and responding to mass casualty exercises, improving both nations' capabilities to respond to terrorist incidents and natural disasters.

India has modeled its counterterrorism model after the U.S.

Raman 12 Bahukutumbi Raman is the additional secretary (retired), cabinet secretariat, Government of India, New Delhi, and, presently, director, Institute For Topical Studies, Chennai, and Associate of the Chennai Centre For China Studies), How PC tried to emulate US counter-terrorism centre and failed, <http://www.rediff.com/news/slide-show/slide-show-1-how-pc-tried-to-emulate-us-counter-terrorism-centre-and-failed/20120116.htm>

The 26/11 terrorist strikes in Mumbai revealed more or less the same deficiencies in our counter-terrorism architecture as the deficiencies in the counter-terrorism architecture of the US revealed by the 9/11 terrorist strikes. Namely, inadequate intelligence and lack of co-ordinated follow-up action even on the intelligence that was available. In his first statement to the Lok Sabha on the 26/11 terrorist strikes after taking over as the Home Minister P Chidambaram said that the responsibility for follow-up action on available intelligence was found to be diffused. Shortly thereafter, he had visited the US to study the working of the Department of Homeland Security and the NCTC, both of which came into being after 9/11. He came back a strong votary of two ideas: For the creation of a separate Ministry of Internal Security patterned after the Department of Homeland Security of the US and for the creation of an NCTC patterned after its US counterpart.

India modeled their high tech surveillance after U.S. – It was created after the Indian Home Minister visited the NSA

Indian Express 14

India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

In the spring of 2009, even as municipal crews in Mumbai were still sifting through the debris of 26/11, India's newly-appointed home minister, P Chidambaram, was ushered into the digital heart of the United States' war against terrorism, its super-secret National Counter-Terrorism Centre. He gazed intently, an aide recalls, at its giant video-walls, where information from across the world displayed in real time, and asked searching questions about the dozens of classified databases that feed them. Later that year, Chidambaram promised a made-in-India NCTC would be up and running "by the end of 2010"- a third of the time it had taken the United States. "India cannot afford to wait 36 months", he declaimed. -

Or Nah Modeling

Their modeling evidence goes the wrong direction—Even if India used the U.S. as a model for strengthening its counterterrorism strategy they will not reverse model reductions – India perceives itself as facing very different threats and domestic politics would block any roll back in surveillance

Kumar 12 Vikas Kumar is Assistant Professor of Economics at Azim Premji University, Bangalore, East Asia Forum, Why the India–US counter-terrorism partnership is largely symbolic 11 October 2012, <http://www.eastasiaforum.org/2012/10/11/why-the-india-us-counter-terrorism-partnership-is-largely-symbolic/> Zabiuddin Ansari, wanted among other things for the 2008 Mumbai terrorist attack, was recently deported from Saudi Arabia to India. This has been hailed as a sign of growing convergence among India, the US and Saudi Arabia on terrorism and Iran. But B. Raman, former head of the counter-terrorism division of India's external intelligence agency, has convincingly argued that the India–Saudi Arabia link of the triad will remain weak. And there are several reasons why even India–US counter-terrorism cooperation will also continue to be largely symbolic and sporadic for the foreseeable future. Let us begin with demography. Muslims, mostly immigrants, account for just 0.6 per cent of the US population, whereas Muslims account for more than an eighth of India's population and are among the country's founding fathers and leading public and cultural figures. India is geographically close to the nerve centres of Islamic terrorism in South and West Asia. This proximity is a disadvantage as Pakistan-based transnational terrorists can easily penetrate India's porous land and maritime borders. Moreover, India, unlike the US, has only a limited overseas capacity to counter terrorism at its source. But even if it had such a capacity, it would be largely ineffective against nuclear Pakistan. And irrespective of the incentives India may offer Pakistan's megalomaniac and paranoid military-intelligence establishment, the latter will not deliver results because any letting down of the hate campaign against India would conflict with its raison d'être. In contrast, the US, which is geographically isolated and has a better counter-terrorism capacity, is able to fight terrorism far away from its territory. India and the US also differ in their ability to influence Islamic countries. India is hugely dependent on Middle Eastern oil and many of its workers are employed in this region. This reduces India's bargaining power vis-à-vis the Middle East, which is a major source of financial and ideological support for Islamic terrorist organisations in South Asia. In contrast, given its influence over international institutions and the global financial system, the US is relatively better placed to favourably influence the policies of Islamic countries. Last but not the least, since the early 19th century Indian Muslims have been influenced by developments in West Asia, and since the early 20th century they have been in conflict with the majority Hindus. The Muslim–Hindu conflict resulted in the bloody partition of India that has left behind unresolved territorial issues, and the West Asian influence has radicalised some sectors of the Muslim community in India. As a result, the Indian policymaker and common man alike believe that terrorism is to some extent linked to the Kashmir question and to Indian youth affected by Muslim–Hindu riots, both of which are problems internal to India. These factors contribute to a number of differences between the counter-terrorism strategies of India and the US. US policy makers regard terrorism as a foreign and national defence problem. There is no influential domestic lobby that radically differs from the establishment's views in this regard. The domestic debate in the US is largely about the

logistics of fighting terrorism and the identification of suitable international partners. Changes in counter-terrorism strategy will not have a dramatic effect on US domestic politics. So, policymakers have sufficient freedom to rework strategy in response to changing threat patterns. In contrast, minor changes in strategy can disproportionately affect domestic politics in India: a strong-arm strategy will radicalise the Muslim masses, whereas a softer strategy will validate the Hindu right's claim that Muslims are appeased in the name of secularism. So, unlike the drone-borne counter-terrorism efforts of the US, India's fight against terrorism is almost entirely police-driven and backed by potential soft cultural options. India is similarly constrained on the foreign policy front. There are three reasons for this. First, Indian policy makers and the public view international counter-terror operations as undesirable insofar as they contribute to internationalising the Kashmir issue and attracting international jihadi attention to India. Second, India is a net oil importer; Muslims have a much stronger political presence in India; and mainstream political parties view the Palestine problem through the prism of decolonisation. So, on the one hand, the Indian government cannot, for example, support Israel on the Palestine issue and benefit from US–Israel counter-terrorism expertise. On the other hand, India cannot afford to go all out against Saudi Arabia and Iran because of the deep attachment felt by many Sunni and Shia Muslims to holy places in these countries and because of India's dependence on oil imports. Third, the US can bargain with countries like Pakistan over, say, rendering terrorists like David Coleman Headley to third countries and demanding, in exchange, cooperation to detect threats against its homeland. But India does not have access to such tradable assets. To conclude, India and the US view Islam differently and they face very different geo-political and domestic constraints. This in turn implies a divergence rather than convergence of counter-terrorism strategies. Moreover, belated revision of the US's Kashmir policy and procrastination in banning terror groups focused on India ensure that the Indian public and policymakers continue to distrust the intentions of the US — and a reciprocal feeling exists in this latter country. The two sides, therefore, need to overcome historical distrust of each other. In the meantime, it is unfair to treat counter-terrorism cooperation as the bellwether of their relationship. In fact, it would help if existing counter-terror cooperation were downplayed to knock the wind out of jihadi propaganda against the phantom Judaeo–Christian–Hindu alliance. The India–US relationship should instead build upon common interests like the promotion of maritime security, free trade, energy security, clean technologies, anti-proliferation regimes, human rights and democracy.

They have no reverse modeling evidence—India has explicitly rejected U.S. privacy restrictions on surveillance

Bhatia 15 Gautam Bhatia is Advocate, Delhi High Court, STATE SURVEILLANCE AND THE RIGHT TO PRIVACY IN INDIA: A CONSTITUTIONAL BIOGRAPHY, stsfor.org/content/changing-face-privacy-india-analysis

Ever since the explosive Snowden disclosures in May 2013, State surveillance and citizens' right to privacy have been at the forefront of international debate. Even as the Snowden documents were revealing, detail by detail, the American and British intelligence agencies' extensive surveillance systems (PRISM and TEMPORA, among others) used to spy both on their own citizens, and upon communications elsewhere, reports about Indian bulk surveillance began to trickle in. It is now known that there are at least two surveillance regimes in India, in uncertain stages of preparation: the Central Monitoring System (CMS), which provides for the collection of telephony metadata by tapping into the telecommunications' companies records²; and Netra, a dragnet surveillance system that detects and sweeps up electronic communication that uses certain keywords such as “attack”, “bomb”, “blast” or “kill”. These programs, wide in their reach and scope, have dubious statutory backing. They also, very clearly, impinge upon basic fundamental rights. A discussion of the legal and constitutional implications, therefore, is long overdue. This essay presents an analytical and chronological history of the Indian Supreme Court's engagement with the right to privacy. While discussions for a privacy statute have stagnated and are presently in limbo³, the Court has been active for nigh on fifty years. This essay aims to achieve a comprehensive, doctrinal understanding of the constitutional right to privacy, as evolved, understood and implemented by the judiciary. Such an understanding, indeed, is an essential prerequisite to embarking upon a legal and constitutional critique of mass State surveillance in India. II. FOUNDATIONS Privacy is not mentioned in the Constitution. It plays no part in the Constituent Assembly Debates. Indeed, a proposal to include a provision akin to the American Fourth Amendment (and the root of American privacy law), prohibiting ‘unreasonable searches and seizures’, was expressly rejected by the Assembly. The place of the right – if it exists – must therefore be located within the structure of the Constitution, as fleshed out by judicial decisions.

The India system has not modeled existing U.S. restrictions on metadata

Lowenthal 14 Mark M. Lowenthal is the senior specialist in U.S. foreign policy at the Congressional Research Service Intelligence: From Secrets to Policy

India has a growing cyberspace capability, which, like that of many other nations, appears to have been used against potential foes, such as China and Pakistan, and more friendly states, like the United States. India is in the midst of deploying a Centralised (or Central) Monitoring System (CMS) that is designed to track all communications within India—telephone, computer, landline, mobile, and so on. Unlike the NSA program, CMS will not have to ask providers' permission for access but will have that built into the technology of the telecom and data service providers. (IMS will provide intelligence to foreign and domestic agencies, the police, and tax collectors—a list that some believe is too broad. Like the NSA program, CMS appears to focus on metadata. CMS is being developed and will be run by a government technology development center that is not part of the intelligent complex. The Ministry for Home Affairs will have the power to determine who is monitored.

India has not modeled restrictions—They have far more surveillance authority than the U.S.

Mirani 13 Leo Mirani is a reporter for Quartz, Think US snooping is bad? Try Italy, India or...Canada, <http://qz.com/92648/think-us-snooping-is-bad-try-italy-india-or-canada/>

Just because something is legal doesn't necessarily make it a good thing. So far, legality is the main rationale US officials have used to defend the government's PRISM spying program. It's all perfectly legal, approved by Congress and the courts. But a more potent argument might be to compare PRISM with the spying programs of other countries. Compared to the data-mining that goes on elsewhere, US intelligence agencies may be relatively constrained. Start with Canada, which many consider to be a cuddlier, saner version of the US. The Globe and Mail reports today that the Canadian defense minister approved a plan similar to PRISM back in 2005, and renewed it in 2011. Run by the Communications Security Establishment Canada (CSEC), a signals intelligence agency similar to the US's NSA or Britain's Government Communication Headquarters (GCHQ), the program collects metadata from phone and internet communication. Like PRISM, CSEC's primary targets are said to be foreigners. But what makes the Canadian effort somewhat more sinister is that it was instituted through the executive branch of government without legislative approval. According to the Globe and Mail, "a regime of ministerial directives—decrees not scrutinized by Parliament—have authorized the broad surveillance programs." At least PRISM won the approval of Congress, however clueless the legislature may be about the details. Then there is Italy. According to Italian lawyer Fulvio Sazrana (link in Italian), a law passed earlier this year by the outgoing Mario Monti government also skipped over court orders and other legal approvals. Instead, Monti issued a directive laying down guidelines for the protection of cybernetics and national cyber security. In so many words, the directive gives government agencies what the French call "carte blanche" to raid private data banks in the name of "internet security." There will be no Italian equivalent of Twitter, which does not participate in PRISM. In India, internet service providers are "insisting upon Indian users' privacy to be protected from any such misadventure of any intelligence departments." Meanwhile, India's government is setting up a vast surveillance system with the express purpose of spying on its citizens, something the NSA has been at pains to say it does not do. For instance, the government's Central Monitoring System gives it access to all telecom traffic, including calls, text messages and mobile internet. According to the Hindu newspaper, another proposed "national cyber coordination cell" plans to: Collect, integrate and scan [internet] traffic data from different gateway routers of major ISPs at a centralised location for analysis, international gateway traffic and domestic traffic will be aggregated separately ... The NCCC will facilitate real-time assessment of cyber security threats in the country and generate actionable reports/alerts for proactive actions by the concerned agencies. India's external intelligence agency, the armed forces, and even the local defense research establishment, among others, will have access. It is debatable whether India, Canada or Italy's data-acquisition and data-mining technology are as powerful as that of the NSA. But when they are, these countries will already have laws and systems in place to abuse them.

The U.S. meta data program had legal privacy protections built in even before the Freedom Act
Perez 13

Evan Perez reporter for Wall Street Journal, Phones Leave a Telltale Trail, Updated June 15, 2013, <http://www.wsj.com/articles/SB10001424127887324049504578545352803220058>

Under the NSA phone program, the government collects domestic phone metadata without a specific investigative lead. Trained analysts only search the database in conjunction with a terrorism investigation, authorities say. Intelligence

agencies "basically reimpose at the level of analysis the standards you might ideally have for collection," said Timothy Edgar, a former top national-security privacy lawyer in the Bush and Obama administrations. Mr. Edgar said the increasingly specific location data raises concerns about potential violations of Fourth Amendment protections against unreasonable searches and seizures. Once a person can be located within a building, the monitoring more closely resembles a search that would traditionally require a warrant.

The NSA program is accompanied by privacy restrictions, Obama administration officials say. To search the database, the government must have "reasonable suspicion" that the basis for the query is "associated with a foreign terrorist organization," they say. Search warrants approved by the secret Foreign Intelligence Surveillance Court are required before the contents of the calls may be monitored.

No reverse modeling – No restrictions on surveillance that exist in the U.S. have ever been modeled in India—India has far more access to data than the U.S. does now—The CMS collects and listens to all calls directly—it is not limited to metadata and they have not modeled any privacy protections

Prakash 13 Pranesh Prakash is Policy Director, The Centre for Internet and Society, Bangalore, How Surveillance Works in India July 10, 2013, http://india.blogs.nytimes.com/2013/07/10/how-surveillance-works-in-india/?_r=0

When the Indian government announced it would start a Centralized Monitoring System in 2009 to monitor telecommunications in the country, the public seemed unconcerned. When the government announced that the system, also known as C.M.S., commenced in April, the news didn't receive much attention. After a colleague at the Centre for Internet and Society wrote about the program and it was lambasted by Human Rights Watch, more reporters started covering it as a privacy issue. But it was ultimately the revelations by Edward J. Snowden about American surveillance that prompted Indians to ask questions about its own government's surveillance programs. In India, we have a strange mix of great amounts of transparency and very little accountability when it comes to surveillance and intelligence agencies. Many senior officials are happy to anonymously brief reporters about the state of surveillance, but there is very little that is officially made public, and still less is debated in the national press and in Parliament. This lack of accountability is seen both in the way the Big-Brother acronyms (C.M.S., Natgrid, T.C.I.S., C.C.T.N.S., etc.) have been rolled out, as well as the murky status of the intelligence agencies. No intelligence agency in India has been created under an act of Parliament with clearly established roles and limitations on powers, and hence there is no public accountability whatsoever. The absence of accountability has meant that the government has since 2006 been working on the C.M.S., which will integrate with the Telephone Call Interception System that is also being rolled out. The cost: around 8 billion rupees (\$132 million) — more than four times the initial estimate of 1.7 billion — and even more important, our privacy and personal liberty. Under their licensing terms, all Internet service providers and telecom providers are required to provide the government direct access to all communications passing through them. However, this currently happens in a decentralized fashion, and the government in most cases has to ask the telecoms for metadata, like call detail records, visited Web sites, IP address assignments, or to carry out the interception and provide the recordings to the government. Apart from this, the government uses equipment to gain access to vast quantities of raw data traversing the Internet across multiple cities, including the data going through the undersea cables that land in Mumbai. With the C.M.S., the government will get centralized access to all communications metadata and content traversing through all telecom networks in India. This means that the government can listen to all your calls, track a mobile phone and its user's location, read all your text messages, personal e-mails and chat conversations. It can also see all your Google searches, Web site visits, usernames and passwords if your communications aren't encrypted. You might ask: Why is this a problem when the government already had the same access, albeit in a decentralized fashion? To answer that question, one has to first examine the law. There are no laws that allow for mass surveillance in India. The two laws covering interception are the Indian Telegraph Act of 1885 and the Information Technology Act of 2000, as amended in 2008, and they restrict lawful interception to time-limited and targeted interception. The targeted interception both these laws allow ordinarily requires case-by-case authorization by either the home secretary or the secretary of the department of information technology. Interestingly, the colonial government framed better privacy safeguards into communications interception than did the post-independence democratic Indian state. The Telegraph Act mandates that interception of communications can only be done on account of a public emergency or for public safety. If either of those two preconditions is satisfied, then the government may cite any of the following five reasons: "the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, or public order, or for preventing incitement to the commission of an offense." In 2008, the Information Technology Act copied much of the interception provision of the Telegraph Act but removed the preconditions of public emergency or public safety, and expands the power of the government to order interception for "investigation of any offense." The IT Act thus very substantially lowers the bar for

wiretapping. Apart from these two provisions, which apply to interception, there are many laws that cover recorded metadata, all of which have far lower standards. Under the Code of Criminal Procedure, no court order is required unless the entity is seen to be a “postal or telegraph authority” — and generally e-mail providers and social networking sites are not seen as such. Unauthorized access to communications data is not punishable per se, which is why a private detective who gained access to the cellphone records of Arun Jaitley, a Bharatiya Janata Party leader, has been charged under the weak provision on fraud, rather than invasion of privacy. While there is a provision in the Telegraph Act to punish unlawful interception, it carries a far lesser penalty (up to three years of imprisonment) than for a citizen’s failure to assist an agency that wishes to intercept or monitor or decrypt (up to seven years of imprisonment). To put the ridiculousness of the penalty in Sections 69 and 69B of the IT Act provision in perspective, an Intelligence Bureau officer who spills national secrets may be imprisoned up to three years. And under the Indian Penal Code, failing to provide a document one is legally bound to provide to a public servant, the punishment can be up to one month’s imprisonment. Further, a citizen who refuses to assist an authority in decryption, as one is required to under Section 69, may simply be exercising her constitutional right against self-incrimination. For these reasons and more, these provisions of the IT Act are arguably unconstitutional. As bad as the IT Act is, legally the government has done far worse. In the licenses that the Department of Telecommunications grants Internet service providers, cellular providers and telecoms, there are provisions that require them to provide direct access to all communications data and content even without a warrant, which is not permitted by the existing laws on interception. The licenses also force cellular providers to have ‘bulk encryption’ of less than 40 bits. (Since G.S.M. network encryption systems like A5/1, A5/2, and A5/3 have a fixed encryption bit length of 64 bits, providers in India have been known use A5/0, that is, no encryption, thus meaning any person — not just the government — can use off-the-air interception techniques to listen to your calls.) Cybercafes (but not public phone operators) are required to maintain detailed records of clients’ identity proofs, photographs and the Web sites they have visited, for a minimum period of one year. Under the rules designed as India’s data protection law (oh, the irony!), sensitive personal data has to be shared with government agencies, if required for “purpose of verification of identity, or for prevention, detection, investigation including cyber incidents, prosecution, and punishment of offenses.”

India has not modeled any of the privacy protections that exist in the U.S. – They have no legislation protecting privacy

Xynou 13 Maria Xynou Maria is a Policy Associate on the Privacy Project at the CIS, FinFisher in India and the Myth of Harmless Metadata, <http://cis-india.org/internet-governance/blog/fin-fisher-in-india-and-myth-of-harmless-metadata>

Furthermore, India lacks privacy legislation which could safeguard individuals from potential abuse, while sections 66A and 69 of the Information Technology (Amendment) Act, 2008, empower Indian authorities with extensive surveillance capabilities.^[28] While it remains unclear if Indian law enforcement agencies are using FinFisher spy products to unlawfully target individuals, it is a fact that FinFisher control and command servers have been found in India and that, if used, they could potentially have severe consequences on individuals’ right to privacy and other human rights.[]

AT: CMS Economy “honey pot” scenario

Their scenario makes no sense - CMS is a data base for communication records and telephone data—It does not connect to the banks or financial markets—Hacking the CMS does not equal attacks on financial institutions

Cyber attacks can't crush the economy because India's economic infrastructure is compartmentalized and the national data base is protected

Shukla 13 Ajai Shukla reporter for Business Standard, Cyberspace: India's digital battleground, 22nd Jun 13 <http://ajaiashukla.blogspot.com/2013/06/cyberspace-indias-digital-battleground.html>

India, however, has been slow in fixing its attention on cyber security. This may partly be because much of the country's critical infrastructure --- power grids, public transportation, nuclear power plants, defence systems --- is controlled by manual systems, or by stand-alone computer systems that are not linked over the internet. In that respect, India's infrastructural backwardness has proved a useful safeguard against cyber attack. "It is not unusual to find New Delhi's central ministry officials using unsecured email systems, sometimes even commercial email accounts on public servers. But India's sensitive networks tend to be isolated, with no point of contact with the internet that would render them vulnerable to on-line hacking. Several agencies have their own, dedicated, secure optic fibre networks, notably the military; the Defence R&D Organisation (DRDO); and the police's Crime and Criminal Tracking Network System (CCTNS), the national database that is being gradually rolled out." says Praveen Swami, the Strategic Affairs Editor of Network 18.

Not Unique—Cyber attacks on India's financial infrastructure are exploding now before CMS has been completed

Athavale 14 Dileep Athavale, reporter for the Times of India. Cyberattacks on the rise in India , TNN | Mar 10, 2014, <http://timesofindia.indiatimes.com/tech/it-services/Cyberattacks-on-the-rise-in-India/articleshow/31757791.cms>

The ease of online banking and transactions has brought with it a significant rise in malicious attacks on digital devices and software systems. Most of these attacks, as recent instances of online thefts have demonstrated, have been in the banking and financial services domain. According to reports by research agencies, the problem has become more complex with the proliferation of mobile devices and the users' preference towards transactions on the go. In addition, there is also laxity on the part of the users when it comes to following safe practices during such transactions, coupled with a significant lack of manpower with skills to handle the rising number of such attacks, the agencies' reports state. Arbor Networks' research report states that 2013 witnessed a huge rise in attacks against the banking and financial services sector. Government establishments also faced such attacks. The firm said there was a 136% increase in cyberthreats and attacks against government organizations and 126% against financial services organizations in India. India has seen significant increase in attacks against financials and government, with 34% and 43% of them reporting cyberthreats and attacks respectively, up from last year's 15% and 19%, the report revealed. "From the ISP to the enterprise, IT and security teams are facing a dynamic threat landscape and very skilled and patient adversaries," Matthew Moynahan, president of Arbor Networks, said. "Multi-layered defenses are clearly needed, but so is a commitment to best practices for people and process," he added. Another report, from EC-Council Foundation pointed at a major gap in information security threat handling capabilities in India, thanks mainly to the talent crisis in the country. The report shows talent levels in nine crucial segments of information security, the implications of which could impact handling of cyberthreats in industries such as banking and economy, defence, healthcare, information and energy among others. Close to an alarming 75% participants displayed low levels or a lack of skill in error handling, while 73% participants were not adequately equipped with skills in file handling, the report revealed. Experts have recognized that malicious file inclusions, malware distribution and distributed denial of service (DDOS) attacks are known threats that can arise out of improper file handling and such threats are often used to synchronize attacks

on websites or large networks, the report stated. Anshul Abhang, managing director and chief executive of enterprise security solutions firm Deltaproactive, told ToI that a malicious attacker now looks for high-value targets that can benefit him financially. "Hacking is no more a satisfaction game but has become serious business. The attackers also look for indirect financial benefits by targeting particular organizations' services and taking it down eventually. Such service outages result in financial loss as well as goodwill and image loss in the market."

India's banking sector is vulnerable to cyber attacks now

Kaushik 14 Ram. K. Kaushik is a blogger for Cyber Security in India, <http://cybersecurityforindia.blogspot.com/>

However, cyber security in India is in a poor condition. Cyber security of banks in India is also required to be strengthened. The banks operating in India are not at all serious about maintaining cyber security of banking related transactions and this is resulting in many cyber and financial crimes in India. In the absence of appropriate skills development and modernisation of law enforcement agencies of India, police force are finding it really difficult to solve technology related crimes. Further, cyber security of sensitive databases like National Identity Cards would also require strong privacy protection and cyber security compliances.

Turn, Only completing the CMS can allow the surveillance necessary to stop cyber attacks on the financial system

GKT 15 General Knowledge Today: India's Daily E Magazine, Feb 2015
<http://www.gktoday.in/blog/developing-the-cyber-security-architecture/>

Cyber warfare is the internet based conflict which arises when the information system of the strategic departments of the country are attacked in order to get the classified information. In the modern world of digitization such politically motivated snooping is done to interrupt the strategic affairs of the nation. Sometimes it is aimed at attacking the major infrastructures of the nation. With the shrinking world, the internet connectivity and heavy dependence of the government functioning on internet, it is imperative to have a cyber securing framework. In the world of digitization critical infrastructure like banking system, financial market, power infrastructure, and hydroelectric projects are prone to such attack. The grid failure like instances can be its consequences. Hydroelectric projects prone to disaster, may be attacked and create disasters. 'Stuxnet' like malwares which were introduced in the centrifuge of Iran was one such incidence. NSA's PRISM snooping incidence, Dropmier, Tempora are such other global surveillance programmes which were operationalised to mine the data strategic to India. Hackers from different countries like Pakistan and china try to deface the Indian website are the potential attackers. Hence it is imperative to have in the modern times a properly tucked national security and monitoring system to have a digital surveillance in the country protecting it from cyber warfare and cyber espionage. India's efforts to minimize the cyber threat With the rise of India in last some decades as a global power and emerging economy it attracted global attention and remains vulnerable with regard to information protection. India's cyber security architecture as of now do not provide any mass surveillance mechanism with only few distinguished agencies like RAW, IB get access to such monitoring after the approval. India's effort include CERT-In (Computer Emergency Response Team- India) which was formed in 2002-03 to create awareness on cyber threat, understand vulnerabilities and devise ways to mitigate them. National Technical Response Organization (NTR0) was given responsibility of protecting the critical infrastructure institution and developing offensive capabilities. Amendments to the IT act 2008, raised the level of awareness about the cyber crimes. It recognizes various ways of cyber attacks and also provides help to prosecute the cyber criminals. National cyber security policy 2013 was framed to build a secure and resilient cyber space for government, citizen and business to protect the classified information critical to India's security. Its features include range of provisions including 24X7 mechanisms to deal with cyber threats. India is following the path of developing intense surveillance system which not only monitor the cyber threat to the national security but also seems to compromise the privacy of its citizen in some cases. The Central Monitoring System (CMS) is an ambitious project that is required to keep the national security and monitoring under surveillance. It would be a centralized mechanism where the telecommunication and internet connections can be analyzed by Indian government and its agencies. Central and regional database would help law enforcement agencies to monitor and intercept. Call data recordings and data mining to identify call details of the targeted numbers. Another such Efforts is NeTRA (Network Traffic Analysis System) will intercept

and examine communication over the internet for keywords like 'attack', 'blast', 'kill'. It appears to be Indian government first attempt of mass surveillance rather than individual targets. It will scan the activities over the social networking websites like twitter and would scan the mails and chat transcript and even the voices in the internet traffic. India's cyber security has not only to be effectively implemented but also to be redrawn in line with growing cyber crimes.

Turn, metadata is key to DETER cyber attacks

Michaels 13 Jim Michaels, is a military writer for USA TODAY and has covered wars around the world. He is a former Marine infantry officer USA TODAY June 6, 2013, NSA [data mining can help stop cybercrime](#), analysts say [The huge volume of telephone records](#) turned over to the U.S. government [could help investigators identify and deter](#) a range of terrorist acts, including [cyberattacks](#), analysts say. "Once you have this big chunk of data and you have it forever... you can do all sorts of analytics with it using other data sources," said Joseph DeMarco, former head of the cybercrime unit in the U.S. attorney's office in New York City. "A data set like this is the gift that keeps on giving," said DeMarco, a partner at the law firm DeVore & DeMarco.

Turn- NCCC Metadata program for preventing cyber terror attacks is modeled after U.S. data collection and will prevent cyber attacks

Keck 13 Zachary Keck is assistant editor of The Diplomat, India Sets Up Domestic PRISM-Like Cyber Surveillance?, <http://strategicstudyindia.blogspot.com/2013/06/afghan-lessons-for-arming-syrian-rebels.html>

Even as [the United States' PRISM cyber-snooping program](#) is raising alarm across the world, [India is in the midst of setting up a similar program](#) designed to collect intelligence via the internet domestically. The Hindu reports that the India government is creating a centralized mechanism to coordinate and analyze information gathered from internet accounts throughout the country. [The mechanism will be called the National Cyber Coordination Centre](#) [NCCC]. "The federal Internet scanning agency [will give law enforcement agencies direct access to all Internet accounts](#), be it your e-mails, blogs or social networking data," the Hindu reported, referring to the NCCC. A classified government "note" that The Hindu obtained explains the NCCC in this way: "The NCCC will collect, integrate and scan [Internet] traffic data from different gateway routers of major ISPs at a centralised location for analysis, international gateway traffic and domestic traffic will be aggregated separately ... [The NCCC will facilitate real-time assessment of cyber security threats in the country and generate actionable reports/alerts for proactive actions](#) by the concerned agencies" NDTV, however, reports that the NCCC will not target individuals but rather will seek to access threats to India's cyber infrastructure as a whole. "The new system will look for unusual data flow to identify and access cyber threats and not individual data," NDTV reported, citing unnamed government officials. But the Hindustan Times reports that [Indian authorities have long used meta-data to track potential cyber threats](#) inside the country. According to that paper, the program does not allow Indian authorities to access actual content, but rather look for "patterns in the manner emails, phone calls and SMSes are sent and delivered." It's unclear how much the NCCC would expand this authority and in which ways, if at all. One purpose of the NCCC seems to be simply trying to coordinate the different activities of government agencies tasked with elements of cybersecurity. During a speech last month, Prime Minister Singh briefly alluded to the then-forthcoming NCCC, "We are implementing a national architecture for cyber security and have taken steps to create an office of a national cyber security coordinator."

Turn, India's metadata surveillance program will prevent cyber attacks

Jhala 14 Krishna Jhala is an associate attorney at Priti Suri & Associates, India gets ready to set up cyber snooping agency March 2014, http://www.psalegal.com/FLASH_POPUP.php?flashID=144

[India will soon be setting up a federal internet scanning agency called NCCC to spy all internet accounts and online data](#). NCCC is [to monitor cyber security threats and inform concerned law enforcement agencies for proactive action to prevent crime](#). NCCC will collect and integrate internet traffic data from different gateway routers of major ISPs at a centralized location for analysis. NCCC would be set up at a cost of INR 10 billion and all top government spy and technical agencies including Department of Telecommunication, Intelligence Bureau, Research and Analysis Wing, Indian Computer Emergency Response Team, Army, Navy, Air force, National Security Council Secretariat,

Defence Research and Development Organization will play an active role in the functioning of NCCC. PSA view - In the present internet era, cyber attacks are on an increase and pose as a huge threat to the safety and security of the nation. Recently, Central Bureau of Investigation's website had been defaced by hackers and in another case attempts were made to break into Indian Railway Website. Therefore, NCCC is need of the hour and a step in the right direction to address the shortcoming in the cyber security. 100% FDI allowed in telecom sector In a meeting of the Department of Policy and Promotion chaired by Prime Minister on July 16, 2013, it was announced that FDI limit in the telecom sector has been increased to 100%. The earlier limit was 74%. As per latest announcements, investment up to 49% is allowed to come in through the automatic route and investment above 49% is required to be brought in through the government route i.e. approval of the Foreign Investment Promotion Board. PSA view - The announcement is seen as a welcome change. However, the policy and implementation of these announcement is what is most awaited. The increased limits are set to bring in billions of investments in this sector. Fresh foreign investments would help catalyze growth and the process of proliferation in the telecom sector across the country. India set to frame new testing norms for telecom equipment The Department of Telecommunications with the Department of Electronics & IT and National Technical Research Organization are all set to frame new testing standards for telecom gear to shield networks from potential cyber attacks. The Common Criteria Recognition Arrangement ("CCRA") clearance will no longer be enough to certify global telecom gear used in India, announced the National Security Council Secretariat, the apex agency looking into India's political, economic and energy and strategic security concerns. PSA view - CCRA was created ten years back by UK, US, Canada, France, Germany and the Netherlands, Australia and New Zealand, to define a common process to evaluate security-sensitive IT & telecom products and an objective to motivate global telecom vendors to find common processes to reduce equipment certification costs worldwide. But now India has started creating country-specific telecom gear testing standards and adopting several measures: (i) mobile phone companies have been mandated to use equipment deemed "safe" by an authorized testing lab in India from November 1, 2013; (ii) India is preparing a cyber security framework and a cyber security policy; (iii) India is setting up a National Cyber Coordination Centre to monitor metadata on cyber traffic flows; (iv) Establish a pilot lab and a full-fledged certification center and development system; and (v) To adopt global approaches to its procurement policies, India is reviewing its Preferential Market Access policy designed to compel foreign companies to manufacture electronic products in India if they want to sell in India.

LeT Disad

LeT stands for Lashkar e Taiba (sometimes called

Let - Internal Links

VOIP Links

LeT can avoid detection because it relies on VOIP communication that can't be tracked

Sharwood 12 Simon Sharwood is a reporter for the Register Terrorists 'build secure VoIP over GPRS network' Secret comms channel eludes Indian spooks, http://www.theregister.co.uk/2012/05/01/terror_group_voip/

Terror group Lashkar-e-Taiba has developed its own VoIP network that connects its members over GPRS networks, according to the Times of India. UK and US authorities have both declared Lashkar-e-Taiba a proscribed terror organisation. The group's aims include India ceding sovereignty over Kashmir. Members of the organisation participated in the 2008 attacks on Mumbai. The VoIP network is frustrating India's intelligence community, the report says, because it means they can no longer trace the group's members as it is far harder to spy on than email or commercial VoIP services. "Earlier, we could intercept conversations on phone or locate Lashkar cadres based on their IP addresses through their emails," an intelligence source told the Times. "But now we're finding it tough to gather intelligence because Lashkar men hold audio or video conferences using private VoIP." The network even has a name: Ibotel. The report says Lashkar-e-Taiba recruited "technicians, engineers and information technology executives ... intensify its operations across India." Some of those recruits, the report suggests, developed Ibotel as the group sought more secure methods of communication.

LeT use of VOIP is making them impossible to track down with conventional intelligence methods

Singh 12 Aarti Tikoo Singh reporter for Times of India, Lashkar's own Skype frazzles Indian intelligence, TNN | Apr 30, 2012, <http://timesofindia.indiatimes.com/india/Lashkars-own-Skype-frazzles-Indian-intelligence/articleshow/12934037.cms>

The increasing use by terror group Lashkar-e-Taiba [LeT] of Voice over Internet Protocol (VoIP) for communication, and its impenetrability, is proving frustrating for Indian intelligence. In fact, Lashkar supreme commander of operations, Zaki-ur Rehman Lakhvi, who is in a Rawalpindi jail, has been networking using a private VoIP on his smart phone with Lashkar cadres. "Lakhvi's compound serves as Lashkar's alternative headquarters," a top intelligence source told TOI. It was his imprisonment, sources said, that stopped Lashkar cadres from using emails and phones and restrict communication to VoIP. VoIP is a technology that delivers audio and video messages over the internet. It's distinct from phone as it converts audio signals into binary data. VoIP also allows encryption of data, which makes it difficult to decode messages. Senior intelligence sources in Kashmir told TOI that Muridke (Lahore) based Lashkar known for using technology more than any other terror group in Kashmir, has its own private VoIP, Ibotel, to communicate with its cadres in Pakistan and Kashmir. Ibotel, Lashkar's exclusive VoIP that runs on GPRS (mobile data service on 2G or 3G cellular communication system), was created by Lashkar's own tech team. The group began recruiting technicians, engineers and information technology executives almost a decade ago to intensify its operations across India. Lashkar, which is headed by Hafiz Saeed against whom the US recently announced a \$10 million bounty for his alleged role in the November 2008 Mumbai attacks, started using VoIP as soon as the technology became common in early 2000s. Lashkar's handlers used VoIP during the Mumbai attacks, intelligence sources said. "Earlier, we could intercept conversations on phone or locate Lashkar cadres based on their IP addresses through their emails. But now we're finding it tough to gather intelligence because Lashkar men hold audio or video conferences using private VoIP," said intelligence sources. "It's difficult to track their locations." And even if we know their IP addresses and the time and date of their audio or video calls, we remain technologically handicapped because we can't intercept what transpired between them," said a senior government official. "There may not be more than 50-odd Lashkar men. Yet, they are a threat because they have the ability to strike in the Valley or other parts of the country. We need to catch up with the technology to hunt them down," said a senior J&K police officer.

CMS is key to tracking VOIP communications

Parbat 13

Kalyan Parbat, ET Bureau Dec 30, 2013, Home Ministry pushes for IB right to screen VoIP services offered by Skype, Yahoo, GTalk, RediffBol c Dec 30, 2013, http://articles.economictimes.indiatimes.com/2013-12-30/news/45711413_1_interception-solution-voip-indian-telegraph-act

Learning from the interception pilot will be used by the government to fine tune the Centralised Monitoring System (CMS), the much-awaited national surveillance system that will be equipped to track all forms of communications, including wireless, landline, satellite, internet and VoIP calls from next year.

A comprehensive study demonstrated that disrupting LeT is key to stopping its attacks

Dilegge 12

¶ Dave Dilegge is Editor-in-Chief of Small Wars Journal and serves as a Director at Small Wars Foundation. ¶ University of Maryland Scientists Develop New Methods to Combat Pakistani Terrorist Group Lashkar-e-Taiba, <http://smallwarsjournal.com/blog/university-of-maryland-scientists-develop-new-methods-to-combat-pakistani-terrorist-group-lashk>

¶ Effectively reducing the likelihood and intensity of attacks by the Pakistani terrorist group Lashkar-e-Taiba (LeT), the perpetrators of the November 2008 assault on Mumbai, India, requires a cocktail of actions including fostering dissent within LeT, hampering the organization's ability to conduct communication campaigns or provide social services, and disrupting the links between LeT and other Islamist terror groups, says a new study completed by an interdisciplinary research team at the University of Maryland's Lab for Computational Cultural Dynamics.¶¶ Presented at an international symposium on Lashkar-e-Taiba held in Washington on Sep 10, 2012, the study also confirms traditional wisdom that pressuring Pakistan to rein in its terrorist proxies and disrupt LeT terrorist training camps is also necessary to reduce the scope of LeT attacks. The UMD research further showed that traditional counter-terror and law-enforcement tools such as arrests, raids, and targeting the group's field commanders have only had a limited impact in reducing the likelihood of Lashkar-e-Taiba attacks. The study also is being published as a book: "Computational Analysis of Terrorist Groups: Lashkar-e-Taiba" (Springer, released Sep. 10, 2012).¶¶ Besides killing hundreds of civilians, LeT threatens the stability of South Asia because its attacks heighten tensions between nuclear-armed rivals India and Pakistan. Further, since the assault on Mumbai, information on Lashkar-e-Taiba suggests that it has increasingly turned its attention towards attacking the West not only in Afghanistan but also in Europe and Australia.¶¶ "Our study of LeT is different," explains V.S. Subrahmanian, lead author of the study, and director of the University of Maryland's Laboratory for Computational Cultural Dynamics, "It is the first in-depth analysis of a terror group that uses sophisticated data mining algorithms to learn temporal probabilistic rules as well as new algorithms to automatically suggest set policies which are sets of actions that should and should not be taken in order to elicit a desired behavior. Companies like Google and Amazon use these kinds of analytic methodologies to model the behaviors of customers every day. Decision-makers dealing with deadly threats to national security should have the same kinds of tools available."¶¶ The findings

on how best to deal with LeT are based on systematically gathered monthly data on 770 variables over a period of over 20 years. The UMD researchers mined this data for temporal probabilistic rules that not only identify conditions under which different types of terror strikes are carried out by LeT or its affiliates, but also the time delay with which these actions occur. Given these rules about the likelihood of LeT actions, a new Policy Computation Algorithm identifies sets of actions that reduce the likelihood of LeT attacks.¶¶ A typical rule states that two months after 5-24 Lashkar-e-Taiba operatives were arrested and Lashkar-e-Taiba operatives were on trial in either India or Pakistan, there was an 88 percent probability of Lashkar-e-Taiba engaging in clashes with local security forces in which Lashkar-e-Taiba operatives are killed. The software generated hundreds of such rules about a vast range of Lashkar-e-Taiba attacks including their targeting of civilians, professional security forces, transportation centers, security installations, and symbolic/tourist locations.¶¶ Overall the rules showed that support from Pakistan's government for LeT (which over the years has included financial, military, as well as operational support) is strongly correlated with almost every type of Lashkar-e-Taiba violence, while when Lashkar-e-Taiba is suffering from internal dissension they are less likely to carry out every type of attack.

Meta data links

India access to Meta data is key to prevent attacks orchestrated through VOIP and to prevent terrorist attacks in India

Sharma 14

Laveesh Sharma, Graduate Student at Jindal School of International Affairs, Haryana, Changing Face of Privacy in India: An Analysis, <http://stsfor.org/content/changing-face-privacy-india-analysis>

In the year of 2012, the National Security Council of India, which was headed by the former Prime Minister Manmohan Singh, planned the establishment of the National Critical Information Infrastructure Protection Centre (NCIPC) that was to be created by the National Technical Research Organization (NTRO) (Joseph, 2012). The Standing Committee on Information Technology has recommended the following apart from the setting up of the NCIPC (Legislative, 2014): * Establishment of a protection centre; * Creation of a single centralised body dealing with cyber-crimes; * Employment of skilled IT professionals to overcome shortage of manpower and; * Funding as well as conducting extensive research and development. In the hindsight, the right to privacy has not been granted under the Constitution of India, although the courts encompass it within the 'freedom of speech and expression' under Article 19(1) (a) and 'right to life and personal liberty' under Article 21. Currently there is no dedicated legislation in place aimed at data protection or privacy. The data protection laws are a set of privacy laws and procedures meant for minimizing intrusion of privacy, owing to surveillance and data collection. Nevertheless the Centre for Internet & Society, an NGO based in New Delhi has researched extensively and drafted a version of the Privacy Protection Bill, 2013 (Acharya, 2013). Some characteristics of the bill include: * It seeks to heavily penalize organisations or institutions obtaining personal data under false pretext; * It authorizes suspension of telecom service provider's license if it violates conditions of confidentiality mentioned in the bill; * It states that recommendations shall be made by committee comprising the Cabinet Secretary, Secretaries of Departments of Personnel and Electronics and IT, as well as two experts of data protection, law and finance to be nominated by the Central government. However, the National Security Advisor (NSA) seeks to weaken the bill by reducing its scope and introducing provisions that would protect the intelligence agencies. The current IT Act applies only on entities and persons located in India and not foreign corporations or people located abroad (Kosturi Ghosh, 2014). It is designed to be incursive. For instance under Section 43A, the IT Act legalizes handling of sensitive personal data, and under Section 69, the Government of India can "intercept, monitor or decrypt" any information transmitted or generated from any computer resource in the interest of the sovereignty and integrity, defence, public order, preventing incitement and for the security of the State (Dalmia, 2011). The impact on privacy will be

hard hitting when the Central Monitoring System (CMS) comes into action. It was fast tracked post 26/11 Mumbai attacks in which the perpetrators used voice over internet protocol (VoIP). This system would allow the Government to access every digital communication and telecommunication in the country. The CMS will be capable of covering text messages, online activities, phone calls, online searches and even social media conversations! (Nandakumar, 2013). According to investigations, about 160 million users are already under the scrutiny of wide-ranging surveillance. They have further revealed that a “Lawful Intercept and Monitoring Systems” is in place, which has been arranged by the Centre for Development of Telematics for the purpose of monitoring Skype, emails, web-browsing and of course Internet traffic (Singh, 2013). The surveillance agency in Australia, Defence Signals Directorate (DSD) shared metadata of its citizens with intelligence allies overseas. Prime Minister Tony Abbott defined meta-data as “essentially the billing data which is different from the actual content of calls.” A metadata can paint a “visual rendering” of one’s digital and physical existence (Laughland, 2013). Owing to the trails of pieces, internet activities of an individual can be linked and traced back. The NSA’s meta-data surveillance programme compiles the data giving a detailed picture of lives of individuals; these can provide information about people’s political or religious affiliations and even their relationships. One of the other important phenomena has been the rise in the number of smart phones in India. The industry has been very successful and has seen spike in the number of smart phone users, with the market leader Android reportedly holding 62% of the market share according to a 2012 survey (Brindaalakshmi, 2013), followed by Windows Mobile, RIM, IOS and so on. A rising consumer base for these companies is a cause of concern, as in the past these very firms had provided direct access to the NSA. The NSA allegedly had access to over 180 million records from Yahoo, Google and Facebook. In 2013, the percentage of obtained information from Skype rose to 248%, for Facebook, 131% and 63% for Google with DropBox being designed as a PRISM provider (Glenn Greenwald, 2013). The recent upgrades in the Android software (Kit-Kat) make it the best spying phone that could capture highly personal data of movements, activities, interests, internet searches and geo-locations. These smart phones use cutting-edge technology, making them a potential spying weapon (Liss, 2014). The fact remains that such an incident can happen without anyone’s knowledge just like the NSA snoop-gate, and governments would not even come to know unless there is another Snowden out there. The mechanisms and artillery adopted in the IT sector by the Indian Government may all seem too invasive of one’s own privacy but all of these are absolute a necessity for the fight against cyber terrorism. mass-surveillance, cyber espionage and to prevent another snoop-gate by a foreign country. The past incidents have shown how powerful and exploitative these instruments are as they hamper freedom of speech and expression and lead to wrongful arrests for even ‘liking’ a post on Facebook or tweeting. Legal frameworks to tackle these issues are extremely essential; at the same time amends have to be made in the IT Act.

Sophisticated social network tools can turn metadata into effective intelligence information

Wheaton & Richey 14 Kristan J. Wheaton is an Associate Professor at Mercyhurst University and Melonie K. Richey is a graduate student at Mercyhurst University who is currently participating in IARPA’s Sirius Project. Metadata Analysis as an Intelligence Tool, e-International Relations January 9, 2014 , <http://strategicstudyindia.blogspot.com/2014/06/metadata-analysis-as-intelligence-tool.html>

The legality of the National Security Agency’s (NSA’s) use of US citizens’ metadata to identify and track foreign intelligence organizations and their operatives is currently a subject of much debate. Less well understood (and consequently routinely misreported) are the capabilities and limitations of social network analysis, the methodology often used to evaluate this metadata. One of the first causes of confusion is definitional. Social network analysis is often linked to an inappropriate degree with social media. True, social media such as Facebook and Twitter are frequently used as rich data sources for social network analysis, but understanding the importance of networks in the affairs of states has been around at least since Machiavelli.[1] In addition, the first modern version of what would come to be called social network analysis was developed not by an intelligence agency or computer scientist but by Columbia professor and psychosociologist, Jacob Moreno, in 1934. These “sociograms,” as Moreno called them were used to graph individual preferences or relations within a small group. Little did Moreno suspect that his method for understanding the relationships between people, when combined with graph theory and the processing power of computers, would allow for the detailed analysis of thousands of people or organizations with hundreds of thousands of connections between them (See Fig. 2). [2] Figure 2 – Modern social network analysis uses powerful computers and graph theory to map out the relationships between thousands of nodes and hundreds of thousands of links. Shown here is the network of the over 6000 Twitter users who follow the Twitter handle of the American Nuclear Society along with their over 200,000 connections. (Image Source: Melonie Richey) Along with the undeniable power of this type of analysis comes the inevitable (and justified) concerns for privacy and constitutionality. But just how powerful is social network analysis? What can intelligence agencies actually glean from the exabytes of data they are purportedly collecting? Social Network Analysis, as an analytic method, has inarguable applicability to the field of intelligence and is

progressively reshaping the analytic landscape in terms of how analysts understand networks. For example, analysts currently use SNA to identify key people in an organization or social network, develop a strategic agent network, identify new agents and simulate information flows through a network. Beyond this, SNA can be easily combined with other analytic practices such as Geographic Information Systems (GIS), gravity model analysis or Intelligence Preparation of the Battlefield (IPB) to create robust, predictive analyses. Identifying Key People/Organizations in a Network The most obvious use of SNA is its ability to identify key actors and entities within a network. Centrality measures within a network are means for measuring a node's relative importance within the network. [3] It is well-accepted that "the ability to measure centrality in social networks has been a particularly useful development in social network analysis." What is more interesting, however, is the number of centrality measures that social network analysts use to reveal different things about how key actors interact within a network. [4] For example, a node with a high degree centrality is connected to many other nodes. In Figure 3 below, it is unsurprising that the American Nuclear Society (ANS) has the highest degree centrality in its own Twitter network. However, a node with a high betweenness centrality is one that connects the cliques in the network. Figure 4 shows the same ANS network, reconfigured and revisualized with an emphasis on betweenness, with a new node, Nuclear.com, emerging as the most important. For example, by analyzing the network in accordance with different centrality measures and establishing filtering criteria (and using Carnegie Mellon's ORA software), [5] we were able to reduce a network representing the entire nuclear energy and non-proliferation communities on Twitter (6000+ nodes and 200,000+ links) to the 19 most influential individuals within that network (See Figure 5). These individuals are the nodes that would be able to disseminate information to the majority of the network within a matter of hours. Identifying New Agents Another traditional intelligence activity that could benefit from SNA is identifying potential new "agents" – people or organizations who might be willing or able to provide information to an intelligence agency. For example, by using Twitter's list feature, which allows users to establish lists of people to follow for particular purposes, and some simple cross-referencing techniques, we were able to identify 50 new, highly reputable individuals and organizations talking about strategic mining and minerals on Twitter. [6] While such a use by intelligence agencies may seem Orwellian, it is similar to techniques currently used in business to identify potential customers. Likewise, a similar algorithm likely supports various friend/colleague recommendation engines such as LinkedIn's "People You May Know" feature. Simulating Information Flows Of all the capabilities of SNA, simulations are likely one of the most useful. Carnegie Mellon's ORA, for example, provides four main kinds of simulations in order to demonstrate how money, information, disease or technology would move through a network. Pathway simulations locate the most direct or indirect routes from one node to another. Still other simulations also indicate how a network would react to the removal of any particular node or set of nodes (for example, how a decentralized terrorist network such as the Taliban would function if the leaders from two key cells were killed). As an example of this feature, Figure 7, shows the effect of providing a highly relevant piece of information to the 19 individuals identified in the Twitter network of nuclear specialists discussed above. The dots, representing individuals and organizations on Twitter, get larger and change color as the information flows throughout the system. Variables within the simulation allow researchers to alter the level of interest the network likely has to a particular piece of information (the information's "virality"). Combining SNA with Other Methods These simulations and other features of SNA provide idealized analyses that can then be combined with other techniques, such as GIS. Networks within ORA and many other SNA tools can be visualized geospatially if coordinates are provided for each node. Running simulations through these networks can then be represented on a map much like the simulation of Syrian refugee population movement throughout Turkey shown in Figure 8. This, in turn, allows for powerful predictive analytics. Figure 9 reflects the outcome of the simulation in Figure 8; not only does the image represent reality (the known locations of Syrian refugees according to the UN), [7] it also predicts where refugees are likely to move within the next 12 to 24 months. This analysis employed SNA as the cornerstone analytic technique in conjunction with GIS and even includes ideas from the more traditional intelligence methodology of Intelligence Preparation of the Battlefield.

India has modeled metadata collection—India depends on metadata

Xynou 13 Maria Xynou Maria is a Policy Associate on the Privacy Project at the CIS, FinFisher in India and the Myth of Harmless Metadata, <http://cis-india.org/internet-governance/blog/fin-fisher-in-india-and-myth-of-harmless-metadata>

Over the last months, it has been reported that the Central Monitoring System (CMS) is being implemented in India, through which all telecommunications and Internet communications in the country are being centrally intercepted by Indian authorities. This mass surveillance of communications in India is enabled by the omission of privacy legislation and Indian authorities are currently capturing the metadata of communications.[30] Last month, Edward Snowden leaked confidential U.S documents

on PRISM, the top-secret National Security Agency (NSA) surveillance programme that collects metadata through telecommunications and Internet communications. It has been reported that through PRISM, the NSA has tapped into the servers of nine leading Internet companies: Microsoft, Google, Yahoo, Skype, Facebook, YouTube, PalTalk, AOL and Apple.[31] While the extent to which the NSA is actually tapping into these servers remains unclear, it is certain that the NSA has collected metadata on a global level.[32] Yet, the question of whether the collection of metadata is “harmful” remains ambiguous. According to the National Information Standards Organization (NISO), the term “metadata” is defined as “structured information that describes, explains, locates or otherwise makes it easier to retrieve, use or manage an information resource”. NISO claims that metadata is “data about data” or “information about information”.[33] Furthermore, metadata is considered valuable due to its following functions: •Resource discovery •Organizing electronic resources •Interoperability •Digital Identification •Archiving and preservation Metadata can be used to find resources by relevant criteria, to identify resources, to bring similar resources together, to distinguish dissimilar resources and to give location information. Electronic resources can be organized through the use of various software tools which can automatically extract and reformat information for Web applications. **Interoperability is promoted through metadata, as describing a resource with metadata allows it to be understood by both humans and machines, which means that data can automatically be processed more effectively. Digital identification is enabled through metadata**, as most metadata schemes include standard numbers for unique identification. Moreover, metadata enables the archival and preservation of large volumes of digital data.[34] **Surveillance projects, such as PRISM and India's CMS, collect large volumes of metadata**, which include the numbers of both parties on a call, location data, call duration, unique identifiers, the International Mobile Subscriber Identity (IMSI) number, email addresses, IP addresses and browsed webpages.[35] However, the fact that such surveillance projects may not have access to content data might potentially create a false sense of security.[36] When Microsoft released its report on data requests by law enforcement agencies around the world in March 2013, it revealed that most of the disclosed data was metadata, while relatively very little content data was allegedly disclosed

India depends on metadata for intelligence

Lowenthal 14 Mark M. Lowenthal is the senior specialist in U.S. foreign policy at the Congressional Research Service Intelligence: From Secrets to Policy

India has a growing cyberspace capability, which, like that of many other nations, appears to have been used against potential foes, such as China and Pakistan, and more friendly states, like the United States. India is in the midst of deploying a Centralised (or Central) Monitoring System (CMS) that **is designed to track all communications within India**-telephone, computer, landline, mobile, and so on. Unlike the NSA program, CMS will not have to ask providers' permission for access but will have that built into the technology of the telecom and data service providers. (IMS will provide intelligence to foreign and domestic agencies, the police, and tax collectors-a list that some believe is too broad. **Like the NSA program, CMS appears to focus on metadata**. CMS is being developed and will be run by a government technology development center that is not part of the intelligent complex. The Ministry for Home Affairs will have the power to determine who is monitored.

Sleeper Cell Link

Domestic Surveillance in India is key—connections with internal groups in India is key to its ability to attack

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Lashkar-e-Tayyiba has always required some level of support from local Indian citizens to facilitate its operations in Kashmir and India. According to the Indian government, several Indians aided the 2008 Mumbai attacks including Arshad Ansari, Sabahuddin Ahmad, and Syed Zabiuddin Syed Zakiuddin Ansari. **LeT has also connected with local militant movements in India to extend its operational capabilities and expand its recruiting network**. One of these groups includes the Students Islamic Movement of India (SIMI). While SIMI was formed in 1977, at some point in the late 1990s a militant movement emerged out of the group. Some commentators suspect that SIMI has acted

as a major conduit for LeT activities. Another movement also associated with LeT known as the Indian Mujahideen (IM) either emerged out of SIMI or taken over its militant elements in 2007. Many analysts consider the two groups as synonymous.¹⁸⁴ Ideologically, IM and SIMI reject Hinduism, secularism, democracy, and nationalism.¹⁸⁵ The 2002 Gujarat riots likely has fueled an expansion of LeT's network into India. LeT has actively exploited the riots to expand its network in India. Shortly following the riots, Hafiz Saeed called for the Muslims of India to rise up stating that "the riots have proved that the Hindus are fully armed but the Muslims are badly ill-equipped to cope with such a situation." Indeed, even some women may have joined LeT as a result of the riots.¹⁸⁶ Indian investigators believe that a Mumbai-based SIMI operative Rahil Sheikh was tasked with aiding the transit of SIMI volunteers through the Iran-Pakistan border to train at LeT camps following the communal pogrom in Gujarat. Among the volunteers included Zakiuddin Ansari, the Indian believed to have been in the control room during the 2008 Mumbai attack.¹⁸⁷ This example may be indicative of how LeT has utilized its existing networks with a local Indian militant group to capitalize on Muslim anger at the communal violence.

Domestic surveillance in India is key to breaking LeT connections to domestic groups in India and cutting off funding

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Proactive steps should be taken to break Lashkar's alliance with homegrown jihadi outfits like Indian Mujahidin (IM) and the Student Islamic Movement of India (SIMI) who are known to provide logistical as well as surveillance services to Lashkar. Not just domestic jihadi organizations but also their links to organized crime and mafia leaders who provide a safe channel for money laundering should be cracked down upon. One of the most effective ways to disrupt Lashkar's operations is to disrupt their money flow. Further even though India has joined the Financial Action Task Force in 2009 and has with the help of the United States declared Dawood Ibrahim an international terrorist, but because Lashkar has such an extensive global network for fund raising as well as money laundering, it is difficult for authorities to move through slow diplomatic channels to fully implement and stop the money flow, especially with regard to Pakistan who seems to be extra cautious and slow while providing any kind of cooperation against Lashkar.

Indian domestic surveillance is key to prevent attacks--The LeT is a massive threat to India through sleeper cells in India activated through internet communications

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Lashkar- e- Taiba which translates into the 'Army of the Pure' is the most robust and powerful terrorist group operating out of Pakistan and a prominent threat to India. Lashkar has proved its capability for planning and executing highly sophisticated attacks like the one in Mumbai in 2008 where the operatives used maritime insertion, GPS navigation and satellite phones for real time monitoring and as well as for communication with their leaders in Pakistan. Lashkar-e-Taiba has also been the pioneer for introducing Fedayeen attacks in India, their first recorded attack was in Kashmir in 1993. LeT has infiltrated and built an extensive network of sleeper cells and associations with other jihadi groups in the sub-continent, which if not dealt with can and most probably will result in more Mumbai-style attacks. If we look at Lashkar's expenditure for the Mumbai attacks, the biggest operation Lashkar has planned and successfully executed, they spent around \$200,000 which when compared with LeT's overall annual budget (probably in the \$50 million or more range), it is evident that terrorism remains a low-cost endeavor.^[i] The group also has a robust above ground infrastructure that may be used as a first point of contact for would be jihadists.^[ii] It has a

sophisticated website named after its social wing- Jamaat-ud-Dawa and has an active presence on social media like Facebook and Twitter. Despite Lashkar being connected to various other attacks in Mumbai before November 26, 2008 as well as in other incidents across India which also involved a large number of casualties, the Mumbai attacks in 2008, which claimed 164 lives and injured 308, brought to attention Lashkar's global jihad ideology. For the first time after 9/11 foreign tourists, the Jewish community and luxury hotels were specifically targeted in Mumbai and the event forced national security authorities all across the world to rethink their preparedness as well as the possibility of another 'Mumbai style attack'. Also, since its formation Lashkar has shared very special relationship with Al-Qaida. It is widely believed that Osama Bin Laden was the one to provide seed funding for the establishment of Lashkar's headquarters in Muridke, Pakistan. The affiliation grew stronger with time especially after 9/11 when it became impossible for Lashkar to ignore global jihad. Dr. Bruce Hoffman, as RAND Director of the Washington office, said in an interview, "LeT is increasingly transforming itself from a localized group to one that is not only an al-Qaida surrogate but a global jihadist group. This is part of al-Qaida's strength: exploiting a group and getting them to buy into the global jihadist imperative." [iii] Al-Qaeda's core strategy aims at distracting and exhausting adversaries, creating divisions between counter-terrorism allies, forging close ties and assisting local affiliates, planning major international or global attacks and monitoring western security and defense systems. [iv] The only difference in Lashkar's core strategy is that the jihad they wage is directed towards India. Furthermore, not only they share a strong alliance but also similarities can be seen in their tactics and modus operandi. Many experts believe that the Mumbai attacks showed an uncanny resemblance to attacks carried out by Al- Qaida. The Mumbai gunmen were well-prepared and trained. The terrorists had done their reconnaissance and planning, which would have taken months to coordinate. They knew the terrain and locations. They had worked out the internal infrastructure and layout of the buildings and moved with stealth, combing their way through 10 locations and creating devastation along the way; [v] much like how Al-Qaida likes to conduct their operations.

LeT is growing a network of cells inside India

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Furthermore, the involvement of local Indians in both the attack planning as well as the operation itself suggest that LeT may have an expanding network of support cells in India. Indian authorities charged two detained Indian nationals—Fahim Arshad Ansari and Sabahuddin Ahmad— with preparing the maps and videotapes that aided the Lashkar militants to their targets during the Mumbai attack in February 2009. This marked the first official acknowledgement by the Indian government that Indians had participated in the attacks. [16] Furthermore, the intercepted communications between the Mumbai attackers and their controllers in Pakistan revealed that one of the controllers spoke Hindi. The Hindi-speaking Lashkar control was later identified by Indian intelligence agencies as Syed Zabiuddin Syed Zakiuddin Ansari from Maharashtra state in India. [17] His role in the control room during the attack raises the question of whether LeT has begun to concede to greater Indian involvement in its operations. The remainder of this paper will seek to resolve some of the issues raised by Mumbai attack and discern the factors that have fueled LeT's evolution leading into the attack.

Uniqueness

India is solving LeT terror threats now

IE 5/13 — Indian Express, 2015. (“Government successful in dealing with terror threats: Kiren Rijiju”, May 5th, 2015, Available Online at: <http://indianexpress.com/article/india/india-others/government-successful-in-dealing-with-terror-threats-kiren-rijiju/>)

Government on Wednesday said it has been successful in dealing with threats to coastal security in the recent past, but did not disclose details on security grounds. Replying to a question on terrorists sneaking through the sea route, Minister of State for Home Kiren Rijiju said “I can tell this august House that in the last 11 months, we have been successful in dealing with all the threats we have. “I don’t want to claim credit for that. It is the duty of the government to secure the country and we are committed to that.” He refused to divulge details on grounds of security. To a specific question regarding Mumbai, Rijiju said besides Lashkar-e-Taiba (LeT), “there are many other terrorist groups which are working on destroying the peace and tranquility of this country. They are a threat to our national security. “They have Indian affiliates also, which are banned under the relevant laws. All the steps are being taken and I am very confident that it is paying dividend also. There is no need to really worry and say that we are not taking enough steps to secure Mumbai.” He also listed out the steps to beef up security in the coastal areas of the country and added that whole security system has been “synergised”. To another question, Rijiju’s ministerial colleague Haribhai Parathibhai Chaudhary said the government receives intelligence inputs relating to attack plans by LeT on targets in the coastal areas from time to time and shares it with respective state governments. “However, further details in this matter cannot be disclosed in the interest of national security.” he said in a written reply. He was asked whether it is a fact that according to an intelligence report, Pakistan-based LeT terrorists might sneak into Mumbai via the sea route to carry out terror attacks.

We control uniqueness, India is preventing LeT attacks now but continued vigilance is essential

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India’s National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarjournal.com/printpdf

The most successful of all countermeasures though has been the arrest of key Lashkar-e-Taiba operatives. In 2013, Indian security officials arrested Abdul Karim Tunda- an expert bomb maker for the terrorist outfit. In 2012 approximately 61 operatives were killed in encounters with Indian security forces including Lashkar Division and District Commanders. Around 48 were arrested and 8 sleeper cells were neutralized. [xxiv] The arrests included key recruiter for Lashkar from India and Nepal Mohammad Omar Madni and Chief Coordinator for Jammu and Kashmir Manzoor. Looking at the numbers, it certainly seems like the intelligence community is successful in gathering critical information as well as preventing further attacks but in my opinion they still have a long way to go. In 2013 itself, there has been a record of 254 infiltration bids made by terrorists along the India- Pakistan border. In 133 cases, the terrorists were made to ‘return’ to Pakistan territory, while they successfully crossed over in 84 cases.[xxv] The operatives that crossed over in these 84 cases could well be planning another Mumbai.

India has prevented LeT attacks designed to crush the economy

Press Trust of India 12

Fake currency pushed at behest of Pak intel agencies, Lashkar-e-Taiba: Cops Delhi | Press Trust of India | Updated: April 15, 2012, <http://www.ndtv.com/delhi-news/fake-currency-pushed-at-behest-of-pak-intel-agencies-lashkar-e-taiba-cops-476737>

The Delhi police has told a court here that a consignment of over Rs. 1.18 crore fake currency notes, seized by it in January, had been sent from Pakistan at the behest of its intelligence agency and banned terror outfit Lashkar-e-Taiba (LeT) to destabilise the Indian economy. The police made this claim in its charge sheet, filed in the court of Chief Metropolitan Magistrate Vinod Yadav and indicting five Indians, arrested along with the fake currency note consignment on January 12. The seizure of the counterfeit notes with a face value of over Rs. 1.18 crore, concealed in 33 cloth bundles and loaded in two tempos, was made from near a godown at Dabri in West Delhi. The police has named Zeeshan Khan, a resident of Dabri, Ash Mohammad of Uttar Pradesh, Ghulam Ahmed, Yakoob Ali and Mohd Rafiq from Jammu and Kashmir as accused. All of them are presently in judicial custody.

Impacts

India/Pakistan War

Future LeT attacks are the most likely trigger for a nuclear war between India and Pakistan

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

A better understanding of LeT's evolution carries major implications for U.S. policy since the group poses major challenges to U.S. security interests. First and foremost, stability in South Asia is a key U.S. security interest and will continue to remain so as long as it remains entrenched in Afghanistan. LeT attacks have, on occasion, brought India and Pakistan to the brink of war and the group remains one of the most likely catalysts to war between the two nuclear-armed countries. At the very least, LeT acts as a major source of contention between the two countries and keeps Pakistan's national security establishment focused on India. This, in turn, distracts Pakistan from stabilizing its tribal regions on its border with Afghanistan complicating U.S. and NATO operations in that country. At worst, a future LeT attack could precipitate in a major war between the two countries that would carry the frightening risk of becoming the world's first nuclear war. Second, LeT has targeted U.S. forces in both Iraq and Afghanistan. While its foray into Iraq was relatively short-lived, since at least 2006, it has begun to actively support and participate in the insurgency in 2 Afghanistan. The group has been implicated in several attacks against U.S. forces in Afghanistan and coalition forces consider Lashkar militants among the most effective fighters in the region.¹ Though the group has had little impact on the insurgency thus far, its presence in Afghanistan will likely continue to expand.

Future LeT attack triggers nuclear war

Zarete 11 Juan Zarete, senior adviser at the Center for Strategic and International Studies, An alarming South Asia powder keg Sunday, February 20, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/18/AR2011021807465.html>

In 1914, a terrorist assassinated Archduke Franz Ferdinand in Sarajevo - unleashing geopolitical forces and World War I. Today, while the United States rightly worries about al-Qaeda targeting the homeland, the most dangerous threat may be another terrorist flash point on the horizon. Lashkar-i-Taiba holds the match that could spark a conflagration between nuclear-armed historic rivals India and Pakistan. Lashkar-i-Taiba is a Frankenstein's monster of the Pakistani government's creation 20 years ago. It has diverse financial networks and well-trained and well-armed cadres that have struck Indian targets from Mumbai to Kabul. It collaborates with the witches' brew of terrorist groups in Pakistan, including al-Qaeda, and has demonstrated global jihadist ambitions. It is merely a matter of time before Lashkar-i-Taiba attacks again. Significant terrorist attacks in India, against Parliament in 2001 and in Mumbai in 2008, brought India and Pakistan to the brink of war. The countries remain deeply distrustful of each other. Another major strike against Indian targets in today's tinderbox environment could lead to a broader, more devastating conflict. The United States should be directing political and diplomatic capital to prevent such a conflagration. The meeting between Indian and Pakistani officials in Bhutan this month - their first high-level sit-down since last summer - set the stage for restarting serious talks on the thorny issue of Kashmir. Washington has only so much time. Indian officials are increasingly dissatisfied with Pakistan's attempts to constrain Lashkar-i-Taiba and remain convinced that Pakistani intelligence supports the group. An Indian intelligence report concluded last year that Pakistan's Inter-Services Intelligence Directorate was involved in the 2008 Mumbai attacks, and late last year the Indian government raised security levels in anticipation of strikes. India is unlikely to show restraint in the event of another attack. Lashkar-i-Taiba may also feel emboldened since the assassination in early January of a moderate Punjabi governor muted Pakistani moderates and underscored the weakness of the government in Islamabad. The group does not want peace talks to resume, so it might act to derail progress. Elements of the group may see conflict with India as in their interest, especially after months of unrest in Kashmir. And the Pakistani government may not be able to control the monster it created. A war in South Asia would be disastrous not just for the United States. In addition to the human devastation, it would destroy efforts to bring stability to the region and to disrupt terrorist havens in western Pakistan. Many of the 140,000 Pakistani troops fighting militants in the west would be redeployed east to battle Indian ground forces. This would effectively convert tribal areas bordering Afghanistan into a playing field for militants. Worse, the Pakistani government might be induced to make common cause with Lashkar-i-Taiba, launching a proxy fight against

India. Such a war would also fuel even more destructive violent extremism within Pakistan. In the worst-case scenario, an attack could lead to a nuclear war between India and Pakistan. India's superior conventional forces threaten Pakistan, and Islamabad could resort to nuclear weapons were a serious conflict to erupt. Indeed, The Post reported that Pakistan's nuclear weapons and capabilities are set to surpass those of India.

A future LeT attack will force India to attack Pakistan destabilizing all of Southeast Asia

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Second, India will need to vastly improve its anti-terrorism measures as indicated by the effectiveness of the 2008 Mumbai attacks in which its security forces were clearly ill-prepared. India will need to invest heavily in its internal security including training, human capital, and equipment. Since stability in South Asia is a key U.S. priority, the U.S. might also assist India in these efforts through the provision of funds and anti-terrorism equipment and training. Domestic opinion in India may force India to respond much more harshly against Pakistan should a future devastating terrorist attack occur potentially destabilizing the whole of South Asia. Thus, it would be beneficial to both U.S. and Indian interest to limit the impact from a future mass casualty terrorist attack.

LeT terrorism is the unique threat of India Pakistan war risking a nuclear conflict

Blank 13 Jonah Blank1 The RAND Corporation Lashkar-e Taiba and the Threat to the United States of a Mumbai-Style Attack* Before the Committee on Homeland Security Subcommittee on Counterterrorism and Intelligence House of Representatives June 12, 2013 http://www.rand.org/content/dam/rand/pubs/testimonies/CT300/CT390/RAND_CT390.pdf

Fourth, LeT has a unique potential to precipitate a major war between India and Pakistan. Due to its traditional sponsorship by Pakistan's military, an attack by LeT is regarded by India as nearly synonymous with an attack by the state of Pakistan. At least twice in the recent past- after the 2008 Mumbai attack, and after the 2001 attack on India's Parliament- New Delhi came very close to launching a military strike across the border in response to an attack attributed to LeT. As the 1999 Indo-Pakistani combat at Kargil demonstrated, any serious military engagement between these two rivals runs the risk of nuclear escalation: During the Kargil episode, the Pakistani military began mobilizing the nation's nuclear assets without the knowledge of the civilian prime minister.¹⁰ Apart from the risk to tens of thousands of American citizens in India and Pakistan, the threat of a nuclear exchange anywhere in the world would obviously have a monumental impact on US strategic and economic interests.

Future terror attacks on India risk Indo Pak nuclear war

Markey 10 Daniel Markey is adjunct senior fellow for India, Pakistan, and South Asia at the Council on Foreign Relations, Terrorism and Indo-Pakistani Escalation, www.cfr.org/.../CPA_contingencymemo_6

India faces the real prospect of another major terrorist attack by Pakistan-based terrorist organizations in the near future. Unlike the aftermath of the November 2008 attack on Mumbai, in which 166 people died, Indian military restraint cannot be taken for granted if terrorists strike again. An Indian retaliatory strike against terrorist targets on Pakistani soil would raise Indo-Pakistani tensions and could even set off a spiral of violent escalation between the nuclear-armed rivals. Given Washington's effort to intensify pressure on al-Qaeda, the Taliban, and associated militants operating from Pakistani territory, increased tensions between India and Pakistan would harm U.S. interests even if New Delhi and Islamabad stop well short of the nuclear threshold because it would distract Pakistan from counterterrorism and counterinsurgency operations, jeopardize the U.S. mission in Afghanistan, and place new, extreme stresses on Islamabad.

Future LeT attack will lead to Indo-Pak war

Indian Express 15 3/6/15 Talking terms India and Pakistan have broken their silence. But it will require focused effort to break the impasse

<http://indianexpress.com/article/opinion/columns/talking-terms/>

The short-term purpose of these talks, it doesn't take much to see, isn't to solve intractable problems. Instead, the fact of diplomatic engagement adds a crisis-management cushion to the arsenals of both governments. For months now, Pakistan has feared that a terrorist attack against India could lead Prime Minister Narendra Modi to order military counter-strikes — catching it at a moment of special vulnerability, when a large part of its armed forces are tied down fighting terrorists in its northwest. Now, it hopes, Delhi will first address its problems through diplomatic channels, making rapid escalation of conflict less likely. For both countries, this is a pragmatic step. In the throes of severe economic challenges, India can ill afford a conflict, and near-bankrupt Pakistan can do so even less. But it would be dangerous to mistake this diplomatic breathing space for bedtime. Islamabad has scaled back jihadist operations in Kashmir, and placed restraints on organisations targeting India. It hasn't, however, dismantled the infrastructure of groups like the Lashkar-e-Toiba — leaving open the prospect of a future attack sparking off a crisis. The last two years have, notably, seen the first uptick of violence in Kashmir in over a decade. Delhi, for its part, has not unveiled just what it is willing to bring to the diplomatic table. The engagement of Kashmiri secessionists in dialogue, the demilitarisation of Siachen, and the settlement of the Sir Creek issue — the government's position on all these remains unclear. Barring focused effort, this latest engagement could also end in that depressing place both know so well — impasse.

Collapse Indian Economy

LeT attacks would target IT sector and crush India's economy

Saxena 5 Sudhir Saxena Institute for Defense Studies and Analysis, The rise of fiscal terror
March 25, 2005

http://www.idsa.in/idsastrategiccomments/Theriseoffiscalterror_SSaxena_250305.html

By targetting the IT industry, terrorists are revealing that the Indian economy may increasingly be their target. The elimination of the Delhi based Lashkar-e-Tayyiba (LeT) cell on 6 March 2005, could possibly indicate a new trend in Pakistan-based terror operations in India. Preliminary reports indicate that these terrorists were intending to strike against the Indian Military Academy (IMA) and the IT infrastructure especially in Bangalore using the network of the banned Students Islamic Movement of India (SIMI). A couple of issues emerge from the episode. First, is this an indication of widening of the area of operations by the LeT and similar groups away from Jammu and Kashmir and North India to relatively un-touched peninsular India? Secondly, do the plans of the captured terrorist suggest a change in the nature of targets from tactical to strategic, indicating increasing complexity of conceptual planning and hence institutional involvement? Jammu and Kashmir is undergoing a rather harsh and prolonged winter snow fall season. Like the tsunami,

unpredictable mother nature seems to have purged any possibility of an escalation of terrorist activity. Further, the Indo-Pak Composite Dialogue Process (CDP) process (agreed to in January 2004) has shrunk the political space for high-intensity, high-frequency terror operations. It is quite possible that the political and geo-climactic factors may have forced the terrorists to shift areas of operation southwards and if possible perform a repeat of the 12/13 attack on the Parliament. Though, there have been sporadic incidents involving J&K terrorist (like LeT) operating in areas like Hyderabad, the phenomenon could not be termed as wide spread, possibly due to logistical reasons. The planned future intentions of the LeT cell captured in Delhi may indicate just such a spread. The choice of targets certainly raises a new warning. It is known that the IT industry has been one of the success stories contributing to the growing vitality of the Indian economy. The amount of RDX captured (10.5 kgs along with detonators) provides clues to the nature and explosive power of the planned operation. However, a pertinent question needs to be answered - was blowing up few buildings of the Polaris company the only aim of the now failed operation, or was there a larger objective? A strike against a leading IT company and its aftermath would have no doubt lead to many tactical counter-operational and intelligence measures. But it would have also left a certain wariness in the investor market, particularly in the FDI sector, which is very sensitive about security of its assets give the experience in Iraq, Afghanistan and certain African locations. A planned strike at IMA, Dehradun is indicative of similar operations by the Zarqawi group in Iraq.

LeT attacks can collapse Indian democracy

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, **THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI**, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Since 2002, LeT has also begun to shift its focus increasingly into the Indian hinterland. Several factors may account for this. To begin with, the Indian government completed a 700- kilometer border fence along the Jammu and Kashmir border in 2004 making infiltration increasingly difficult. The Indian army claimed the fence reduced infiltration of militants by 80%.¹²³ In addition, militants stopped receiving cover fire and infiltration support from the Pakistani army following the ceasefire between the two countries in 2003. These factors have made it much more difficult to infiltrate into Kashmir and has made infiltration through transit by third countries more attractive which also increases access to the other parts of India. In addition, the predominantly Punjabi militants of LeT could likely blend in much easier in the larger and more cosmopolitan cities of the hinterland where they would not stand out among the more diverse population of these areas. Furthermore, the effectiveness of Fidayeen attacks in Kashmir may have also had diminishing returns as the Jammu and Kashmir Police developed more effective tactics to counter them. According to the Indian journalist Praveen Swami who has followed LeT closely for years, between 1999 and 2002, the worst years of LeT fidayeen attacks, less than 200 people died in them.¹²⁴ Finally, Kashmiris may simply have becoming increasingly exhausted from the militancy and bloodshed in the region and may have become harder to recruit for support. The 2002 Gujarat riots—in which Muslims bore the greater brunt of the bloodshed— generated willing volunteers for LeT and provided new opportunities to expand its network into India. During the riots, LeT put images of the riot victims on its website and called for jihad to avenge the bloodshed. Recruiting Muslims from outside Pakistan and Kashmir could also persuade Kashmir residents that they have no future in India.¹²⁵ By stoking the flames of Hindu-Muslim violence, LeT could discredit India as a democracy and reinforce its belief that Hindus cannot justly govern Muslims. Indeed, Hindu-Muslim violence tears at the very fabric of Indian society and has the potential to destabilize large swathes of India. In September of 2002, only a few months after the Gujarat riots ravaged the province, two heavily armed fighters carried out a fidayeen attack on the Akshardham temple in Gandhinagar, Gujarat. The attack turned into a nearly 14 hour hostage siege and the resulted in 33 dead including a commando and a state police officer along with 70 others wounded. Given the sophisticated nature of the attack and the heavy firepower the attackers carried, the attack contained the hallmarks of a typical LeT attack and made it unlikely the attack resulted as retaliation by local Muslims for the earlier communal violence—at least without external support.¹²⁶ Indeed, shortly following the Gujarat riots, Indian intelligence officials had estimated at least as many as 40 local Gujarati Muslims may have travelled to train in Lashkar camps as a result of the communal violence and LeT may have viewed an attack on the Akshardham temple attack as an opportunity to provoke further communal violence if they indeed did carry out the attack.¹²⁷ Given the timing and target of the attack, the objective was clearly to provoke Hindu-Muslim violence.

LeT seeks collapse of India

Karim 12 Maj Gen Afsir Karim War against Lashkar-e-Taiba

<http://www.indiandefencereview.com/news/war-against-lashkar-e-taiba/>

The LeT follows the radical Wahhabi ideology, which advocates global jihad against all infidels and moderate Muslims. Although the primary area of operations of the LeT in India is Kashmir, its main aim is the destabilisation of India and it has not confined its disruptive activities only to Jammu and Kashmir. The LeT has repeatedly claimed through its journals and websites that its main aim is to destroy the Indian republic and to annihilate Hinduism and Judaism.

Bioweapons

LeT has ability and will use bioweapons

Nanjappa 13

Vicky Nanjappa reporter for Rediff India Abroad, India faces real threat of biological warfare

January 01, 2013 <http://www.rediff.com/news/report/india-faces-real-threat-of-biological-warfare/20130101.htm>

As far as India is concerned, a possible bioterrorism tactic would appeal to Pakistan based Lashkar-e-Tayiba and other Kashmir centric groups. LeT is aware about the potential utility of bio weapon pathogen as it had observed the large-scale disruptions during the US anthrax letter cases. Also, it does not have to recruit or employ microbiologists or life scientists to carry out bioterrorist attacks. ¶As a matter of fact it has the most robust medical and path lab network in Pakistan and many of its activists are trained medical professionals. (eg Ad Dawa medical missions, Taiba Hospitals and Path Labs in Lahore, Karachi and number of mobile dispensaries). ¶Potentially the infrastructures and the manpower at the disposal of LeT/ Jamaat ud Dawa (JuD) can be modified to develop bio weapon pathogens without any large investments or at least spreading bioscare if the leadership wish to resort to the tactic.

LeT has ability and motive to use bioweapons

Nanjappa 9 Vicky Nanjappa reporter for Rediff India Abroad Bio weapons could be the next big terror threat: IB | March 27, 2009, <http://www.rediff.com/news/2009/mar/27bio-weapons-could-be-the-next-big-terror-threat-ib.htm>

Rogue outfits such as the Lashkar-e-Tayiba [Images] and the Al Qaeda are constantly planning various ways to attack India. While there were intelligence intercepts following the Mumbai [Images] attack that the next attack could be from the sea, reports now point to the fact that the next on the agenda of terror outfits would be biological warfare.¶ Intelligence Bureau officials say that the Inter-Services Intelligence has helped these terror outfits set up bases in Afghanistan way back in the late 1990s to build laboratories to manufacture biological weapons. ¶The first of such labs was established in 1998 in Kandahar where chemical and radiological weapons were being manufactured. ¶There is also a laboratory set up to manufacture biological weapons in Muzafarabad in Pakistan Occupied Kashmir. This lab which belongs to the Lashkar-e-Tayiba

is known as the electronics laboratory. Apart from manufacturing detonators for bombs and weapons, this laboratory has also a full fledged unit to manufacture biological weapons.¶ Several scientists were recruited exclusively for this purpose and have been working on the manufacture of these weapons since the past ten years. Intelligence Bureau sources they expect that terror groups would try and use biological warfare when all other means are exhausted.

LeT will use bioweapons

Chandran 05 D Suba Chandran Assistant Director, Institute of Peace and Conflict Studies, Looking Beyond Bio-Weapons and Bio-Terrorism in South Asia
<http://www.ipcs.org/article/terrorism/looking-beyond-bio-weapons-and-bio-terrorism-in-south-asia-1750.html>

Militant groups fighting for non-political purposes are more likely to use biological weapons in South Asia, especially the Lashkar-e-Toiba and the Jaish-e-Mohammad. Both these organizations are fighting for a religious cause and are not bothered about popular support in India. The radical right wing groups are more likely to use such weapons. The fact that the Aum Shinrikyo, a religious cult group, used biological weapons in the past need to be reckoned with. Al Qaeda search for chemical and biological weapons also need to be taken into account from this perspective.

Nuclear weapons

A close study of LeT reveals it has the ability and will to use nuclear weapons and will use any means to annihilate India

Sharma 12 Surinder Kumar Sharma consultant for Institute for Defense Studies and Analyses
LeT: Terror incorporated The Caliphate's Soldiers: The Lashkar-e-Tayyeba's Long War by Wilson John http://www.atimes.com/atimes/South_Asia/NB04Df04.html

LeT is likely the world's most powerful and resourceful multinational terror consultancy firm, keeping a rolodex of multinational terrorists, trainers and a massive support network. ¶ The author documents LeT's expansion extensively in the book. David Headley, a Pakistani-American who pleaded guilty in the US for his role in the Mumbai attacks, was working closely with the LeT commanders and facilitators in India, Pakistan, Bangladesh, Saudi Arabia, US and Muscat. Then, attacks were being planned on three different countries simultaneously - India, Bangladesh and Denmark - in a clear indication of the LeT's growing capability to organize transnational attacks independent of al-Qaeda networks. ¶ This book also details how the LeT has become a hub for training terrorists in using the latest weapons, explosives and communications devices. The emergence of the Salafi group in the Maldives has considerably helped the LeT expand its recruitment drive in the country. The author warns that what makes the LeT's growing influence on the Maldives more worrisome is the possibility that the group will use the island nation for

attacks against India, or block strategic sea communication lines in the Indian Ocean. ¶ The LeT has also been using Nepal as a transit point for terrorists travelling to and from Bangladesh and Pakistan while routing money and weapons for attacks in India. Instead of operating its own units in Nepal, as has done in the past, the ISI has been keen on establishing networks with Maoist and Muslim organizations for anti-India operations. ¶ A closer study of Hafiz Saeed's speeches and writings and other published works compiled by the author lay out a roadmap of global jihad with surprising clarity: once Kashmir is liberated, the group plans to work towards disintegrating India in whatever manner possible. ¶ Interestingly, the book also reveals that the LeT is not averse to using nuclear weapons to achieve its goals. LeT has not only trained cadres in chemical and radiological weapons (dirty bombs), it also has links with nuclear scientist Dr Abdul Qadeer Khan, who is a frequent visitor to the LeT's annual congregation in Muridke. ¶

LeT with nuclear weapons could not be deterred

Yingling 11 PAUL L. YINGLING: An Absence of Strategic Thinking – On the Multitude of Lessons Not Learned in Afghanistan, <http://cpost.uchicago.edu/blog/>

The future of Pakistan is more difficult to predict. It could limp along as a failing state, or suddenly fail with little warning. The West knows so little about the internal dynamics of the country that virtually any significant change will come as a surprise. Although the exact timing and extent of state failure in Pakistan is difficult to predict, the consequences of such failure are not. Partial or total state failure of a nuclear Pakistan would pose a grave threat to the United States. In such a scenario, the White House would not know who controlled Pakistan's nuclear arsenal. A nuclear-armed al Qaeda, Lashkar-e-Taiba, or other extremist group would be difficult if not impossible to deter.

AT: No ability for high tech weapons

LeT has ability to access science and technology and pull off complex attacks

Tellis 12

Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace, <http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

Seventh, LeT is an effective terrorist group that is adept at exploiting science and technology, extra-national social links, and state vulnerabilities in order to advance its political aims. The attacks in Mumbai unambiguously demonstrated LeT's sophistication in a way that few previous attacks had done. The meticulous planning, the enormous resources committed to a complex mission across great distances and long periods of time, and the burdens of a difficult sea-land operation all confirmed LeT's capacity to execute increasingly difficult terrorist attacks. This mission involved months of training in Pakistan and extensive reconnaissance of targets in Mumbai; after these tasks were complete, the terrorists left Karachi on local craft, hijacked a fishing trawler on the high seas, and, upon reaching India's territorial waters, transferred to inflatable

General threat evidence

LeT is a global threat that risks terror attacks on India and the United States

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,
<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

It is clear that after al-Qaeda, LeT is the most dangerous terrorist group operating in South Asia because of its: ¶ 1. Global vision and international ambitions ¶ 2. Distinct ideology that underwrites Islamic revanchism, justifying collaboration with other terrorist groups ¶ 3. Loyalty to Pakistan and willingness to protect its patron state against domestic opponents ¶ 4. Diversified network for mobilizing resources, promoting its international presence, and recruiting members, which minimizes its dependence on the state ¶ 5. Involvement in terrorism and social development concurrently, which limits Pakistan's ability to target the group even if it were so inclined ¶ 6. Cohesive and hierarchic organizational structure that is effective at both the conduct of violence and the delivery of social programs ¶ 7. Proficiency at exploiting science and technology, extra-national social links, and state vulnerabilities in order to advance its political aims ¶ LeT is a formidable and highly adaptable adversary with a genuinely global reach and the ability to grow roots and sustain operations in countries far removed from its primary theater of activity in South Asia. Though India's proximity to Pakistan has resulted in New Delhi absorbing most of the blows unleashed by LeT, the carnage in Mumbai demonstrates that the terrorism facing India is not simply a problem for New Delhi alone. An attack could even reach U.S. soil. ¶ The only reasonable objective for the United States is the permanent evisceration of LeT and other vicious South Asian terrorist groups—with Pakistani cooperation if possible, but without it if necessary.

The LeT is a massive global threat to India and the U.S.

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,
<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

¶ Given the interaction of LeT's ideology and its sources of Pakistani state support, it is not surprising that Hafiz Mohammed Saeed, LeT's emir, wholeheartedly endorsed the objective of destroying India writ large. Asserting in a 1999 interview that "jihad is not about Kashmir only," he went on to declare that "about fifteen years ago, people might have found it ridiculous if someone told them about the disintegration of the USSR. Today, I announce the break-up of India, Insha-Allah. We will not rest until the whole [of] India is dissolved into Pakistan." In a later 2001 statement he reaffirmed the proposition that "our struggle will continue even if Kashmir is liberated. We still have to take revenge for East Pakistan." In accordance with his declaration that Kashmir was merely a "gateway to capture India," Saeed then directed his LeT cadres to focus their attention on capturing the Muslim-dominated areas outside of Jammu and

Kashmir, such as Hyderabad, Junagadh, Munabao, and West Bengal, which he argued were forcibly occupied by India in 1947. ¶ **Judging from LeT's operational record, Saeed has been as good as his word.** The earliest LeT presence in India was detected in 1993, when a cohort of the group's Punjabi cadres crossed the Line of Control that separates the Pakistan-controlled from the Indian-controlled portions of Jammu and Kashmir. The organization's presence, however, was not publicly recognized until early 1996 when a group of LeT terrorists massacred sixteen Hindus in Barshalla in Kashmir's Doda District. Since then, hundreds of terrorist attacks involving LeT militants have occurred throughout India. LeT was implicated in plots like the terrorist attacks in New Delhi in October 2005; in Bangalore in December 2005; in Varanasi in March 2006; in Nagpur in June 2006; and in the July 2007 train bombings in Mumbai. ¶ ¶ Through these myriad efforts, **LeT has attempted**—consistent with both its own ideology and the interests of its state supporters—**to cripple India's economic growth, destroy national confidence in its political system, attack its open society, and provoke destabilizing communal rivalries.** All the while, the group has tried to send a message that India will remain an adversary because its successes make it a hindrance to LeT's larger cause. ¶ ¶ It took, however, the devastating November 2008 Mumbai attacks—a bloodbath that claimed the lives of over 150 people, including 26 foreigners of fifteen nationalities—for the international community to recognize that **LeT's ambitions, transcending India, were actually part of a larger war with the West and with liberal democracies more generally.** The barbarity in Mumbai thus represents the ugly face of **a brand of Islamist terrorism that threatens India, the United States and its allies, the larger international system, and, though often missed, Pakistan as well.** ¶ ¶ LeT's universal ambitions simply do not permit the group to confine itself only to South Asia. As Saeed has unequivocally declared, **LeT intends to “plant the flag of Islam in Washington, Tel Aviv and New Delhi.”** Such statements are not simply grandiose. That LeT has by no means restricted itself to keeping only India in its sights, even if it has focused on the latter disproportionately thus far—thanks to ISI objectives and support—is now acknowledged even by those who were initially skeptical of the group's larger ambitions. ¶ ¶ Like many other radical Islamist groups, **the LeT leadership has on numerous occasions singled out the Jewish community and the United States as being among the natural enemies of Islam.** Saeed warned, for example, that although his outfit may be presently consumed by the conflict with India, “Our struggle with the Jews is always there.” This enmity with the Jewish people is supposedly eternal and ordained by God himself. When Saeed was asked in the aftermath of the tragic 2005 earthquake in Pakistan whether then-president Pervez Musharraf's solicitation of aid from Israel was appropriate, he had no hesitation in declaring forthrightly that Pakistan “should not solicit help from Israel. It is the question of Muslim honor and self-respect. The Jews can never be our friends. This is stated by Allah.” ¶ ¶ This twisted worldview found grotesque expression during the November 2008 atrocities when **the group deliberately targeted the Jewish Chabad center** at Nariman House in Mumbai. Justifying this attack as reprisal for Israeli security cooperation with India, **LeT did not simply murder the Jewish hostages at Nariman House but humiliated and brutally tortured them before finally killing them** during the three-day siege. ¶ ¶ **Outside of al-Qaeda, LeT today therefore represents the most important South Asian terrorist group of “global reach.”** Indian intelligence currently estimates that LeT maintains some kind of terrorist presence in 21 countries worldwide with the intention of either supporting or participating in what Saeed has called the perpetual “jihad against the infidels.” LeT has declared that it would provide free training to any Muslim desirous of joining the global jihad, and the group has since delivered on that promise, as now corroborated by the testimony in the cases involving the “Virginia paintball jihad network.” In that instance, a group of ¶ extremists played paintball in anticipation of the launch of a global jihad against the West. After offering support to

LeT, several members of the group attended an LeT camp and received combat training to prepare for war against American soldiers in Afghanistan. Rather than being an isolated incident, the Virginia paintball jihad network is emblematic of LeT's larger ambitions. LeT's operatives have now been identified as engaging in:

- liaison and networking with numerous terrorist groups abroad, particularly in Central and Southeast Asia and the Middle East;
- the facilitation of terrorist acts, including in, but not restricted to, Chechnya and Iraq;
- fundraising in the Middle East, Europe, Australia, and the United States;
- the procurement of weapons, explosives, and communications equipment for terrorist operations from both the international arms markets and Pakistani state organizations such as the ISI;
- the recruitment of volunteers for suicidal missions in South Asia as well as the Middle East;
- the creation of sleeper cells for executing or supporting future terrorist acts in Europe, Australia, and likely the United States; and
- actual armed combat in at least India, Afghanistan, Pakistan, and Iraq.

Al Qaida Impact

India breaking the LeT is key to breaking Al Qaeda as well

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

India also proactively needs to end the cycle of radicalization and recruitment of youth by building strong confidence building programs and programs which counter jihadi propaganda. Further, India also needs to invest in technology which helps the security agencies combat terrorism and secure porous borders. Moreover, Lashkar has always shared a very special relationship with Al-Qaida and destroying Lashkar's strength is not only an important step for India's national security but also a step towards limiting Al-Qaida's brand name and the global jihad phenomenon. Hence, how the Indian authorities respond to Lashkar plays a very critical role.

AT: Empirically denied-Mubai

In a future attack India will be forced to retaliate—The restraint shown after Mubai won't happen again

Yusef 14 Moeed W. Yusuf is director of South Asia programs at the U.S. Institute of Peace. , Pakistan's Counterterrorism Challenge p, 16-7

Compounding these internal dynamics, Pakistan's delicate and dysfunctional relationship with its traditional rival, India, allows militant groups to register a significant threat to Pakistan's regional security. As was the case in the December 2001 attack on the Indian parliament by the Pakistan-based militant outfit Jaish-E-Mohammed (JeM), and again in the November 2008 Mumbai carnage orchestrated by Lashkar-e-Taiba (LeT), such episodes cause Pakistan to be the object of tremendous international condemnation.' They also risk escalating India-Pakistan tensions. Should a similar, future attack in India occur, some Indian strategists argue that the government in New Delhi will face too much public pressure to be able to exercise the restraint it showed following the 2008 Mumbai attacks.' Indeed, armed nonstate organizations based in Pakistan are in the unusual, and perilous, position of being able to undermine peace between two nuclear armed neighbors.

Future attacks will trigger war – Past restraint won't be repeated

Jan 11 Reza Jan was an Analyst and the Pakistan Team Lead for the Critical Threats Project at the American Enterprise Institute, Indo-Pak Talks Survive Mumbai Attack July 28, 2011, <http://www.criticalthreats.org/pakistan/jan-india-pakistan-talks-survive-mumbai-attack-july-28-2011>

Yesterday, the foreign ministers of Pakistan and India met as part of a series of talks between the two nuclear-armed neighbors five months after they officially resumed bilateral dialogue. Relations between the two countries appear to be well on the mend following the devastating 2008 Mumbai attacks in which 166 people were killed by the Pakistan-based terrorist organization, Lashkar-e-Taiba (LeT). The two sides discussed "confidence-building measures, including cross-border trade and visa protocols." Yet the talks could just as easily have been scuppered before they began by the recent terrorist attack in Mumbai. On July 13, a series of deadly bomb blasts ripped through India's financial capital, killing 23 people and wounding over 130. Unlike in the case of many previous attacks, however, there were no verbal barbs hurled across the border, no wild speculation from official sources regarding Pakistani involvement and no cancellation or delay of talks. Given the history of Indian reactions to terrorist attacks on its soil, this "non-reaction" is, by itself, noteworthy. Indian authorities and official functionaries have exhibited uncharacteristic restraint so far in declaring who they believe to have been behind the recent bomb attacks in Mumbai. Whereas in the past, authorities have been quick to point the finger at groups based in Pakistan, such as LeT, or Indian organizations with links to Pakistani terror groups, such as the Indian Mujahideen (IM), top officials in India have stated that they do not want to speculate on who might be responsible until investigations of the attacks are complete and more is known. Part of this hesitancy may be due to the fact that they are simply unsure of who is responsible. Monsoon rains on the night of the attack have complicated efforts to gather forensic evidence at the bomb sites. Then again, even though the pattern of the attack closely resembles that of previous attacks by IM, speculation to the fact remains muted. This is likely for two reasons. First, in the aftermath of the 2008 Mumbai attacks, any indicators that Pakistan or groups inside Pakistan had some role to play in a future attack would put tremendous pressure on the Indian government to take some sort of action. Indian Prime Minister Manmohan Singh and India's ruling Congress party were able to stave off such pressure in 2008 by a hair's breadth. They are highly unlikely to be able to do so a second time, especially if they are seen to be soft on a threat to which they themselves draw attention. Avoiding the pressure to take risky or uncomfortable action will only benefit the government.

U.S. Attack scenario

The LeT will use sleeper cells to attack the U.S.

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,

<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

¶ Given the interaction of LeT's ideology and its sources of Pakistani state support, it is not surprising that Hafiz Mohammed Saeed, LeT's emir, wholeheartedly endorsed the objective of destroying India writ large. Asserting in a 1999 interview that "jihad is not about Kashmir only," he went on to declare that "about fifteen years ago, people might have found it ridiculous if someone told them about the disintegration of the USSR. Today, I announce the break-up of India, Insha-Allah. We will not rest until the whole [of] India is dissolved into Pakistan." In a later 2001 statement he reaffirmed the proposition that "our struggle will continue even if Kashmir is liberated. We still have to take revenge for East Pakistan." In accordance with his declaration that Kashmir was merely a "gateway to capture India," Saeed then directed his LeT cadres to focus their attention on capturing the Muslim-dominated areas outside of Jammu and Kashmir, such as Hyderabad, Junagadh, Munabao, and West Bengal, which he argued were forcibly occupied by India in 1947.¶ ¶ Judging from LeT's operational record, Saeed has been as good as his word. The earliest LeT presence in India was detected in 1993, when a cohort of the group's Punjabi cadres crossed the Line of Control that separates the Pakistan-controlled from the Indian-controlled portions of Jammu and Kashmir. The organization's presence, however, was not publicly recognized until early 1996 when a group of LeT terrorists massacred sixteen Hindus in Barshalla in Kashmir's Doda District. Since then, hundreds of terrorist attacks involving LeT militants have occurred throughout India. LeT was implicated in plots like the terrorist attacks in New Delhi in October 2005; in Bangalore in December 2005; in Varanasi in March 2006; in Nagpur in June 2006; and in the July 2007 train bombings in Mumbai.¶ ¶ Through these myriad efforts, LeT has attempted—consistent with both its own ideology and the interests of its state supporters—to cripple India's economic growth, destroy national confidence in its political system, attack its open society, and provoke destabilizing communal rivalries. All the while, the group has tried to send a message that India will remain an adversary because its successes make it a hindrance to LeT's larger cause.¶ ¶ It took, however, the devastating November 2008 Mumbai attacks—a bloodbath that claimed the lives of over 150 people, including 26 foreigners of fifteen nationalities—for the international community to recognize that **LeT's ambitions, transcending India, were actually part of a larger war with the West and with liberal democracies more generally.** The barbarity in Mumbai thus represents the ugly face of **a brand of Islamist terrorism that threatens India, the United States and its allies, the larger international system, and, though often missed, Pakistan as well.**¶¶¶ LeT's universal ambitions simply do not permit the group to confine itself only to South Asia. As Saeed has unequivocally declared, **LeT intends to "plant the flag of Islam in Washington, Tel Aviv and New Delhi."** Such statements are not simply grandiose. That LeT has by no means restricted itself to keeping only India in its sights, even if it has focused on the latter disproportionately thus far—thanks to ISI objectives and support—is now acknowledged even by those who were initially skeptical of the group's larger ambitions.¶¶¶ Like many other radical Islamist groups, **the LeT leadership has on numerous occasions singled out the Jewish community and the United States as being among the natural enemies of Islam.** Saeed warned, for example, that although his outfit may be presently consumed by the conflict with India, "Our struggle with the Jews is always there." This enmity with the Jewish people is supposedly eternal and ordained by God himself. When Saeed was asked in the aftermath of the tragic 2005 earthquake in Pakistan whether then-president Pervez Musharraf's solicitation of aid

from Israel was appropriate, he had no hesitation in declaring forthrightly that Pakistan “should not solicit help from Israel. It is the question of Muslim honor and self-respect. The Jews can never be our friends. This is stated by Allah.”¶¶ This twisted worldview found grotesque expression during the November 2008 atrocities when the group deliberately targeted the Jewish Chabad center at Nariman House in Mumbai. Justifying this attack as reprisal for Israeli security cooperation with India, LeT did not simply murder the Jewish hostages at Nariman House but humiliated and brutally tortured them before finally killing them during the three-day siege.¶ ¶ Outside of al-Qaeda, LeT today therefore represents the most important South Asian terrorist group of “global reach.” Indian intelligence currently estimates that LeT maintains some kind of terrorist presence in 21 countries worldwide with the intention of either supporting or participating in what Saeed has called the perpetual “jihad against the infidels.” LeT has declared that it would provide free training to any Muslim desirous of joining the global jihad, and the group has since delivered on that promise, as now corroborated by the testimony in the cases involving the “Virginia paintball jihad network.” In that instance, a group of ¶ extremists played paintball in anticipation of the launch of a global jihad against the West. After offering support to LeT, several members of the group attended an LeT camp and received combat training to prepare for war against American soldiers in Afghanistan. Rather than being an isolated incident, the Virginia paintball jihad network is emblematic of LeT’s larger ambitions. LeT’s operatives have now been identified as engaging in: •liaison and networking with numerous terrorist groups abroad, particularly in Central and Southeast Asia and the Middle East; ¶ ¶ •the facilitation of terrorist acts, including in, but not restricted to, Chechnya and Iraq; ¶ ¶ •fundraising in the Middle East, Europe, Australia, and the United States; ¶ •the procurement of weapons, explosives, and communications equipment for terrorist operations from both the international arms markets and Pakistani state organizations such as the ISI; ¶ ¶ •the recruitment of volunteers for suicidal missions in South Asia as well as the Middle East; ¶ ¶ •the creation of sleeper cells for executing or supporting future terrorist acts in Europe, Australia, and likely the United States; and ¶ ¶ actual armed combat in at least India, Afghanistan, Pakistan, and Iraq.

Broad surveillance under patriot has been key to stopping LeT attacks on the U.S.

Carafano et al 12 James Jay Carafano, PhD, is Deputy Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Davis Institute, at The Heritage Foundation. Steve Bucci, PhD, is a Senior Research Fellow for Defense and Homeland Security in the Allison Center for Foreign Policy at the Heritage Foundation. Jessica Zuckerman is a Research Associate in the Allison Center for Foreign Policy Studies at The Heritage Foundation. Fifty Terror Plots Foiled Since 9/11: The Homegrown Threat and the Long War on Terrorism. Fifty Terror Plots Foiled Since 9/11: The Homegrown Threat and the Long War on Terrorism, <http://www.heritage.org/research/reports/2012/04/fifty-terror-plots-foiled-since-9-11-the-homegrown-threat-and-the-long-war-on-terrorism?lfa=Protect-America%2CProtect-America%2CProtect-America%2CProtect-America> In 2007, The Heritage Foundation became the first and only organization to track thwarted terrorist attacks against the United States. That year, Heritage reported that at least 19 publicly known terrorist attacks against the United States had been foiled since 9/11. Today, that number stands at 50. The fact that the United States has not suffered a large-scale attack since 9/11 speaks to the country’s counterterrorism successes. But, one year after the death of Osama bin Laden, the long war on terrorism is far from over. Reviewing the terrorist plots that have been foiled since 9/11 can provide valuable information for understanding the nature of the threat, as well as best practices for preventing the next attack. The U.S. must also be ready to adapt its security strategies—such as to counter terror attacks by an increasing number of homegrown terrorists. After the death of Osama bin Laden on May 2, 2011, many worried that al-Qaeda would try to carry out another large-scale attack against the United States as an act of revenge. Indeed since bin Laden’s death, at least nine publicly known Islamist-inspired terror plots against the United States have been foiled, bringing the total number of foiled plots since 9/11 to at least 50. Ultimately, none of the plots foiled since bin Laden’s death proved to be of the scale that many feared, with the vast majority of the plots lacking major international connections. Instead, many of these plots could be categorized as homegrown terror plots—planned by American citizens, legal permanent residents, or visitors radicalized predominately in the United States.[1] Combating this continued threat of homegrown terrorism requires not only continued reliance on existing counterterrorism and intelligence tools, such as the PATRIOT Act, but also enhancing cooperation among federal, state, and local authorities as well as

mutual trust and partnerships with Muslim communities throughout the United States. Likewise, the Department of Homeland Security (DHS) and Congress must continue to plug gaps to halt terrorist travel, and create a lawful detainment framework for the incapacitation and interrogation of suspected terrorists. Continued Threat of Homegrown Terrorism Since 9/11, terrorist networks have been dismantled, training camps have been dispersed, and the terrorist leadership largely decimated. Internationally, al-Qaeda has become more decentralized, leading to a greater dependence on its affiliates and allies. At the same time, since increased domestic security has made it harder for terrorists to plan and carry out attacks, terrorists must increase their baseline skills and capabilities needed for a successful attack in the United States.[2] With the global operating environment for terrorist networks having become increasingly hostile, homegrown terrorism has become more appealing to al-Qaeda and other terrorist networks. Homegrown terrorist actors can often bridge the divide between the United States and the other regions of the world in which terrorist networks operate, frequently possessing the cultural and linguistic skills to easily move between the two. It is this "duality" for instance, that served Najibullah Zazi in his attempt to bomb the New York City subway system, with Zazi "being able to operate with facility in environments as starkly different as New York and Peshawar." [3] The value for terrorist networks also often lies in the ability of homegrown terrorists to more easily travel back and forth and work within the United States without raising suspicion. Of course, it is also these same abilities that can make it more challenging for U.S. intelligence and law enforcement to detect homegrown terrorist plots. Similarly, difficulties in detecting attempted homegrown attacks are also present in the fact that homegrown terror plots tend to involve significantly fewer actors and connections to terrorist networks at home and abroad. The frequency of lone wolf actors, radicalized independent of direct connections to terrorist networks either through the Internet or social circles, can further elevate these challenges. Yet, lacking the support of broader terrorist networks, violent extremists may lack a profound understanding of such specialized skills as bomb making, as well as financing, support networks, and training, causing them to be reluctant or even unable to carry out a large-scale, highly destructive attack independently.[4] This same lack of training and resources may also open up homegrown terror plots for detection by U.S. intelligence and law enforcement by affording more room for error on the part of the terrorist. Ultimately, while some signals of homegrown terror plots have gone unnoticed—most notably in the cases of Major Nidal Hasan's 2009 deadly attack on Fort Hood, the near-successful attempts in 2009 of Christmas Day bomber Umar Farouk Abdulmutallab, and in 2010 of Times Square bomber Faisal Shahzad—the vast majority of attempted attacks against the United States have been thwarted in their early stages through the concerted efforts of U.S. law enforcement and intelligence. For the individual homegrown terrorist, personal motives may vary greatly. It could be a desire for collective revenge against the U.S. for the purported "war on Islam," poverty or social alienation, or brainwashing. There is no one path to radicalization. As DHS's Office of Intelligence and Analysis has indicated, motives and paths to radicalization can vary significantly depending on one's ideology and religious beliefs, geographic location, or socioeconomic condition.[5] Nevertheless, trends do seem to exist among those attempted homegrown terror plots thwarted since 9/11, most significantly a seeming aversion to suicide or martyrdom.[6] 50 Plots Foiled Since 9/11 Compiled by The Heritage Foundation since 2007, the following list outlines those publicly known terrorist plots against the U.S. that have been foiled since 9/11.[7] Based on Heritage's research, at least 50 publicly known Islamist-inspired terror plots targeting the United States have been foiled since 9/11. Of these, at least 42 could be considered homegrown terror plots. While three of the 50 known plots were foiled by luck or the quick action of the American public, the remaining 47 were thwarted due to the concerted efforts of intelligence and law enforcement. 1. Richard Reid—December 2001. A British citizen and self-professed follower of Osama bin Laden who trained in Afghanistan, Richard Reid hid explosives inside his shoes before boarding a flight from Paris to Miami on which he attempted to light the fuse with a match. Reid was caught in the act and apprehended aboard the plane by passengers and flight attendants. FBI officials took Reid into custody after the plane made an emergency landing at Boston's Logan International Airport.[8] In 2003, Reid was found guilty on charges of terrorism, and a U.S. federal court sentenced him to life in prison.[9] He is currently incarcerated at a federal maximum-security prison in Colorado. Saajid Badat, a supporter to Reid, has been sentenced to 13 years in jail for planning to blow up a passenger plane. The 26-year-old, a religious teacher from Gloucester, England, was sentenced after he admitted conspiring with fellow Briton Reid. Badat pled guilty in February 2005 to the plot to blow up the transatlantic flight on its way to the U.S. in 2001.[10] 2. Jose Padilla—May 2002. U.S. officials arrested Jose Padilla in May 2002 at Chicago's O'Hare airport as he returned to the United States from Pakistan, where he met with 9/11 mastermind Khalid Sheikh Mohammed and received al-Qaeda training and instructions.[11] Upon his arrest, he was initially charged as an enemy combatant, and for planning to use a dirty bomb (an explosive laced with radioactive material) in an attack in the U.S.[12] Along with Padilla, Adham Amin Hassoun and Kifah Wael Jayyousi were convicted in August 2007 of terrorism conspiracy and material support. It was found that the men supported cells that sent recruits, money, and supplies to Islamic extremists worldwide, including al-Qaeda members. Hassoun was the recruiter and Jayyousi served as a financier and propagandist in the cell. Before his conviction, Padilla had brought a case against the federal government claiming that he had been denied the right of habeas corpus (the right of an individual to petition his unlawful imprisonment). In a five-to-four decision, the U.S. Supreme Court found that the case against him had been filed improperly.[13] In 2005, the government indicted Padilla for conspiring against the U.S. with Islamic terrorist groups. In August 2007, Padilla was found guilty by a civilian jury after a three-month trial. He was later sentenced by the U.S. District Court for the Southern District of Florida to 17 years and four months in prison.[14] In September 2011, an appellate court ruling deemed Padilla's original sentence to be too lenient.[15] Padilla is being held at the same penitentiary as Richard Reid and is awaiting resentencing. 3. Lackawanna Six—September 2002. When the FBI arrested Sahim Alwan, Yahya Goba, Yasein Taher, Faysal Galab, Shafal Mosed, and Mukhtar al-Bakri in Upstate New York, the press dubbed them the "Lackawanna Six," the "Buffalo Six," and the "Buffalo Cell." Five of the six had been born and raised in Lackawanna, New York.[16] All six are American citizens of Yemeni descent, and stated that they were going to Pakistan to attend a religious camp, but attended an al-Qaeda training camp in Afghanistan instead. The six men pled guilty in 2003 to providing support to al-Qaeda. Goba and al-Bakri were sentenced to 10 years in prison, Taher and Mosed to eight years, Alwan to nine and a half years, and Galab to seven years.[17] Goba's sentence was later reduced to nine years after he, Alwan, and Taher testified at a Guantanamo Bay military tribunal in the case against Osama bin Laden's chief propagandist, Ali Hamza al-Bahlul.[18] Recent reports indicate that Jaber Elbaneh, one of the FBI's most wanted and often considered to be a seventh member of the Lackawanna cell, has been captured in Yemen. It remains to be seen whether he will be tried in the U.S., since the U.S. does not have an extradition treaty with Yemen.[19] 4. Uzair and Saifullah Paracha—March 2003. Uzair Paracha, a Pakistani citizen with permanent residency status in the U.S., was arrested in March 2003 and charged with five counts of providing material and financial support to al-Qaeda. Uzair attempted to help another Pakistani, Majid Khan, an al-Qaeda operative, gain access to the United States via immigration fraud. Khan is said to have been in contact with 9/11 mastermind Khalid Sheikh Mohammed and planned to bomb underground storage tanks at Maryland gas stations.[20] Uzair was convicted and sentenced to 30 years in prison. Saifullah Paracha, Uzair's father, a 64-year-old citizen of Pakistan and resident alien of the U.S., is currently being held at Guantanamo Bay awaiting trial. Paracha was arrested in Bangkok, Thailand, in July 8, 2003, through the efforts of the FBI and information provided by his son. He is believed to have had close ties to Khalid Sheikh Mohammed, and Mohammed's nephew Ammar al-Baluchi. Saifullah is said to have used his international business connections to help al-Qaeda procure chemical and biological explosives and assist in their shipment to the U.S., along with the shipment of ready-made explosives.[21] 5. Iyman Faris—May 2003. Iyman Faris is a naturalized U.S. citizen, originally from Kashmir, who was living in Columbus, Ohio. He was arrested for conspiring to use blowtorches to collapse the Brooklyn Bridge, a plot devised after meetings with al-Qaeda leadership, including Khalid Sheikh Mohammed.[22] The New York City Police Department learned of the plot and increased police surveillance around the bridge. Faced with the additional security, Faris and his superiors called off the attack.[23] Faris pled guilty to conspiracy and providing material support to al-Qaeda and was later sentenced in federal district court to 20 years in prison, the maximum allowed under his plea agreement.[24] 6. Ahmed Omar Abu Ali—June 2003. Ahmed Omar Abu Ali is an American citizen of Jordanian descent who was arrested in Saudi Arabia on charges that he conspired to kill President George W. Bush, hijack airplanes, and provide support to al-Qaeda. He was arrested while attending Medina University, where he had joined an al-Qaeda cell. His plans, according to authorities, were to kill President Bush and then establish an al-Qaeda cell in the United States, with himself as the head.[25] He was convicted by an American court on November 22, 2005, and sentenced to life in prison on July 27, 2009, overturning a 2006 sentence of 30 years that was ruled to be too lenient.[26] 7. Virginia Jihad Network—June 2003. Eleven men were arrested in Alexandria, Virginia, for weapons counts and for violating the Neutrality Acts, which prohibit U.S. citizens and residents from attacking countries with which the United States is at peace. Four of the 11 men pled guilty. Upon further investigation, the remaining seven were indicted on additional charges of conspiring to support terrorist organizations. They were found to have connections with al-Qaeda, the Taliban, and Lashkar-e-Tayyiba, a terrorist organization that targets the Indian government. The authorities stated that the Virginia men had used paintball games to train and prepare for battle. The group had also acquired surveillance and night vision equipment and wireless video cameras.[27] Two more men were later indicted in the plot: Ali al-Timimi, the group's spiritual leader, and Ali Asad Chandia. Ali al-Timimi was found guilty of soliciting individuals to assault the United States and was sentenced to life in prison. Ali Asad Chandia received 15 years for supporting Lashkar-e-Tayyiba.[28] Randall Todd Royer, Ibrahim al-Hamdi, Yong Ki Kwon, Khwaja Mahmood Hasan, Muhammad Aatique, and Donald T. Surratt pled guilty and were sentenced to prison terms ranging from three years and 10 months to 20 years. Masoud Khan, Seifullah Chapman, and Hammad Abdur-Raheem were found guilty and later sentenced to prison terms ranging from 52 months to life.[29] Both Caliph Basha Ibn Abdur-Raheem and Sabri Benkhala were acquitted at trial.[30] 8. Nuradin M. Abdi—November 2003. Nuradin M. Abdi, a Somali citizen living in Columbus, Ohio, was arrested and charged in a plot to bomb a local shopping mall. Abdi was an associate of convicted terrorists Christopher Paul and Iyman Faris and admitted to conspiring with the two to provide material support to terrorists. Following his arrest, Abdi admitted to traveling overseas to seek admittance to terrorist training camps, as well as meeting with a Somali warlord associated with Islamists. Abdi has since pled guilty to conspiracy to provide material support to terrorists, one of the four counts for which he was indicted. He was subsequently sentenced to 10 years in jail per the terms of a plea agreement.[31] 9. Dhiren Barot—August 2004. Seven members of a terrorist cell led by Dhiren Barot were arrested for plotting to attack the New York Stock Exchange and other financial institutions in New York, Washington, D.C., and Newark, New Jersey. They were later accused of planning attacks in England. The plots included a "memorable black day of terror" that would have included detonating a dirty bomb. A July 2004 police raid on Barot's house in Pakistan yielded a number of incriminating files on a laptop computer, including instructions for building car bombs.[32] Barot pled guilty and was convicted in the United Kingdom for conspiracy to commit mass murder and sentenced to 40 years.[33] However, in May 2007, his sentence was reduced to 30 years.[34] His seven co-conspirators were sentenced to terms ranging from 15 to 26 years on related charges of conspiracy to commit murder and conspiracy to cause explosion.[35] 10. James Elshafay and Shahwar Matin Siraj—August 2004. James Elshafay and Shahwar Matin Siraj, both reportedly self-radicalized, were arrested for plotting to bomb a subway station near Madison Square Garden in New York City before the Republican National Convention.[36] An undercover detective from the New York City Police Department's Intelligence Division infiltrated the group, providing information to authorities, and later testified against Elshafay and Siraj.[37] Siraj was convicted and sentenced to 30 years in prison. Elshafay, a U.S. citizen, pled guilty and received a lighter, five-year sentence for testifying against his co-conspirator.[38] 11. Yassin Aref and Mohammad Hossain—August 2004. Two leaders of a mosque in Albany, New York, were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat.[39] An investigation by the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and local police contributed to the arrest. With the help of an informant, the FBI set up a sting that lured Mohammad Hossain into a fake terrorist conspiracy. Hossain brought Yassin Aref, a Kurdish refugee, as a witness. The informant offered details of a fake terrorist plot, claiming that he needed the missiles to murder a Pakistani diplomat in New York City. Both Aref and Hossain agreed to help.[40] Aref and Hossain were found guilty of money laundering and conspiracy to conceal material support for terrorism and were sentenced to 15 years in prison.[41] 12. Hamid Hayat—June 2005. Hamid Hayat, a Pakistani immigrant, was arrested in Lodi, California, after allegedly lying to the FBI about his attendance at an Islamic terrorist training camp in Pakistan. Hamid was found guilty of providing himself as "material support" to terrorists and three counts of providing false statements to the FBI.[42] In interviews with the FBI, he stated (correctly) that he specifically requested to come to the United States after receiving training in order to carry out jihad.[43] He was sentenced to 24 years in prison.[44] 13. Levar Haley Washington, Gregory Vernon Patterson, Hammad Riaz Samana, and Kevin James—August 2005. The members of the group were arrested in Los Angeles and charged with conspiring to attack National Guard facilities, synagogues, and other targets in the Los Angeles area. Kevin James allegedly founded Jamiyyat ul-Islam Is-Saheeh (JIS), a radical Islamic prison group, and converted Levar Washington and others to the group's mission. The JIS allegedly planned to finance its operations by robbing gas stations. After Washington and Patterson were arrested for robbery, police and federal agents began a terrorist investigation, and a search of Washington's apartment revealed a target list.[45] James and Washington pled guilty in December 2007. James was sentenced to 16 years in prison and Washington to 22 years. Patterson received 151 months, while Samana was found unfit to stand trial and was initially detained in a federal prison mental facility. He was later sentenced to 70 months in jail.[46] 14. Michael C. Reynolds—December 2005. Michael C. Reynolds was arrested by the FBI and charged with involvement in a plot to blow up a Wyoming natural gas refinery; the Transcontinental Pipeline, a natural-gas pipeline from the Gulf Coast to New York and New Jersey; and a Standard Oil refinery in New Jersey.[47] He was arrested while trying to pick up a \$40,000 payment for

planning the attack.[48] Shannen Rossmiller, his purported contact, was a Montana judge and private citizen working with the FBI. Rossmiller posed as a jihadist, tricking Reynolds into revealing his plan. The FBI later found explosives in a storage locker in Reynolds's hometown of Wilkes-Barre, Pennsylvania.[49] Reynolds claimed that he was doing much the same as Rossmiller, and was working as a private citizen to find terrorists.[50] Reynolds was convicted of providing material support to terrorists, soliciting a crime of violence, unlawful distribution of explosives, and unlawful possession of a hand grenade. He was sentenced to 30 years in prison.[51] 15. Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Zand Wassim Mazloum—February 2006. Amawi, El-Hindi, and Mazloum were arrested in Toledo, Ohio, for conspiring to kill people outside the United States, including U.S. Armed Forces personnel serving in Iraq.[52] The men also conspired to train and arm for a violent jihad against the United States, both domestically and abroad.[53] Training involved use of materials including those found on secure and exclusive jihadist websites, downloaded and copied training videos, and materials for jihad training sessions. The men also were found to have provided material support to terrorist organizations and to have verbally threatened attacks on President George W. Bush.[54] The investigation was begun with the help of an informant who was approached to help train the group.[55] In June 2008, the three men were convicted of conspiring to commit acts of terrorism against Americans overseas, including U.S. military personnel in Iraq, and other terrorism-related violations. Amawi was sentenced to 20 years, El-Hindi to 13 years, and Mazloum to approximately eight years.[56] 16. Syed Haris Ahmed and Ehsanul Islam Sadeque—April 2006. Ahmed and Sadeque, from Atlanta, Georgia, were accused of conspiracy, having discussed terrorist targets with alleged terrorist organizations. They allegedly met with Islamic extremists in the U.S. and gathered video surveillance of potential targets in the Washington, D.C., area, including the U.S. Capitol and the World Bank headquarters, and sent the videos to a London Islamist group. Ahmed is said also to have traveled to Pakistan with the goal of joining Lashkar-e-Tayyiba.[57] Both men were indicted for providing material support to terrorist organizations and pled not guilty.[58] In June 2009, a federal district judge found Ahmed "guilty of conspiring to provide material support to terrorists here and overseas." [59] Ahmed was subsequently sentenced to 13 years in jail. Sadeque was also found guilty and sentenced to 17 years.[60] 17. Narseal Batiste, Patrick Abraham, Stanley Grant Phanor, Naudimar Herrera, Burson Augustin, Lyglenson Lemorin, and Rotschild Augustine—June 2006. Seven men were arrested in Miami and Atlanta for plotting to blow up the Sears Tower in Chicago, FBI offices, and other government buildings around the country. The arrests resulted from an investigation involving an FBI informant. Allegedly, Batiste was the leader of the group and first suggested attacking the Sears Tower in December 2005.[61] All of the suspects pled not guilty. On December 13, 2007, Lemorin was acquitted of all charges, but the jury failed to reach a verdict on the other six.[62] The second trial ended in a mistrial in April 2008.[63] In the third trial, the jury convicted five of the men on multiple conspiracy charges and acquitted Herrera on all counts. On November 20, 2009, the five were sentenced to prison terms ranging from six to 13.5 years, with Batiste receiving the longest sentence.[64] 18. Assem Hammoud—July 2006. Conducting online surveillance of chat rooms, the FBI discovered a plot to attack underground transit links between New York City and New Jersey. Eight suspects, including Assem Hammoud, and al-Qaeda loyalist living in Lebanon, were arrested for plotting to bomb New York City train tunnels. Hammoud, a self-proclaimed operative for al-Qaeda, admitted to the plot.[65] He was held by Lebanese authorities but was not extradited because the U.S. does not have an extradition treaty with Lebanon. In June 2008, Lebanese authorities released him on bail.[66] In February 2012, Hammoud was convicted in a Lebanese court. He was sentenced to two years in prison, which he had already served.[67] 19. Liquid Explosives Plot—August 2006. British law enforcement stopped a terrorist plot to blow up 10 U.S.-bound commercial airliners with liquid explosives.[68] Twenty-four suspects were arrested in the London area. The style of the plot raised speculation that al-Qaeda was behind it, but no concrete evidence has established a link. The United Kingdom initially indicted 15 of the 24 arrested individuals on charges ranging from conspiring to commit murder to planning to commit terrorist acts.[69] Eventually, in April 2008, only eight men were brought to trial. In September, the jury found none of the defendants guilty of conspiring to target aircraft, but three guilty of conspiracy to commit murder.[70] The jury was unable to reach verdicts on four of the men. One man was found not guilty on all counts.[71] 20. Derrick Shareef—December 2006. Derrick Shareef was arrested on charges of planning to set off hand grenades in a shopping mall outside Chicago. Shareef reportedly acted alone and was arrested after meeting with an undercover Joint Terrorism Task Force agent. FBI reports indicated that the mall was one of several potential targets, including courthouses, city halls, and government facilities. Shareef, however, settled on attacking a mall in the days immediately preceding Christmas because he believed it would cause the greatest amount of chaos and damage.[72] Shareef was also found to have connections to convicted terrorist Hassan Agujahad, who was charged with attempted use of a weapon of mass destruction and later sentenced to 35 years in prison.[73] 21. Khalid Sheikh Mohammed—March 2007. Khalid Sheikh Mohammed, captured in Pakistan in 2003, was involved in a number of terrorist plots and is one of the most senior bin Laden operatives ever captured.[74] He is being held at the U.S. military detention facility in Guantanamo Bay. In March 2007, Mohammed admitted to helping plan, organize, and run the 9/11 attacks. He also claimed responsibility for planning the 1993 bombing of the World Trade Center and the 2002 bombings of nightclubs in Bali and a Kenyan hotel. He has stated that he was involved in the decapitation of Wall Street Journal reporter Daniel Pearl and took responsibility for helping to plan the failed shoe-bomb attack by Richard Reid, along with plots to attack Heathrow Airport, Canary Wharf, Big Ben, various targets in Israel, the Panama Canal, Los Angeles, Chicago, the Empire State building, and U.S. nuclear power stations. He had also plotted to assassinate Pope John Paul II and former President Bill Clinton. In December 2008, Mohammed and his four co-defendants (Ramzi Binalshibh, Mustafa Ahmad al-Hawsawi, Ali Abd al-Aziz Ali, and Walid Bin Attash) told the military tribunal judge that they wanted to confess and pleaded guilty to all charges.[75] The judge has approved the guilty plea of Mohammed and two co-defendants but has required mental competency hearings before allowing the other two conspirators to plead guilty. In November 2009, U.S. Attorney General Eric Holder announced that Mohammed would be relocated to the United States to face a civilian trial in the U.S. District Court for the Southern District of New York.[76] That decision has now been reversed and the Administration announced that Khalid Sheikh Mohammed and the other Guantanamo Bay detainees would be prosecuted in military tribunals at Guantanamo.[77] The date for the arraignment of Khalid Sheikh Mohammed and his co-defendants has been set for May 5, 2012, beginning the long-awaited legal proceedings for the five men.[78] 22. Fort Dix Plot—May 2007. Six men were arrested in a plot to attack Fort Dix, a U.S. Army post in New Jersey. The plan involved using assault rifles and grenades to attack and kill U.S. soldiers. Five of the alleged conspirators had conducted training missions in the nearby Pocono Mountains. The sixth helped to obtain weapons. The arrests were made after a 16-month FBI operation that included infiltrating the group. The investigation began after a store clerk alerted authorities after discovering a video file of the group firing weapons and calling for jihad. The group has no known direct connections to any international terrorist organization.[79] In December 2008, five of the men were found guilty on conspiracy charges but were acquitted of charges of attempted murder.[80] Four were also convicted on weapons charges. The five men received sentences ranging from 33 years to life plus 30 years. The sixth co-defendant pled guilty to aiding and abetting the others in illegal possession of weapons and was sentenced to 20 months in jail.[81] 23. JFK Airport Plot—June 2007. Four men plotted to blow up "aviation fuel tanks and pipelines at the John F. Kennedy International Airport" in New York City. They believed that such an attack would cause "greater destruction than in the Sept. 11 attacks." Authorities stated that the attack "could have caused significant financial and psychological damage, but not major loss of life." [82] Russell Defreitas, the leader of the group, was arrested in Brooklyn. The other three members of the group—Abdul Kadir, Kareem Ibrahim, and Abdul Nur—were detained in Trinidad and extradited in June 2008. Kadir and Nur have links to Islamic extremists in South America and the Caribbean. Kadir was an imam in Guyana, a former member of the Guyanese Parliament, and mayor of Linden, Guyana. Ibrahim is a Trinidadian citizen and Nur is a Guyanese citizen.[83] In 2010, Kadir was found guilty on five counts and sentenced to life in prison. In February, both Defreitas and Nur were also found guilty. Defreitas was sentenced to life in prison, while Nur was sentenced to 15 years.[84] The final conspirator, Kareem Ibrahim, was convicted in May 2011 and has been sentenced to life in prison.[85] 24. Hassan Abujihaad—March 2008. Hassan Abujihaad, a former U.S. Navy sailor from Phoenix, Arizona, was convicted of supporting terrorism and disclosing classified information, including the location of Navy ships and their vulnerabilities, to Babar Ahmad and Syed Talha Ahsan, the alleged administrators of Azzam Publication websites (the London organization that provided material support and resources to terrorists). Abujihaad was arrested in March 2007 and pled not guilty to charges of supporting terrorism in April 2007. In May 2008, he was convicted by a jury and sentenced to 10 years in prison.[86] In 2010, his conviction was upheld in a federal court of appeals.[87] Both Babar Ahmad and Syed Talha Ahsan are being held in Britain on anti-terrorism charges and are fighting extradition to the U.S.[88] 25. Christopher Paul—June 2008. Christopher Paul is a U.S. citizen from Columbus, Ohio. He joined al-Qaeda in the 1990s and was involved in conspiracies to target Americans in the United States and overseas. In 1999, he became connected to an Islamic terrorist cell in Germany, where he was involved in a plot to target Americans at foreign vacation resorts. He later returned to Ohio and was subsequently arrested for conspiracy to use a weapon of mass destruction—specifically, explosive devices—"against targets in Europe and the United States." Paul pled guilty to the charges and was sentenced to 20 years in prison.[89] 26. Bryant Neal Vinas—November 2008. Bryant Neal Vinas is an American citizen of Hispanic descent who converted to Islam in 2004.[90] In 2007, Vinas left home telling his parents he wanted to study Islam and Arabic. He then traveled to Pakistan where he was trained by and joined the Taliban. During his time in Pakistan, Vinas assisted with unsuccessful attacks on American forces and provided al-Qaeda with extensive information regarding the Long Island Rail Road for a potential attack.[91] He was arrested by Pakistani forces and sent back to the United States, where he pleaded guilty and began cooperating with authorities. He is currently in the custody of the U.S. Marshals and is awaiting sentencing.[92] 27. Synagogue Terrorist Plot—May 2009. On May 20, 2009, the New York Police Department announced the arrest of James Cromitie, David Williams, Onta Williams, and Laguerre Payen for plotting to blow up New York-area Jewish centers and shoot down planes at a nearby Air National Guard Base.[93] The four had attempted to gain access to Stinger missiles and were caught in the act of placing bombs in the buildings and in a car. (The bombs were duds, because undercover agents stole the four defendants fake explosives as part of an ongoing sting operation). All four men were found guilty. In June 2011, James Cromitie, David Williams, and Onta Williams were sentenced to 25 years in prison.[94] In September 2011, Laguerre Payen received the same sentence.[95] 28. Raleigh Jihad Group—July 2009. A group of seven men in North Carolina were arrested on charges of conspiring to support terrorist groups abroad, engage in terror attacks abroad and plotting an attack on the U.S. Marine base at Quantico, Virginia.[96] Their ringleader, Daniel Patrick Boyd, is believed to have a long association with radical groups, dating from his time living in Pakistan. In Pakistan, he is believed to have been an active member of Hezb-e-Islami (Party of Islam). The Raleigh group also raised funds and trained extensively in preparation to wage attacks both at home and abroad. [97] The men were denied bail and are awaiting trial.[98] 29. Najibullah Zazi—September 2009. Najibullah Zazi, a 24-year-old Afghan, was arrested after purchasing large quantities of chemicals used to make a TATP bomb, the same type of weapon used in the 2005 bombing of the London Underground and the 2001 shoe-bomb plot. Zazi had traveled to Pakistan, where he received instruction in bomb making and attended an al-Qaeda training camp. Zazi allegedly planned to detonate TATP bombs on the New York City subway.[99] It has since been found that the plot was directed by senior al-Qaeda leadership in Pakistan.[100] Najibullah Zazi's father, Mohammed Wali Zazi, was also indicted for obstructing justice, witness tampering, and lying to the FBI in attempts to help his son cover up plans for his attack.[101] A cousin of Zazi, Amanullah Zazi, also publicly admitted that he played a role in Zazi's 2009 plot. Amanullah pled guilty in secret and agreed to become a government witness in federal court in Brooklyn against Najibullah's father.[102] The father has since been found guilty and sentenced to four and a half years in prison.[103] Najibullah Zazi pled guilty, as the result of a plea bargain, and remains in jail. He is currently awaiting sentencing.[104] At least three other individuals have since been arrested on allegations of conspiring to carry out the attack with Zazi. One of them, New York religious leader Ahmad Afzali, has pled guilty to charges of lying to federal agents about informing Zazi that he was being investigated by authorities. [105] As part of a plea deal, Afzali was sentenced to time served and ordered to leave the country within 90 days.[106] A second man, Zarein Ahmedzay has also pled guilty to conspiring to use weapons of mass destruction in the foiled plot and lying to investigators. Adis Medunjanin has pled not guilty to conspiracy to commit murder in a foreign country and to receiving terrorist training.[107] Ahmedzay and Medunjanin are thought to have traveled to Pakistan with Zazi, and to have met with wanted al-Qaeda operative Adnan El Shukrijumah, who has also been charged in the plot.[108] A fourth individual, Abid Nasser, has also been implicated in the plot led by Zazi, as well as other plots in England and Norway. He is currently in the United Kingdom facing extradition to the United States.[109] Also charged in the plot are, Tariq Ur Rehman, and a fifth defendant known as "Ahmad," "Sohab," or "Zahid." Both El Shukrijumah and Rehman are not in custody.[110] 30. Hosam Maher Hussein Smadi—September 2009. Smadi, a 19-year-old Jordanian, was apprehended in an attempt to plant a bomb in a Dallas skyscraper. Originally identified through FBI monitoring of extremist chat rooms, Smadi was arrested and charged after agents posing as terrorist cell members gave Smadi a fake bomb, which he later attempted to detonate.[111] Smadi was found guilty and sentenced to 24 years in prison.[112] 31. Michael Finton—September 2009. Michael Finton, an American citizen, was arrested on September 23, 2009, by undercover FBI agents after attempting to detonate a car bomb filled with what he believed to be close to one ton of explosives outside the Paul Findley Federal Building and Courthouse in downtown Springfield, Illinois. The blast was also intended to destroy the nearby office of Representative Aaron Schock (R-IL).[113] Evidence presented against Finton has shown that he expressed a desire to become a jihadist fighter and was aware that his planned attack would cause civilian injuries. He has been arrested on charges of attempted murder of federal employees and attempted use of a weapon of mass destruction. Finton pled guilty and was sentenced to 28 years in prison.[114] 32. Tarek Mehanna and Ahmad Abousamra—October 2009. Tarek Mehanna, previously indicted for lying to the FBI about the location of terrorist suspect Daniel Maldonado, was arrested on October 21, 2009, on allegations of conspiracy to kill two U.S. politicians, American troops in Iraq, and civilians in local shopping malls, as well as conspiracy to provide material support to a terrorist organization.[115] Mehanna and Ahmad Abousamra, his co-conspirator, were indicted on charges of providing and conspiring to provide material support to terrorists, conspiracy to kill Americans in a foreign country, and conspiracy to provide false information to law enforcement.[116] The two men are not believed to be associated with any known terrorist organization.[117] Mehanna has pled not guilty to charges held against him and has since been convicted, while Abousamra remains at large in Syria.[118] 33. The Christmas Day Bomber—2009. Umar Farouk Abdulmutallab, a 23-year-old Nigerian engineering student living in London, boarded a plane from Nigeria to Amsterdam and then flew from Amsterdam to the U.S. It was on this second flight when he attempted to detonate a bomb hidden in his underwear as the plane began to land. The device ignited but did not detonate, and passengers quickly stopped Abdulmutallab from trying again, leading to his arrest by U.S. authorities upon landing in Detroit. The bomb, containing the explosives PETN and TATP, was similar to the failed device used by Richard Reid in his shoe in 2001. Media accounts following the plot indicate that Abdulmutallab admits involvement with al-Qaeda in Yemen and has pleaded not guilty to charges including conspiracy to commit an act of terrorism and attempting to use a weapon of mass destruction.[119] In February 2012, Abdulmutallab was sentenced to life in prison following his conviction.[120] 34. Raja Lahrasib Khan—March 2010. Chicago taxi driver Raja Lahrasib Khan, a naturalized U.S. citizen from Pakistan, was arrested by the Chicago FBI's Joint Terrorism Task Force on two counts of providing material support to a foreign terrorist organization. According to the charges, Khan was affiliated with Ilyas Kashmiri, leader of the al-Qaeda-linked extremist group Harakat ul-Jihad-I-Islami in Kashmir, and has previously been indicted in the U.S. on terrorism charges.[121] Khan originally transferred \$950 to Pakistan, to be delivered to Kashmiri, and later attempted to send around \$1,000 provided to him by an undercover agent to Kashmiri by having his son carry the money to England, where Khan then planned to rendezvous with him and carry the money the rest of the way to Pakistan. His son was stopped by government agents at Chicago's O'Hare airport before leaving the country. The criminal complaint filed against Khan also alleges that he had discussed plans to bomb an unnamed sports stadium in the United States. Khan has since pleaded guilty as part of a plea deal recommending a sentence of five to eight years. His sentencing has been scheduled for May 30, 2012.[122] 35. Faisal Shahzad—May 2010. Faisal Shahzad, a naturalized citizen from Pakistan, attempted to detonate explosives in an SUV parked in Times Square. After explosives training in Pakistan, he is said to have received \$12,000 from entities affiliated with the terrorist organization Tehrik-e-Taliban to fund the attack. Following the failed bombing attempt, Shahzad attempted to flee the country to Dubai, but was arrested before the flight was able to leave New York's JFK airport.[123] Shahzad pled guilty to 10 counts, including conspiracy to commit an act of terrorism and to use a weapon of mass destruction.[124] He was sentenced to life in prison and is being held at the same Colorado maximum-security prison as Richard Reid and Jose Padilla.[125] 36. Paul G. Rockwood, Jr., and Nadia Pirokska Maria Rockwood—July 2010. Paul G. Rockwood, Jr., an American citizen, became an adherent to Anwar al-Awlaki's ideology of violent jihad after converting to Islam. In studying al-Awlaki's teachings, Rockwood came to believe it was his religious responsibility to seek revenge against anyone who defiled Islam. He created a list of 15 individuals to be targeted for assassination, including several members of the U.S. military. Rockwood is said to have researched explosive techniques and discussed the

possibility of killing his targets with a gunshot to the head or through mail bombs. Nadia Piroška Maria Rockwood, Paul's wife, knowingly transported the list to Anchorage, Alaska, to share with an unnamed individual who apparently shared Rockwood's ideology. The list then made it into the hands of the FBI's Joint Terrorism Task Force in Anchorage. Paul was charged with making false statements to the FBI in a domestic terrorism charge, while Nadia was charged with making false statements to the FBI in connection to the case against her husband. Paul was sentenced to eight years in prison, while his wife was sentenced to five years probation.[126] 37. Ferooq Ahmed—October 2010. Pakistani-American Ferooq Ahmed was arrested following an FBI investigation into plots to attack the Washington, D.C., subway. Ahmed is said to have conducted surveillance on the D.C. Metrorail system on multiple occasions, and was in contact with undercover FBI agents whom he believed to be individuals affiliated with al-Qaeda.[127] According to an unsealed affidavit, Ahmed wanted to receive terrorist training overseas and become a martyr. The affidavit also indicates that he sought to specifically target military personnel in his bombing attempt.[128] Ahmed pled guilty to charges of material support and collecting information for a terrorist attack on a transit facility. He was then immediately sentenced to 23 years in prison.[129] 38. Air Cargo Bomb Plot—October 2010. Two packages shipped from Yemen to Chicago-area synagogues were discovered to contain explosive materials of the same type used by Richard Reid and Umar Farouk Abdulmutallab in previously thwarted bombing attempts.[130] The packages contained printer cartridges filled with the explosive material and were identified with the help of intelligence tips from Saudi Arabian authorities while in transit on cargo planes in the United Kingdom and Dubai.[131] While no arrests have been made, the Yemen-based Al-Qaeda in the Arabian Peninsula (AQAP) has claimed responsibility for the failed attack. 39. Mohamed Osman Mohamud—November 2010. Mohamed Osman Mohamud, a 19-year-old Somali-American, was arrested after attempting to detonate a car bomb at a Christmas tree lighting ceremony in Portland, Oregon. The bomb was composed of inert explosives given to him by undercover FBI agents. Mohamud had previously sought to travel overseas to obtain training in violent jihad. Having failed in that attempt, he wanted to commit an attack that would cause mass casualties to individuals and their families.[132] Mohamud has pled not guilty to the charges.[133] 40. Antonio Martinez—December 2010. Antonio Martinez, a 21-year-old American citizen also known as Muhammad Hussain, planned to bomb a military recruiting center in Maryland. The FBI learned of the plot from an unnamed informant. Martinez was arrested after attempting to detonate a fake explosive device supplied by FBI agents. He has been charged with attempted murder of federal officers and employees, as well as attempted use of a weapon of mass destruction.[134] He has pled not guilty and awaits further trial.[135] 41. Khalid Ali-M Aldawsari—February 2011. Khalid Ali-M Aldawsari, a Saudi citizen studying in Lubbock, Texas, was arrested by the FBI after placing an order for the toxic chemical phenol. Both the chemical supplier and the freight shipping company became suspicious of the order, which could be used to make an improvised explosive device (IED), and alerted the FBI and local police. Surveillance of Aldawsari's e-mail turned up a list of potential "nice targets" including dams, nuclear power plants, military targets, a nightclub, and the Dallas residence of former President George W. Bush. The search also recovered plans to acquire a forged U.S. birth certificate and multiple driver's licenses. Aldawsari seems to have considered using these documents to obtain rental cars for use in vehicle bombings. He has pled not guilty to charges of attempted use of a weapon of mass destruction and faces up to life in prison.[136] 42. Ahmed Ferhani and Mohamed Mamdouh—May 2011. Ahmed Ferhani of Algeria, and Moroccan-born Mohamed Mamdouh, a U.S. citizen, were arrested by the New York Police Department after attempting to purchase a hand grenade, guns, and ammunition to attack an undetermined Manhattan synagogue. The men planned on disguising themselves as Orthodox Jews in order to sneak into the synagogue.[137] Reports have also cited the Empire State Building as a possible second target.[138] Both men face charges of conspiracy to commit a crime of terrorism and conspiracy to commit a hate crime, as well as criminal possession of a weapon.[139] 43. Yonathan Melaku—June 2011. On June 17, 2011, Yonathan Melaku, an Ethiopian and a naturalized U.S. citizen and former Marine Corp reservist, was arrested at Fort Myer near Arlington National Cemetery, where he was found with a backpack filled with ammonium nitrate, spray paint, and spent ammunition rounds. The discovery led authorities to unravel a series of mysterious events from the fall of 2010, when shots had been fired at night from the street at various military buildings, including the Pentagon, causing over \$100,000 in damages. After searching his bag and house, authorities found video of Melaku shooting at the buildings and providing commentary, a series of notebooks written in Arabic with references to terrorism, and a list of equipment needed to make a timed explosive device. He has since pleaded guilty and was sentenced to 25 years in prison.[140] 44. Abu Khalid Abdul-Latif and Wali Mujahidh—June 2011. In a raid on a warehouse in Seattle, the FBI arrested Abu Khalid Abdul-Latif and Wali Mujahidh. The two suspects had arranged to purchase weapons from an anonymous informant in contact with the Seattle Police Department. They were seeking to purchase automatic machine guns and grenades in preparation for an attack on a military recruiting station in Seattle. Since the arrests have been made, authorities have learned that Abdul-Latif, a felon and Muslim convert, had initially planned to attack the Joint Base Lewis-McChord with his friend, Los Angeles resident Mujahidh. The target was later changed to the Seattle Military Entrance Processing Station for undisclosed reasons.[141] The men have been charged with conspiracy to murder officers and employees of the United States government, conspiracy to use a weapon of mass destruction, and possession of firearms in furtherance of crimes of violence. Abdul-Latif has also been charged with two counts of illegal possession of firearms and is awaiting further trial.[142] Mujahidh has pled guilty and faces up to 32 years in prison.[143] 45. Emerson Winfield Begolly—August 2011. Begolly, a moderator and supporter for the internationally known Islamic extremist Web forum Ansar al-Mujahideen English Forum (AMEF), was arrested on charges of terrorist actions involving solicitation to commit a crime of violence and distribution of information in relation to explosives, destructive devices, and weapons of mass destruction. Through his profile on AMEF, the Pennsylvania-born man solicited others to engage in violent acts of terrorism against post offices, water plants, military facilities, bridges, train lines, and Jewish schools. Begolly also used the website to post a downloadable 101-page document that contains information on how to create, conduct, and manufacture chemical explosives. The instructional document is loosely linked to al-Qaeda's former top chemical and biological weapons expert Abu Khabbab al Misi. Begolly pled guilty to counts of soliciting others to engage in acts of terrorism within the U.S., and attempting to use a 9-mm semi-automatic handgun during an assault upon inquiring FBI agents. He is currently awaiting further trial.[144] 46. Rezwan Ferdous—September 2011. Ferdous, a self-radicalized 26-year-old U.S. citizen, was arrested for trying to provide material support to terrorist organizations when he gave a modified cell phone to someone he believed to be an al-Qaeda operative.[145] He did so believing the man would use the cell phone to detonate improvised explosive devices against American soldiers. The alleged al-Qaeda operative was an undercover FBI agent. Ferdous also sought to use small drone aircraft laden with explosives to attack the Pentagon and U.S. Capitol, followed by a ground attack carried out by armed men with automatic rifles. He had already purchased some items, including C4 and AK-47s, toward this goal from an undercover agent.[146] He is being held awaiting trial.[147] 47. Iranian Terror Plot—October 2011. On October 11, 2011, Mansoor Arbabsiar, an Iranian-born U.S. citizen, was arrested for plotting to assassinate the Saudi Arabian ambassador to the U.S., as well as bomb the Saudi and Israeli embassies in Washington, D.C. He claims he was working for the Iranian Quds Forces, a special unit of the Iranian Revolutionary Guard. On behalf of the Quds Forces, Arbabsiar is said to have contacted members of a Mexican drug cartel with the goal of hiring them to assassinate the Saudi ambassador. The two parties allegedly agreed on a payment of \$1.5 million, with a down payment of \$100,000 that Arbabsiar wired to members of the cartel, supposedly from the Iranian government. The plot was uncovered because the supposed members of the cartel he approached were informants for the Drug Enforcement Agency.[148] He was arrested at JFK airport in New York, has pleaded not guilty, and is currently awaiting trial.[149] Another man, Gholam Shakuri, is an Iranian citizen who is wanted in connection with the plot; he is believed to be in Iran.[150] This is the first publicly known post-9/11 Islamist-inspired terror plot aimed at the United States specifically linked to state-sponsored terrorism. 48. Jose Pimentel -November 2011. On November 20, 2011, Jose Pimentel, a naturalized U.S. citizen from the Dominican Republic, was arrested on charges of planning to use pipe bombs to attack targets throughout New York City. His proposed targets included police stations, post offices, and U.S. soldiers. He was a homegrown radical inspired by Anwar al-Awlaki. Pimentel also managed his own radical website espousing his beliefs in violent jihad.[151] The plot was uncovered by an informant and Pimentel was arrested by the NYPD. He has pleaded not guilty and awaits trial.[152] 49. Sami Osmakac—January 2012. On January 7, 2012, Sami Osmakac, a naturalized U.S. citizen from the Kosovo region of the former Republic of Yugoslavia, was arrested on charges of planning attacks against night clubs, businesses, and a sheriff's office [153] He came to the attention of the authorities when a source alerted them that Osmakac had asked how to locate an al-Qaeda flag. He planned to conduct a multi-pronged attack against his proposed targets with vehicle-borne explosives. He also wished to take hostages. He was introduced to an undercover FBI agent who he believed was an arms dealer and procured disabled AK-47s and explosives from him.[154] He was arrested by the FBI's Tampa office and has since pleaded not guilty.[155] 50. Amine El Khalifi—February 2012. Amine El Khalifi, a Moroccan citizen illegally in the United States, was arrested on charges of plotting to attack the U.S. Capitol. He was arrested as he left his parked car with guns and a bomb. He did not know that the weapons had already been rendered inoperable, as they had been provided to him by FBI agents he believed to be al-Qaeda operatives. Before choosing the Capitol building as a target, El Khalifi had proposed targets including D.C. office buildings, restaurants, and synagogues.[156] He is currently being held in federal custody in Alexandria, Virginia, awaiting trial. 50 Terrorist Plots Foiled Since 9/11 Preventing the Next Terrorist Attack The death of Osama bin Laden marked an important victory in the long war on terrorism. The war, however, is not won. Terrorists, including those radicalized in the United States, continue to seek to harm the U.S. and its people.

As the first anniversary of the death of bin Laden approaches, Congress and the Administration should be mindful of what is needed to continue to combat the threat of terrorism at home and abroad. In order to prevent the next terrorist attack, lawmakers should: · Preserve existing counterterrorism and intelligence tools, such as the PATRIOT Act. Support for important investigative tools, such as the PATRIOT Act, is essential to maintaining the security of the United States and combating terrorist threats. Key provisions in the act, such as the roving surveillance authority and business records provisions, have proven essential in thwarting numerous terror plots. For instance, the PATRIOT Act's information-sharing provisions were essential for investigating and prosecuting homegrown terrorists, such as the Lackawanna Six. This case, along with others, demonstrates that national security investigators continue to require the authorities provided by the PATRIOT Act to track leads and dismantle plots before the public is put in danger. Bearing this fact in mind, Congress should not let key provisions of the PATRIOT Act expire, and instead, should make them permanent.

LeT attack on the U.S. would trigger U.S. war with Pakistan

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Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace, <http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

This is because the most vicious entities now engaged in attacks on India, like LeT, have objectives that go way beyond Kashmir itself. They seek to destroy what is perhaps the most successful example of a thriving democracy in the non-Western world, one that has prospered despite the presence of crushing poverty, incredible diversity, and a relatively short history of self-rule. India's existence as a secular and liberal-democratic state that protects political rights and personal freedoms—despite all its failures and imperfections—thus remains a threat to groups such as LeT, with their narrow, blighted, and destructive worldviews. It is also a threat to other praetorian and antidemocratic institutions such as the Pakistan Army and the ISI. India, accordingly, becomes an attractive target, while its mistakes, inadequacies, and missteps only exacerbate the opportunities for violence directed at its citizenry.

It would be a gross error, however, to treat the terrorism facing India as simply a problem for New Delhi alone. When viewed from the perspective of the United States, it is safe to say that LeT has long undermined U.S. interests in the global war on terror. It threatens U.S. soldiers and civilians in Afghanistan and has now killed U.S. citizens in Mumbai. Thus far it has not mounted any direct attacks on the American homeland, but that is not for want of motivation. Given the juicier and far more vulnerable U.S. targets in South Asia, LeT has simply found it more convenient to attack these (and U.S. allies) in situ rather than overextend itself in reaching out to the continental United States, especially when al-Qaeda still remains focused on that task. An LeT attack on the U.S. homeland would also lead Washington to target the ISI and the Pakistani state directly, problems that the Pakistani military can do without at a time when groups like LeT and its regional partners are more than amply successful in advancing the Pakistan Army's aims by undermining larger U.S. and coalition investments in Afghanistan.

LeT operatives have been stopped in the U.S.

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Several LeT operatives have also been arrested in the United States. These include a network of jihadists in northern Virginia known as the Virginia Jihad Network. Ali al-Timimi, an American born Islamic scholar popular among a group of young Muslim men in Virginia, was convicted of advocating war against the U.S. He exhorted his followers to join the Taliban following the U.S. invasion of Afghanistan. While none of them ever did join the Taliban, four of them ended up receiving training from LeT.¹⁹⁵ Ali Asad Chandia, a resident of College Park, Maryland and third grade teacher, was convicted of aiding a British member of LeT, Mohammed Ajmal Khan, with acquiring military equipment for LeT.¹⁹⁶ Nine other members of the network were convicted in 2003 and 2004 variously for providing material support to LeT, assisting others in gaining entry into LeT training camps, and for obtaining training to wage war against the United States.¹⁹⁷ The most notable American operative of LeT is David Headley. As previously noted, the American-born Headley had legally changed his name from Daoud Gilani to make travel easier and moved effortlessly between the U.S., Pakistan, and India for nearly seven years.¹⁹⁸ According to Headley's plea agreement, he made at least five trips to Mumbai between 2006 and 2008 to scout locations for attacks and scouted targets in Pune and Goa in India. While in Mumbai, he made videos of the targets, collected coordinates with a GPS device, and scouted the landing site for the attackers. Between 2002 and 2005, Headley had trained at Lashkar camps on at least five occasions. During this training he learned the use of explosives, small arms and countersurveillance techniques.¹⁹⁹

U.S. has been preventing domestic LeT attacks on U.S. homeland

Jones 11 Seth G. Jones is director of the International Security and Defense Policy Center at the RAND Corporation, The Future of Al Qaeda CT-362 May 2011,

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=12&ved=0CCUQFjABOApqFQoTCKrvpZ-H-MYCFcc4iAod7-8KHw&url=http%3A%2F%2Farchives.republicans.foreignaffairs.house.gov%2F112%2Fjon052411.pdf&ei=E2-0VeqZN8fxoATv36v4AQ&usg=AFQjCNH28hzNYeUrTDQ2grEJvGW46_6aRQ&sig2=OwaEnNRKOptgEs7KiwQs3Q

In September 2009, for example, Najibullah Zazi was arrested for planning attacks on the New York City subway. Zazi pleaded guilty in U.S. District Court to “conspiracy to use weapons of mass destruction” and “providing material support for a foreign terrorist organization” based in Pakistan.¹¹ Several al Qaeda operatives, including Saleh al-Somali and Adnan el Shukrijumah, were involved in the plot. According to U.S. government documents, Zazi’s travels to Pakistan and his contacts with individuals there were pivotal in helping him build an improvised explosive device using triacetone triperoxide (TATP), the same explosive used effectively in the 2005 London subway bombings. In October 2009, Chicago-based David Coleman Headley (aka Daoud Sayed Gilani) was arrested for involvement in terrorist activity. He is a Pakistani-American who had cooperated with Lashkar-e Tayyiba and senior al Qaeda leaders to conduct a series of attacks, including the November 2008 Mumbai attack and a plot to attack a newspaper in Copenhagen that had published a cartoon of the Prophet Muhammad. His base in Chicago made him ideally suited for a future attack in the U.S. homeland.

LeT is a global threat that risks terror attacks on India and the United States

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,

<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

It is clear that after al-Qaeda, LeT is the most dangerous terrorist group operating in South Asia because of its: ¶ 1. Global vision and international ambitions ¶ 2. Distinct ideology that underwrites Islamic revanchism, justifying collaboration with other terrorist groups ¶ 3. Loyalty to Pakistan and willingness to protect its patron state against domestic opponents ¶ 4. Diversified network for mobilizing resources, promoting its international presence, and recruiting members, which minimizes its dependence on the state ¶ 5. Involvement in terrorism and social development concurrently, which limits Pakistan’s ability to target the group even if it were so inclined ¶ 6. Cohesive and hierarchic organizational structure that is effective at both the conduct of violence and the delivery of social programs ¶ 7. Proficiency at exploiting science and technology, extra-national social links, and state vulnerabilities in order to advance its political aims ¶ LeT is a formidable and highly adaptable adversary with a genuinely global reach and the ability to grow roots and sustain operations in countries far removed from its primary theater of activity in South Asia. Though India’s proximity to Pakistan has resulted in New Delhi absorbing most of the blows unleashed by LeT, the carnage in Mumbai demonstrates that the terrorism facing India is not simply a problem for New Delhi alone. An attack could even reach U.S. soil. ¶ The only reasonable objective for the United States is the permanent evisceration of LeT and other vicious South Asian terrorist groups—with Pakistani cooperation if possible, but without it if necessary.

AT: HUMINT Turn

Human intel can't work for India—They have massive shortages of human spy personnel and don't have the ability to train enough human spys

Indian Express 14

India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

Indians waited that, and longer-and while they did, the foundations on which India's intelligence services have been rotting. The Intelligence Bureau, highly-placed government sources said, is over 30% short of staff-particularly critical mid-level executive positions. For its part, the Research and Analysis Wing (R&AW), tasked with securing Indian interests across the world, has desperate shortages of specialists in languages and the sciences-deficits that are running as high as 40% in critical departments. Later this year, Prime Minister Narendra Modi is expected to make his first appointment to lead the Intelligence Bureau. He is expected to choose from among Ashok Prasad, who helped build the organisation's counter-terrorism data-hub, the Multi-Agency Centre, D P Sinha, a veteran of anti-terror operations, and Dineshwar Sharma, a quiet but highly respected analyst, who won his spurs when he volunteered to serve in Jammu and Kashmir in the early 1990s. The Prime Minister will also have to find a leader to rebuild R&AW-devastated by internal feuds, staff shortages and technology deficits. He is expected to choose between Rajinder Khanna, the leader of R&AW's counter-terrorism efforts in recent years, and Arvind Saxena, a veteran with long experience of Pakistan, the United States and organisational management. Too few spies Figures released to Parliament by the United Progressive Alliance government show that even as Chidambaram's efforts to create new institutions became the focus of official efforts, staffing deficits became endemic across the intelligence services. In March 2013, then Minister of State for Home R P N Singh told Parliament that the IB had 18,795 personnel on its rolls, against a sanctioned strength of 26,867 – in other words, a shortfall of over 30 per cent, and that based on manpower requirements drawn up in the 1970s. The effects are evident across the states: dedicated counter-terrorism groups set up by National Security Advisor Ajit Doval, while he was Intelligence Bureau chief, have been sucked into routine duties. The Intelligence Bureau's operations hub in New Delhi has just 30-odd executive staff. Intelligence Bureau chief Asif Ibrahim has cut the shortfall to some 7,000 people-taking in as many as the service's overstretched training facility can handle. It's proved just too little though and not because of lack of trying. In 2009, Chidambaram authorised the hiring of 6,000 personnel. However, the IB's existing training facilities can process just 600 to 700 staff in a year, which barely -covers attrition from retirements and resignations. "There's another problem, too", notes a senior Intelligence Bureau officer. "Let's say we, by some miracle, find the 6,000-odd people we need in one go. They'll need to be promoted from time to time-and there just won't be positions for them. The government needs to do a thoroughgoing review of staffing, and the last one just wasn't interested". R&AW, estimated to have some 5,000 personnel, faces a similar shortage. The organisation is short of some 130 management-level staff, the sources said, particularly cutting-edge under-secretaries and deputy secretaries. R&AW is also short of personnel with specialist language and area knowledge, particularly Arabic, Chinese and minor Pakistani languages. –

They no longer have a pool to recruit sufficient human intelligence—Indian states won't let their best police get recruited intelligence

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India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

Long years of neglect, intelligence officials said, had contributed to the staffing crisis at the R&AW and the IB. "The intelligence services," a senior officer said, "had always relied on young Indian Police Service officers, recruited early in their careers, to serve in middle and senior-management roles. The overall shortfall in the IPS's strength, though, has meant states are loath to allow their best officers to serve in - New Delhi on deputation." The R&AW's internal cadre, the Research and Analysis Service, for its part, froze recruitment

from the 2004-2005 batch to the 2009-2010 batch, and in other years, cut hiring to a trickle. Last year, bulk recruitment to fill the deficits was agreed on, but a debate about whether needs would be best met through Union Public Service Commission-run examinations or campus recruitment rages on. –

Answers to LeT

Even if India gets intelligence data it won't be effectively used to stop terrorism because of inaction and corruption

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Actionable intelligence is the first thing that comes to mind when one thinks about disrupting a terrorist plot. Although its primary function is strategic intelligence, the Indian Intelligence Bureau has an excellent record in providing tactical support to state police forces- within reasonable limits. Between 1998 and 2003, it reportedly neutralized 250 ISI- backed jihadist cells across India, excluding Jammu and Kashmir and the North Eastern states. This neutralization rate of approximately one terrorist cell per week has been maintained even after the current spate of jihadist violence erupted in 2005. Where problems have arisen is not so much in the IB's response to pan-Islamist terrorism, but in that of the political leadership. Put simply, there has been no policy response to ample warnings from the intelligence community since 2002 that Pakistan planned to target the Indian heartland.[xxxvi] Before the Mumbai attacks there were reports of at least 20 intelligence reports provided to the Mumbai Police Department specially warning them about Fedayeen attacks or sea borne infiltrations. The Intelligence Bureau of India had also received two specific warnings about the Taj hotel. One concerned a possible attack on 24 May and the other on 11 August, both prompted by tip offs from a source in Pakistan said to be inside Lashkar. [xxxvii] The hotel was made aware of the tip offs but nothing was really done to beef up security or improve the current measures in place, like CCTV cameras and security guards on the front gate. Prem Mahadevan writes in his book 'The Politics of Counterterrorism in India', "Such inaction (failure to act on intelligence) stems from four factors, two of which are political and two operational. The factors are: a lack of political consistency and consensus, and a lack of operational capacity and coordination. Between them, these constraints ensure that decision- makers in the Indian political and security establishments fail to act on initial warnings provided by intelligence agencies."[xxxviii] Additionally, the security agencies as well as the people in the position of responsibility have an attitude problem. Till the time everything is right and nothing goes wrong the attitude is simply 'Chalta hai' – Everything works. Any amount of intelligence is of no use till the time it is taken seriously and acted upon. Despite such specific intelligence inputs, as mentioned before, Mumbai's Joint Police Commissioner Rakesh Maria said in an interview that it was a 'failure of imagination' on the part of the police department. This clearly shows the lack of seriousness attributed to the importance of intelligence in counterterrorism. To overcome this, personnel in state police departments need to go through rigorous training for intelligence gathering as well as to deal with the gathered intelligence inputs. A committee set up to find the loopholes in the response to the Mumbai attacks, The Pradhan Committee, found out that "well set out procedures for handling intelligence and 'crisis management' were overlooked and the Commissioner of Police Mumbai Hasan Gafoor did not exhibit adequate initiative in handling the multi-pronged attack and remained at one spot near Trident Hotel throughout the operations.[xxxix] There is an urgent need for proper Standard Operating Procedures in place and not just on paper but for them to be enforced through drills and simulation games. There is also a need for a centralized command and control, so that in an event of an attack, forces on the ground know who they are taking orders from and remain coordinated in their efforts. Most importantly, it is necessary to be practical about countermeasures being put in place, most of the steps taken by Indian authorities remain non-operational and useless. In the end everything boils down to resource allocation and in India where every official must have his 'cut' at every step of the process, it becomes increasingly difficult to implement any policies. It is imperative that a strong anti-corruption system comes in place, especially where authorities are working for national or state security for a speedy and proper implementation of counter terrorism policies.

Analysis tools for meta data empirically fail

Wheaton & Richey 14 Kristan J. Wheaton is an Associate Professor at Mercyhurst University and Melonie K. Richey is a graduate student at Mercyhurst University who is currently participating in IARPA's Sirius Project. Metadata Analysis as an Intelligence Tool, e-

International Relations January 9, 2014 ,

<http://strategicstudyindia.blogspot.com/2014/06/metadata-analysis-as-intelligence-tool.html>

Caveat Emptor Like all analytic techniques, SNA is imperfect and comes with a number of caveats for researchers new to the method. SNA, while widely applicable, is by no means universally applicable. For example, in early 2013, one of the authors sought to use SNA to locate terrorists using social media. SNA and social media seemed like a good place to start, even though it seemed unlikely that many such individuals would self identify as a “radical extremist” or “Al-Qaeda affiliate.” Ultimately though, the effort failed because there was just too much of what social network analysts like to call “white noise,” or extraneous information picked up through a comprehensive scraping of the Internet. Our search for radical extremists returned journalists, university students of international relations and politics, and a slew of ordinary people just keeping up with current events and Tweeting about it. Another issue with SNA has to do with the nature of relationships. In the real world, they are often messy and convoluted. Just because two people work together and do so often, does not necessarily mean that they like each other. Similarly, the best way to describe the relationship between two businesses might not be the number of contracts the two have signed together. SNA works best, however, with clearly definable relationships and where one factor in the relationship correlates well with other factors important in a relationship. Modern intelligence problems, which often contain, political, economic, military, tribal, geographic, personal, and historical relationship data require the application of advanced SNA techniques and, even then, may yield little of real use to decisionmakers. Finally, SNA is fundamentally a mathematical tool but is most useful in the decisionmaking process when the networks are visualized. It is, without doubt, the visualization of these networks that tends to capture the most attention from the policymakers that intelligence units typically support. This is both a blessing and a curse. While it is easy to capture attention, explaining why the charts and graphs look the way they do is an art. All too often, the initial excited reaction to these diagrams turns to boredom and confusion as analysts bog the decisionmakers down with the arcana of SNA. In addition, creating these complex visualizations often stresses even the most powerful personal computers (the images of the simulation in Figure 8 above took approximately 2 hours to produce using a powerful desktop PC with two high end graphics cards). Like every analytic technique, SNA has great utility for the right question. Within its limits, SNA is unmatched and can be usefully applied to identify key individuals or organizations within a network, generate new leads and simulate the flows of information or money throughout a network. SNA, however, remains just a answer, not the answer. Used inappropriately or without a full understanding of the limits of the method and analysts will only be finding new and more technically sophisticated ways to fail. That, then, is the primary job of the modern day analyst: making the judgment call of which techniques to use and when. Equally as important as knowing when to use SNA is knowing when not to use it.

Surveillance fails — even if countries have the data, it doesn't translate into preemptive politics

NYT 14 — New York Times, 2014. (“In 2008 Mumbai Attacks, Piles of Spy Data, but an Uncompleted Puzzle”, James Glanz, December 21st, 2014, Available Online at:

<http://www.nytimes.com/2014/12/22/world/asia/in-2008-mumbai-attacks-piles-of-spy-data-but-an-uncompleted-puzzle.html> Accessed 7-22-15)

In the fall of 2008, a 30-year-old computer expert named Zarrar Shah roamed from outposts in the northern mountains of Pakistan to safe houses near the Arabian Sea, plotting mayhem in Mumbai, India's commercial gem. Mr. Shah, the technology chief of Lashkar-e-Taiba, the Pakistani terror group, and fellow conspirators used Google Earth to show militants the routes to their targets in the city. He set up an Internet phone system to disguise his location by routing his calls through New Jersey. Shortly before an assault that would kill 166 people, including six Americans, Mr. Shah searched online for a Jewish hostel and two luxury hotels, all sites of the eventual carnage. But he did not know that by September, the British were spying on many of his online activities, tracking his Internet searches and messages, according to former American and Indian officials and classified documents disclosed by Edward J. Snowden, the former National Security Agency contractor. They were not the only spies watching. Mr. Shah drew similar scrutiny from an Indian intelligence agency, according to a former official briefed on the operation. The United States was unaware of the two agencies' efforts, American officials say, but had picked up signs of a plot through other electronic and human sources, and warned Indian security officials several times in the months before the attack.

Indian domestic surveillance not key — US international solves

ET 14 — The Economic Times, 2014. (“US alerts India of possible terror attack by Lashkar-e-Taiba, capital on high-alert”, Aman Sharma, Decemeber 12th, 2014, Available Online at: http://articles.economictimes.indiatimes.com/2014-12-12/news/56990498_1_delhi-police-terror-strike-republic-day-function)

It was the United States which alerted India of an impending major terror strike in Delhi by Pakistan-based Lashkar-e-Taiba, triggering a comprehensive security review of the national capital by the Delhi Police and Intelligence Bureau. "The alert came directly from US intelligence agencies...it was not a pin-pointed information and did not specify any place or time of attack but the input said there was clear intelligence with the US of a big terror strike somewhere in Delhi by LeT," a senior Home Ministry official told ET. The government has decided to take no chances as the said tip-off from the US came shortly after the visit of US President Barack Obama to India was confirmed for being the chief guest at the Republic Day. Sources in the home ministry said that besides taking extra steps to secure Delhi, IB has also begun a "coordination exercise" with neighbouring states like UP and Rajasthan, sensitising them of the terror threat and asking them to be on alert for any terror module in their jurisdictions which may target Delhi. "Many meetings have been held between state authorities and IB since. Delhi Police Commissioner BS Bassi has also met National Security Advisor Ajit Doval to brief him of the security measures taken for Delhi.

Informants MSDI

Modeling

Yes Modeling Links

India Models U.S. Surveillance structures

Chaulia 9 Sreeram Chaulia is associate professor of world politics at the OP Jindal Global University in Sonapat, India India caught in a terror tangle
http://www.atimes.com/atimes/South_Asia/KL11Df05.html

The ills in India's intelligence apparatus were highlighted recently when India's Home Minister P Chidambaram announced a new chief for the proposed National Intelligence Grid (NATGRID) project for counter-terrorism. This is an ambitious venture to pool all data and information relating to a person - ranging from bank accounts, rail and air travel to income tax, telephone and Internet usage. Without being obtrusive, NATGRID is mandated to link 21 different databases for the access of 10 security agencies. While it sounds like an innovate idea that could enable the speedy detection and interception of security threats, NATGRID is symptomatic of the troubles plaguing India's divided state. It is the brainchild of the Home Ministry, which sees itself as a veteran in competition with the office of the National Security Advisor (NSA) for the prized position as the lead governmental node handling strategic issues. The NSA, which falls under the all-powerful Prime Minister's Office, already has under its aegis, since 2004, the National Technical Research Organization (NTRO) - a highly specialized technical intelligence-gathering "super-feeder agency" - to act as a clearing house for all other members of the security establishment. Modeled after the US National Security Agency, NTRO had until recently been dubbed "India's newest secret agency". Now, the Home Ministry's NATGRID, or one or other of the ever-mushrooming pet creations of the vast Indian bureaucracy, might vie for this honor as they build their own personnel, budgets and images. The Home Ministry has also just floated the idea of forming a National Counter-Terrorism Center (NCTC), again borrowing a leaf from the American book, although this new body would have major overlaps in terms of technology and processes with the pre-existing NTRO. In May, just after the ruling Congress-led coalition retained power in general elections, the politically heavyweight Home Ministry began advocating a new Centralized Lawful Interception and Monitoring System that would "monitor all communication traffic to tighten the country's security and surveillance set-up" and catch early warning signals of impending terrorist attacks. These tasks, again, were hitherto being managed by a full-fledged department of the NTRO. There have been 20 major terrorist strikes in India since 2001, including attacks by militants in Jammu and Kashmir and on parliament in New Delhi, as well as bombings throughout the country. Prior to last year's attack in Mumbai, the deadliest strikes was the bombing of several railway stations and trains in the city in July 2006, with some 180 people killed. In May 2008, bombs exploded in crowded markets outside Hindu temples in the popular tourist destination of Jaipur, killing at least 60. In August 2008, National Security Advisor M K Narayanan said that as many as 800 terrorist cells operated in the country. The domestic Intelligence Bureau (IB), which comes under the purview of the Home Ministry, has also been active in the area of Internet telephony and interception of potential terrorist conversations, adding to the plethora of trespassing mechanisms over and above the heads of existing entities. The IB is now readying for the establishment of a new counter-intelligence center under its supervision. NTRO has struggled in other intramural battles with its notionally allied organization in the labyrinthine state security apparatus, the Research and Analysis Wing (RAW), India's external intelligence organization. The latter's failures in detecting Pakistani intrusions prior to the brief 1999 Kargil war had elicited criticism of its monopoly over foreign intelligence-gathering and culminated in calls to detach RAW's Aviation Research Center (ARC) and merge it with NTRO as a single super agency for technical intelligence. This handover has not been fully accomplished to date and continues to keep the scorebook of bureaucratic wrangling open with highly wasteful expenditure and possible national security costs. Often mocked as a "soft state" that has failed to rectify dysfunctional behavior, India can be better understood as a flabby state with far too many agencies, which work at cross-purposes and keep the structure unprepared and uncoordinated for the next potentially devastating blow of anti-national actors. The gaps and loopholes in the state's counter-terrorist response system have ironically grown with the proliferation of more and more agencies and projects. So bureaucratically dense has the web of competing interests and responsibilities within the Indian state become since the Mumbai attacks that the larger purpose of doing social good by advancing protection of citizens has been subsumed by a "me too" attitude in which everyone and anyone who has some clout within government will press a finger into the pie. In this game of bureaucratic politics, who gets which piece of the cake in terms of influence and counterbalancing "pull" (a uniquely Indian term referring to leveraging power) has overshadowed the core mission of finessing state responses to multifarious threats. Indian's melee of multiplying committees, bodies and agencies scarcely boosts the average citizen's confidence that he or she can be safer after all the revamps and "shakeups". A state is not a monolith but a vast constellation of loosely allied institutions, organizations and centers of power. Visualized from the summit or the apex, the state reproduces itself like hydra into smaller ramifications that carry the seal of sovereignty into the spaces that are inhabited by citizens. The give-and-take between these state agencies and the public is theoretically based on mutual trust and need. Unfortunately, the one-upmanship games bedeviling the Indian security structure have not done justice to this quid pro quo, which lies at the heart of contemporary political life. One pattern emerging from the mess of the flabby Indian state is the attempt of its top echelons to emulate the United States in terms of

merging, refurbishing or creating anew specialized agencies to tackle emerging security risks. What Indian policymakers may have missed in the process of learning lessons from the US is that the latter has been historically bogged down with the same severe symptoms of bureaucratic politicking.

India policy leaders emulate U.S. counterterrorism strategies

Rizvi 8 Dr Hasan-Askari Rizvi is a political and defence analyst, analysis: Imperatives of counter-terrorism —Dr Hasan-Askari Rizvi, <http://archives.dailytimes.com.pk/editorial/14-Dec-2008/analysis-imperatives-of-counter-terrorism-dr-hasan-askari-rizvi>

The post-Mumbai strategies of India and Pakistan reflect their immediate political concerns rather than long-term, coherent and shared perspectives on counter-terrorism. India is trying to extract maximum diplomatic dividend against Pakistan by activating multilateral channels and applying direct pressure. Pakistan is engaged in damage control in an extremely difficult diplomatic situation created by the Mumbai attacks. Pakistan has banned the Jama'at-ud Dawa, sealed its offices and arrested several of its leaders and activists. One wonders why the government had to wait for a UN Security Council resolution and prodding by the United States to act. Pakistan's intelligence agencies must have enough information on the activities of hard-line and militant groups, as well as on their linkages with the Taliban. It is also well known that a good number of non-Pakhtun Pakistanis are involved in the Pakistani Taliban movement. Similarly, Pakistani agencies would know if JuD was a front for banned terrorist group Lashkar-e Tayba. The present Pakistani government and military top brass view the Pakistani Taliban and other militant groups as a major threat to Pakistan's internal political and societal stability. This is a shift from the past when General Pervez Musharraf's regime pursued a dual policy of taking some action against these groups but leaving them enough space to continue with their activities in a low-key manner. The present government asked the military to launch the ongoing operations against the Taliban and Al Qaeda in some tribal agencies, and the operations have made significant gains in Bajaur and Khyber. Militants were also pushed back in Swat, though they are far from being fully contained. Given that the security forces had their hands full in the tribal areas, the government did not want to open a new front against militants in mainland Pakistan. However, consensus at the international level on the involvement of a Pakistan-based group in the Mumbai attacks left Pakistan with no credible option but to take immediate action against militant groups in the mainland. These groups are transnational and use all possible means, including violence, to pursue their agenda with total disregard to the imperatives of Pakistan as a nation-state in the comity of nations. They want Pakistan to be subservient to their agenda, and do not respect Pakistan's sovereign status and territorial boundaries. Should these movements be allowed to impose precarious foreign policy situations on Pakistan? If Pakistan is to function as a coherent and effective state, it cannot allow non-state actors to engage in violent and disruptive activities inside or outside its boundaries. Pakistan's policymakers need to do some hard and realistic thinking on the current situation and terrorism-related issues. Indian policymakers need to do the same. They need not descend into traditional India-Pakistan polemics to deflect criticism of internal security lapses and the probability of terrorism having domestic roots. The Indian government has not blamed the Pakistani government of direct involvement in the Mumbai attacks, but maintains that a Pakistan-based group planned and executed them. This places indirect responsibility on the Pakistani government, given that it is seen to have allowed such a group to use Pakistani territory for a terrorist attack abroad. However, semi- and non-official Indian circles rarely maintain this distinction and project Pakistan as an irresponsible terrorist state. They find encouragement to adopt this position in India's official effort to extract the highest possible diplomatic dividends against Pakistan at the international level. As citizens of a number of states were killed in the attacks, India has found it easy to mobilise support. It is interesting to note that Indian expats in the US are fully involved in the campaign to get Pakistan designated as a terrorist state and to get UN approval for Indian airstrikes in Pakistan. A review of this ongoing Indian diplomatic campaign gives a strong impression that India is more interested in undermining and isolating Pakistan at the international level to further India's wider regional agenda rather than evolving a shared regional counter-terrorism strategy. The present strategy may meet India's immediate domestic needs, but it does not serve the long-term need of countering terrorism holistically and effectively. This long-term objective cannot be achieved without working with Pakistan. A large number of people in India's official and non-official circles want to emulate the United States: the argument is that if the US can launch airstrikes in Afghanistan and invade Iraq in response to attacks on its soil, India can do the same to counter terrorism originating in Pakistan.

India and the U.S. dialogue on counter-terrorism strategies and India seeks to learn best practices from the U.S.

Kumar 15 Manan Kumar reporter for DNA India India prepares for bigger counter-terrorism collaboration with US Thursday, 15 January 2015 - 6:45am IST | Place: New Delhi | Agency: dna,<http://www.dnaindia.com/india/report-india-prepares-for-bigger-counter-terrorism-collaboration-with-us-2052633>

As India prepares to roll out red carpet to president Barack Obama as the chief guest during the Republic Day parade, Prime Minister's Office and union home ministry are finalising an elaborate agenda to address Indian concerns in the homeland security dialogue with their US counterparts. Poised to share wider range of concerns amidst increasing bonhomie, the two countries are looking forward to hold in-depth exchange of views on common areas of interest and collaboration to further mutual counterterrorism goals that includes checking the spread of Islamic State of Iraq and Syria (ISIS) and al Qaeda which recently announced its new wing, al Qaeda in Indian Subcontinent (AQIS). Though still better off than western countries in terms of youth traction towards ISIS, the twin threats are steadily creeping into India and the two countries are eager to learn from each other and develop joint strategies to check their spread, government sources said. The union home ministry is keen to learn from their US counterparts to check proliferation of Jehadi forums in cyberspace that is gaining ground among Urban Indian youth. Recent studies done by IB revealed thousands of Indian youth hooked to such forum thus giving rise to the fear of self indoctrination as Jihadis and possibility of lone wolf attacks. US expertise in checking such proliferation and ways to pinpoint the source of such forums and blocking them can help us tackle this threat in a major way, said sources adding that the talks are at an advanced stage to get the knowhow to get quicker access to block dangerous uploads on social media sites and import of better cyber forensic techniques to crackdown on virtual Jihadis. India is also banking on US for building capacity in cybersecurity and critical infrastructure protection to counter threats and keep terrorist at bay. The two countries will also hold advanced talk on law enforcement engagement proposals include sharing lessons learned and best practices in SWAT team training and responding to mass casualty exercises, improving both nations' capabilities to respond to terrorist incidents and natural disasters.

India has modeled its counterterrorism model after the U.S.

Raman 12 Bahukutumbi Raman is the additional secretary (retired), cabinet secretariat, Government of India, New Delhi, and, presently, director, Institute For Topical Studies, Chennai, and Associate of the Chennai Centre For China Studies), How PC tried to emulate US counter-terrorism centre and failed, <http://www.rediff.com/news/slide-show/slide-show-1-how-pc-tried-to-emulate-us-counter-terrorism-centre-and-failed/20120116.htm>

The 26/11 terrorist strikes in Mumbai revealed more or less the same deficiencies in our counter-terrorism architecture as the deficiencies in the counter-terrorism architecture of the US revealed by the 9/11 terrorist strikes. Namely, inadequate intelligence and lack of co-ordinated follow-up action even on the intelligence that was available. In his first statement to the Lok Sabha on the 26/11 terrorist strikes after taking over as the Home Minister P Chidambaram said that the responsibility for follow-up action on available intelligence was found to be diffused. Shortly thereafter, he had visited the US to study the working of the Department of Homeland Security and the NCTC, both of which came into being after 9/11. He came back a strong votary of two ideas: For the creation of a separate Ministry of Internal Security patterned after the Department of Homeland Security of the US and for the creation of an NCTC patterned after its US counterpart.

India modeled their high tech surveillance after U.S. – It was created after the Indian Home Minister visited the NSA

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India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

In the spring of 2009, even as municipal crews in Mumbai were still sifting through the debris of 26/11, India's newly-appointed home minister, P Chidambaram, was ushered into the digital heart of the United States' war against terrorism, its super-secret National Counter-Terrorism Centre. He gazed intently, an aide recalls, at its giant video-walls, where information from across the world displayed in real time, and asked searching questions about the dozens of classified databases that feed them. Later that year, Chidambaram promised a made-in-India NCTC would be up and running "by the end of 2010"- a third of the time it had taken the United States. "India cannot afford to wait 36 months", he declaimed. -

Or Nah Modeling

Their modeling evidence goes the wrong direction—Even if India used the U.S. as a model for strengthening its counterterrorism strategy they will not reverse model reductions – India perceives itself as facing very different threats and domestic politics would block any roll back in surveillance

Kumar 12 Vikas Kumar is Assistant Professor of Economics at Azim Premji University, Bangalore, East Asia Forum, Why the India–US counter-terrorism partnership is largely symbolic 11 October 2012, <http://www.eastasiaforum.org/2012/10/11/why-the-india-us-counter-terrorism-partnership-is-largely-symbolic/> Zabiuddin Ansari, wanted among other things for the 2008 Mumbai terrorist attack, was recently deported from Saudi Arabia to India. This has been hailed as a sign of growing convergence among India, the US and Saudi Arabia on terrorism and Iran. But B. Raman, former head of the counter-terrorism division of India's external intelligence agency, has convincingly argued that the India–Saudi Arabia link of the triad will remain weak. And there are several reasons why even India–US counter-terrorism cooperation will also continue to be largely symbolic and sporadic for the foreseeable future. Let us begin with demography. Muslims, mostly immigrants, account for just 0.6 per cent of the US population, whereas Muslims account for more than an eighth of India's population and are among the country's founding fathers and leading public and cultural figures. India is geographically close to the nerve centres of Islamic terrorism in South and West Asia. This proximity is a disadvantage as Pakistan-based transnational terrorists can easily penetrate India's porous land and maritime borders. Moreover, India, unlike the US, has only a limited overseas capacity to counter terrorism at its source. But even if it had such a capacity, it would be largely ineffective against nuclear Pakistan. And irrespective of the incentives India may offer Pakistan's megalomaniac and paranoid military-intelligence establishment, the latter will not deliver results because any letting down of the hate campaign against India would conflict with its raison d'être. In contrast, the US, which is geographically isolated and has a better counter-terrorism capacity, is able to fight terrorism far away from its territory. India and the US also differ in their ability to influence Islamic countries. India is hugely dependent on Middle Eastern oil and many of its workers are employed in this region. This reduces India's bargaining power vis-à-vis the Middle East, which is a major source of financial and ideological support for Islamic terrorist organisations in South Asia. In contrast, given its influence over international institutions and the global financial system, the US is relatively better placed to favourably influence the policies of Islamic countries. Last but not the least, since the early 19th century Indian Muslims have been influenced by developments in West Asia, and since the early 20th century they have been in conflict with the majority Hindus. The Muslim–Hindu conflict resulted in the bloody partition of India that has left behind unresolved territorial issues, and the West Asian influence has radicalised some sectors of the Muslim community in India. As a result, the Indian policymaker and common man alike believe that terrorism is to some extent linked to the Kashmir question and to Indian youth affected by Muslim–Hindu riots, both of which are problems internal to India. These factors contribute to a number of differences between the counter-terrorism strategies of India and the US. US policy makers regard terrorism as a foreign and national defence problem. There is no influential domestic lobby that radically differs from the establishment's views in this regard. The domestic debate in the US is largely about the

logistics of fighting terrorism and the identification of suitable international partners. Changes in counter-terrorism strategy will not have a dramatic effect on US domestic politics. So, policymakers have sufficient freedom to rework strategy in response to changing threat patterns. In contrast, minor changes in strategy can disproportionately affect domestic politics in India: a strong-arm strategy will radicalise the Muslim masses, whereas a softer strategy will validate the Hindu right's claim that Muslims are appeased in the name of secularism. So, unlike the drone-borne counter-terrorism efforts of the US, India's fight against terrorism is almost entirely police-driven and backed by potential soft cultural options. India is similarly constrained on the foreign policy front. There are three reasons for this. First, Indian policy makers and the public view international counter-terror operations as undesirable insofar as they contribute to internationalising the Kashmir issue and attracting international jihadi attention to India. Second, India is a net oil importer; Muslims have a much stronger political presence in India; and mainstream political parties view the Palestine problem through the prism of decolonisation. So, on the one hand, the Indian government cannot, for example, support Israel on the Palestine issue and benefit from US–Israel counter-terrorism expertise. On the other hand, India cannot afford to go all out against Saudi Arabia and Iran because of the deep attachment felt by many Sunni and Shia Muslims to holy places in these countries and because of India's dependence on oil imports. Third, the US can bargain with countries like Pakistan over, say, rendering terrorists like David Coleman Headley to third countries and demanding, in exchange, cooperation to detect threats against its homeland. But India does not have access to such tradable assets. To conclude, India and the US view Islam differently and they face very different geo-political and domestic constraints. This in turn implies a divergence rather than convergence of counter-terrorism strategies. Moreover, belated revision of the US's Kashmir policy and procrastination in banning terror groups focused on India ensure that the Indian public and policymakers continue to distrust the intentions of the US — and a reciprocal feeling exists in this latter country. The two sides, therefore, need to overcome historical distrust of each other. In the meantime, it is unfair to treat counter-terrorism cooperation as the bellwether of their relationship. In fact, it would help if existing counter-terror cooperation were downplayed to knock the wind out of jihadi propaganda against the phantom Judaeo–Christian–Hindu alliance. The India–US relationship should instead build upon common interests like the promotion of maritime security, free trade, energy security, clean technologies, anti-proliferation regimes, human rights and democracy.

They have no reverse modeling evidence—India has explicitly rejected U.S. privacy restrictions on surveillance

Bhatia 15 Gautam Bhatia is Advocate, Delhi High Court, STATE SURVEILLANCE AND THE RIGHT TO PRIVACY IN INDIA: A CONSTITUTIONAL BIOGRAPHY, stsfor.org/content/changing-face-privacy-india-analysis

Ever since the explosive Snowden disclosures in May 2013, State surveillance and citizens' right to privacy have been at the forefront of international debate. Even as the Snowden documents were revealing, detail by detail, the American and British intelligence agencies' extensive surveillance systems (PRISM and TEMPORA, among others) used to spy both on their own citizens, and upon communications elsewhere, reports about Indian bulk surveillance began to trickle in. It is now known that there are at least two surveillance regimes in India, in uncertain stages of preparation: the Central Monitoring System (CMS), which provides for the collection of telephony metadata by tapping into the telecommunications' companies records²; and Netra, a dragnet surveillance system that detects and sweeps up electronic communication that uses certain keywords such as “attack”, “bomb”, “blast” or “kill”. These programs, wide in their reach and scope, have dubious statutory backing. They also, very clearly, impinge upon basic fundamental rights. A discussion of the legal and constitutional implications, therefore, is long overdue. This essay presents an analytical and chronological history of the Indian Supreme Court's engagement with the right to privacy. While discussions for a privacy statute have stagnated and are presently in limbo³, the Court has been active for nigh on fifty years. This essay aims to achieve a comprehensive, doctrinal understanding of the constitutional right to privacy, as evolved, understood and implemented by the judiciary. Such an understanding, indeed, is an essential prerequisite to embarking upon a legal and constitutional critique of mass State surveillance in India. II. FOUNDATIONS Privacy is not mentioned in the Constitution. It plays no part in the Constituent Assembly Debates. Indeed, a proposal to include a provision akin to the American Fourth Amendment (and the root of American privacy law), prohibiting ‘unreasonable searches and seizures’, was expressly rejected by the Assembly. The place of the right – if it exists – must therefore be located within the structure of the Constitution, as fleshed out by judicial decisions.

The India system has not modeled existing U.S. restrictions on metadata

Lowenthal 14 Mark M. Lowenthal is the senior specialist in U.S. foreign policy at the Congressional Research Service Intelligence: From Secrets to Policy

India has a growing cyberspace capability, which, like that of many other nations, appears to have been used against potential foes, such as China and Pakistan, and more friendly states, like the United States. India is in the midst of deploying a Centralised (or Central) Monitoring System (CMS) that is designed to track all communications within India—telephone, computer, landline, mobile, and so on. Unlike the NSA program, CMS will not have to ask providers' permission for access but will have that built into the technology of the telecom and data service providers. (IMS will provide intelligence to foreign and domestic agencies, the police, and tax collectors—a list that some believe is too broad. Like the NSA program, CMS appears to focus on metadata. CMS is being developed and will be run by a government technology development center that is not part of the intelligent complex. The Ministry for Home Affairs will have the power to determine who is monitored.

India has not modeled restrictions—They have far more surveillance authority than the U.S.

Mirani 13 Leo Mirani is a reporter for Quartz, Think US snooping is bad? Try Italy, India or...Canada, <http://qz.com/92648/think-us-snooping-is-bad-try-italy-india-or-canada/>

Just because something is legal doesn't necessarily make it a good thing. So far, legality is the main rationale US officials have used to defend the government's PRISM spying program. It's all perfectly legal, approved by Congress and the courts. But a more potent argument might be to compare PRISM with the spying programs of other countries. Compared to the data-mining that goes on elsewhere, US intelligence agencies may be relatively constrained. Start with Canada, which many consider to be a cuddlier, saner version of the US. The Globe and Mail reports today that the Canadian defense minister approved a plan similar to PRISM back in 2005, and renewed it in 2011. Run by the Communications Security Establishment Canada (CSEC), a signals intelligence agency similar to the US's NSA or Britain's Government Communication Headquarters (GCHQ), the program collects metadata from phone and internet communication. Like PRISM, CSEC's primary targets are said to be foreigners. But what makes the Canadian effort somewhat more sinister is that it was instituted through the executive branch of government without legislative approval. According to the Globe and Mail, "a regime of ministerial directives—decrees not scrutinized by Parliament—have authorized the broad surveillance programs." At least PRISM won the approval of Congress, however clueless the legislature may be about the details. Then there is Italy. According to Italian lawyer Fulvio Sazrana (link in Italian), a law passed earlier this year by the outgoing Mario Monti government also skipped over court orders and other legal approvals. Instead, Monti issued a directive laying down guidelines for the protection of cybernetics and national cyber security. In so many words, the directive gives government agencies what the French call "carte blanche" to raid private data banks in the name of "internet security." There will be no Italian equivalent of Twitter, which does not participate in PRISM. In India, internet service providers are "insisting upon Indian users' privacy to be protected from any such misadventure of any intelligence departments." Meanwhile, India's government is setting up a vast surveillance system with the express purpose of spying on its citizens, something the NSA has been at pains to say it does not do. For instance, the government's Central Monitoring System gives it access to all telecom traffic, including calls, text messages and mobile internet. According to the Hindu newspaper, another proposed "national cyber coordination cell" plans to: Collect, integrate and scan [internet] traffic data from different gateway routers of major ISPs at a centralised location for analysis, international gateway traffic and domestic traffic will be aggregated separately ... The NCCC will facilitate real-time assessment of cyber security threats in the country and generate actionable reports/alerts for proactive actions by the concerned agencies. India's external intelligence agency, the armed forces, and even the local defense research establishment, among others, will have access. It is debatable whether India, Canada or Italy's data-acquisition and data-mining technology are as powerful as that of the NSA. But when they are, these countries will already have laws and systems in place to abuse them.

The U.S. meta data program had legal privacy protections built in even before the Freedom Act
Perez 13

Evan Perez reporter for Wall Street Journal, Phones Leave a Telltale Trail, Updated June 15, 2013, <http://www.wsj.com/articles/SB10001424127887324049504578545352803220058>

Under the NSA phone program, the government collects domestic phone metadata without a specific investigative lead. Trained analysts only search the database in conjunction with a terrorism investigation, authorities say. Intelligence

agencies "basically reimpose at the level of analysis the standards you might ideally have for collection," said Timothy Edgar, a former top national-security privacy lawyer in the Bush and Obama administrations. Mr. Edgar said the increasingly specific location data raises concerns about potential violations of Fourth Amendment protections against unreasonable searches and seizures. Once a person can be located within a building, the monitoring more closely resembles a search that would traditionally require a warrant.

The NSA program is accompanied by privacy restrictions, Obama administration officials say. To search the database, the government must have "reasonable suspicion" that the basis for the query is "associated with a foreign terrorist organization," they say. Search warrants approved by the secret Foreign Intelligence Surveillance Court are required before the contents of the calls may be monitored.

No reverse modeling – No restrictions on surveillance that exist in the U.S. have ever been modeled in India—India has far more access to data than the U.S. does now—The CMS collects and listens to all calls directly—it is not limited to metadata and they have not modeled any privacy protections

Prakash 13 Pranesh Prakash is Policy Director, The Centre for Internet and Society, Bangalore, How Surveillance Works in India July 10, 2013, http://india.blogs.nytimes.com/2013/07/10/how-surveillance-works-in-india/?_r=0

When the Indian government announced it would start a Centralized Monitoring System in 2009 to monitor telecommunications in the country, the public seemed unconcerned. When the government announced that the system, also known as C.M.S., commenced in April, the news didn't receive much attention. After a colleague at the Centre for Internet and Society wrote about the program and it was lambasted by Human Rights Watch, more reporters started covering it as a privacy issue. But it was ultimately the revelations by Edward J. Snowden about American surveillance that prompted Indians to ask questions about its own government's surveillance programs. In India, we have a strange mix of great amounts of transparency and very little accountability when it comes to surveillance and intelligence agencies. Many senior officials are happy to anonymously brief reporters about the state of surveillance, but there is very little that is officially made public, and still less is debated in the national press and in Parliament. This lack of accountability is seen both in the way the Big-Brother acronyms (C.M.S., Natgrid, T.C.I.S., C.C.T.N.S., etc.) have been rolled out, as well as the murky status of the intelligence agencies. No intelligence agency in India has been created under an act of Parliament with clearly established roles and limitations on powers, and hence there is no public accountability whatsoever. The absence of accountability has meant that the government has since 2006 been working on the C.M.S., which will integrate with the Telephone Call Interception System that is also being rolled out. The cost: around 8 billion rupees (\$132 million) — more than four times the initial estimate of 1.7 billion — and even more important, our privacy and personal liberty. Under their licensing terms, all Internet service providers and telecom providers are required to provide the government direct access to all communications passing through them. However, this currently happens in a decentralized fashion, and the government in most cases has to ask the telecoms for metadata, like call detail records, visited Web sites, IP address assignments, or to carry out the interception and provide the recordings to the government. Apart from this, the government uses equipment to gain access to vast quantities of raw data traversing the Internet across multiple cities, including the data going through the undersea cables that land in Mumbai. With the C.M.S., the government will get centralized access to all communications metadata and content traversing through all telecom networks in India. This means that the government can listen to all your calls, track a mobile phone and its user's location, read all your text messages, personal e-mails and chat conversations. It can also see all your Google searches, Web site visits, usernames and passwords if your communications aren't encrypted. You might ask: Why is this a problem when the government already had the same access, albeit in a decentralized fashion? To answer that question, one has to first examine the law. There are no laws that allow for mass surveillance in India. The two laws covering interception are the Indian Telegraph Act of 1885 and the Information Technology Act of 2000, as amended in 2008, and they restrict lawful interception to time-limited and targeted interception. The targeted interception both these laws allow ordinarily requires case-by-case authorization by either the home secretary or the secretary of the department of information technology. Interestingly, the colonial government framed better privacy safeguards into communications interception than did the post-independence democratic Indian state. The Telegraph Act mandates that interception of communications can only be done on account of a public emergency or for public safety. If either of those two preconditions is satisfied, then the government may cite any of the following five reasons: "the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, or public order, or for preventing incitement to the commission of an offense." In 2008, the Information Technology Act copied much of the interception provision of the Telegraph Act but removed the preconditions of public emergency or public safety, and expands the power of the government to order interception for "investigation of any offense." The IT Act thus very substantially lowers the bar for

wiretapping. Apart from these two provisions, which apply to interception, there are many laws that cover recorded metadata, all of which have far lower standards. Under the Code of Criminal Procedure, no court order is required unless the entity is seen to be a “postal or telegraph authority” — and generally e-mail providers and social networking sites are not seen as such. Unauthorized access to communications data is not punishable per se, which is why a private detective who gained access to the cellphone records of Arun Jaitley, a Bharatiya Janata Party leader, has been charged under the weak provision on fraud, rather than invasion of privacy. While there is a provision in the Telegraph Act to punish unlawful interception, it carries a far lesser penalty (up to three years of imprisonment) than for a citizen’s failure to assist an agency that wishes to intercept or monitor or decrypt (up to seven years of imprisonment). To put the ridiculousness of the penalty in Sections 69 and 69B of the IT Act provision in perspective, an Intelligence Bureau officer who spills national secrets may be imprisoned up to three years. And under the Indian Penal Code, failing to provide a document one is legally bound to provide to a public servant, the punishment can be up to one month’s imprisonment. Further, a citizen who refuses to assist an authority in decryption, as one is required to under Section 69, may simply be exercising her constitutional right against self-incrimination. For these reasons and more, these provisions of the IT Act are arguably unconstitutional. As bad as the IT Act is, legally the government has done far worse. In the licenses that the Department of Telecommunications grants Internet service providers, cellular providers and telecoms, there are provisions that require them to provide direct access to all communications data and content even without a warrant, which is not permitted by the existing laws on interception. The licenses also force cellular providers to have ‘bulk encryption’ of less than 40 bits. (Since G.S.M. network encryption systems like A5/1, A5/2, and A5/3 have a fixed encryption bit length of 64 bits, providers in India have been known use A5/0, that is, no encryption, thus meaning any person — not just the government — can use off-the-air interception techniques to listen to your calls.) Cybercafes (but not public phone operators) are required to maintain detailed records of clients’ identity proofs, photographs and the Web sites they have visited, for a minimum period of one year. Under the rules designed as India’s data protection law (oh, the irony!), sensitive personal data has to be shared with government agencies, if required for “purpose of verification of identity, or for prevention, detection, investigation including cyber incidents, prosecution, and punishment of offenses.”

India has not modeled any of the privacy protections that exist in the U.S. – They have no legislation protecting privacy

Xynou 13 Maria Xynou Maria is a Policy Associate on the Privacy Project at the CIS, FinFisher in India and the Myth of Harmless Metadata, <http://cis-india.org/internet-governance/blog/fin-fisher-in-india-and-myth-of-harmless-metadata>

Furthermore, India lacks privacy legislation which could safeguard individuals from potential abuse, while sections 66A and 69 of the Information Technology (Amendment) Act, 2008, empower Indian authorities with extensive surveillance capabilities.^[28] While it remains unclear if Indian law enforcement agencies are using FinFisher spy products to unlawfully target individuals, it is a fact that FinFisher control and command servers have been found in India and that, if used, they could potentially have severe consequences on individuals’ right to privacy and other human rights.[]

AT: CMS Economy “honey pot” scenario

Their scenario makes no sense - CMS is a data base for communication records and telephone data—It does not connect to the banks or financial markets—Hacking the CMS does not equal attacks on financial institutions

Cyber attacks can't crush the economy because India's economic infrastructure is compartmentalized and the national data base is protected

Shukla 13 Ajai Shukla reporter for Business Standard, Cyberspace: India's digital battleground, 22nd Jun 13 <http://ajaiashukla.blogspot.com/2013/06/cyberspace-indias-digital-battleground.html>

India, however, has been slow in fixing its attention on cyber security. This may partly be because much of the country's critical infrastructure --- power grids, public transportation, nuclear power plants, defence systems --- is controlled by manual systems, or by stand-alone computer systems that are not linked over the internet. In that respect, India's infrastructural backwardness has proved a useful safeguard against cyber attack. "It is not unusual to find New Delhi's central ministry officials using unsecured email systems, sometimes even commercial email accounts on public servers. But India's sensitive networks tend to be isolated, with no point of contact with the internet that would render them vulnerable to on-line hacking. Several agencies have their own, dedicated, secure optic fibre networks, notably the military; the Defence R&D Organisation (DRDO); and the police's Crime and Criminal Tracking Network System (CCTNS), the national database that is being gradually rolled out." says Praveen Swami, the Strategic Affairs Editor of Network 18.

Not Unique—Cyber attacks on India's financial infrastructure are exploding now before CMS has been completed

Athavale 14 Dileep Athavale, reporter for the Times of India. Cyberattacks on the rise in India , TNN | Mar 10, 2014, <http://timesofindia.indiatimes.com/tech/it-services/Cyberattacks-on-the-rise-in-India/articleshow/31757791.cms>

The ease of online banking and transactions has brought with it a significant rise in malicious attacks on digital devices and software systems. Most of these attacks, as recent instances of online thefts have demonstrated, have been in the banking and financial services domain. According to reports by research agencies, the problem has become more complex with the proliferation of mobile devices and the users' preference towards transactions on the go. In addition, there is also laxity on the part of the users when it comes to following safe practices during such transactions, coupled with a significant lack of manpower with skills to handle the rising number of such attacks, the agencies' reports state. Arbor Networks' research report states that 2013 witnessed a huge rise in attacks against the banking and financial services sector. Government establishments also faced such attacks. The firm said there was a 136% increase in cyberthreats and attacks against government organizations and 126% against financial services organizations in India. India has seen significant increase in attacks against financials and government, with 34% and 43% of them reporting cyberthreats and attacks respectively, up from last year's 15% and 19%, the report revealed. "From the ISP to the enterprise, IT and security teams are facing a dynamic threat landscape and very skilled and patient adversaries," Matthew Moynahan, president of Arbor Networks, said. "Multi-layered defenses are clearly needed, but so is a commitment to best practices for people and process," he added. Another report, from EC-Council Foundation pointed at a major gap in information security threat handling capabilities in India, thanks mainly to the talent crisis in the country. The report shows talent levels in nine crucial segments of information security, the implications of which could impact handling of cyberthreats in industries such as banking and economy, defence, healthcare, information and energy among others. Close to an alarming 75% participants displayed low levels or a lack of skill in error handling, while 73% participants were not adequately equipped with skills in file handling, the report revealed. Experts have recognized that malicious file inclusions, malware distribution and distributed denial of service (DDOS) attacks are known threats that can arise out of improper file handling and such threats are often used to synchronize attacks

on websites or large networks, the report stated. Anshul Abhang, managing director and chief executive of enterprise security solutions firm Deltaproactive, told ToI that a malicious attacker now looks for high-value targets that can benefit him financially. "Hacking is no more a satisfaction game but has become serious business. The attackers also look for indirect financial benefits by targeting particular organizations' services and taking it down eventually. Such service outages result in financial loss as well as goodwill and image loss in the market."

India's banking sector is vulnerable to cyber attacks now

Kaushik 14 Ram. K. Kaushik is a blogger for Cyber Security in India, <http://cybersecurityforindia.blogspot.com/>

However, cyber security in India is in a poor condition. Cyber security of banks in India is also required to be strengthened. The banks operating in India are not at all serious about maintaining cyber security of banking related transactions and this is resulting in many cyber and financial crimes in India. In the absence of appropriate skills development and modernisation of law enforcement agencies of India, police force are finding it really difficult to solve technology related crimes. Further, cyber security of sensitive databases like National Identity Cards would also require strong privacy protection and cyber security compliances.

Turn, Only completing the CMS can allow the surveillance necessary to stop cyber attacks on the financial system

GKT 15 General Knowledge Today: India's Daily E Magazine, Feb 2015
<http://www.gktoday.in/blog/developing-the-cyber-security-architecture/>

Cyber warfare is the internet based conflict which arises when the information system of the strategic departments of the country are attacked in order to get the classified information. In the modern world of digitization such politically motivated snooping is done to interrupt the strategic affairs of the nation. Sometimes it is aimed at attacking the major infrastructures of the nation. With the shrinking world, the internet connectivity and heavy dependence of the government functioning on internet, it is imperative to have a cyber securing framework. In the world of digitization critical infrastructure like banking system, financial market, power infrastructure, and hydroelectric projects are prone to such attack. The grid failure like instances can be its consequences. Hydroelectric projects prone to disaster, may be attacked and create disasters. 'Stuxnet' like malwares which were introduced in the centrifuge of Iran was one such incidence. NSA's PRISM snooping incidence, Dropmier, Tempora are such other global surveillance programmes which were operationalised to mine the data strategic to India. Hackers from different countries like Pakistan and china try to deface the Indian website are the potential attackers. Hence it is imperative to have in the modern times a properly tucked national security and monitoring system to have a digital surveillance in the country protecting it from cyber warfare and cyber espionage. India's efforts to minimize the cyber threat With the rise of India in last some decades as a global power and emerging economy it attracted global attention and remains vulnerable with regard to information protection. India's cyber security architecture as of now do not provide any mass surveillance mechanism with only few distinguished agencies like RAW, IB get access to such monitoring after the approval. India's effort include CERT-In (Computer Emergency Response Team- India) which was formed in 2002-03 to create awareness on cyber threat, understand vulnerabilities and devise ways to mitigate them. National Technical Response Organization (NTR0) was given responsibility of protecting the critical infrastructure institution and developing offensive capabilities. Amendments to the IT act 2008, raised the level of awareness about the cyber crimes. It recognizes various ways of cyber attacks and also provides help to prosecute the cyber criminals. National cyber security policy 2013 was framed to build a secure and resilient cyber space for government, citizen and business to protect the classified information critical to India's security. Its features include range of provisions including 24X7 mechanisms to deal with cyber threats. India is following the path of developing intense surveillance system which not only monitor the cyber threat to the national security but also seems to compromise the privacy of its citizen in some cases. The Central Monitoring System (CMS) is an ambitious project that is required to keep the national security and monitoring under surveillance. It would be a centralized mechanism where the telecommunication and internet connections can be analyzed by Indian government and its agencies. Central and regional database would help law enforcement agencies to monitor and intercept. Call data recordings and data mining to identify call details of the targeted numbers. Another such Efforts is NeTRA (Network Traffic Analysis System) will intercept

and examine communication over the internet for keywords like 'attack', 'blast', 'kill'. It appears to be Indian government first attempt of mass surveillance rather than individual targets. It will scan the activities over the social networking websites like twitter and would scan the mails and chat transcript and even the voices in the internet traffic. India's cyber security has not only to be effectively implemented but also to be redrawn in line with growing cyber crimes.

Turn, metadata is key to DETER cyber attacks

Michaels 13 Jim Michaels, is a military writer for USA TODAY and has covered wars around the world. He is a former Marine infantry officer USA TODAY June 6, 2013, NSA [data mining can help stop cybercrime](#), analysts say [The huge volume of telephone records](#) turned over to the U.S. government [could help investigators identify and deter](#) a range of terrorist acts, including [cyberattacks](#), analysts say. "Once you have this big chunk of data and you have it forever... you can do all sorts of analytics with it using other data sources," said Joseph DeMarco, former head of the cybercrime unit in the U.S. attorney's office in New York City. "A data set like this is the gift that keeps on giving," said DeMarco, a partner at the law firm DeVore & DeMarco.

Turn- NCCC Metadata program for preventing cyber terror attacks is modeled after U.S. data collection and will prevent cyber attacks

Keck 13 Zachary Keck is assistant editor of The Diplomat, India Sets Up Domestic PRISM-Like Cyber Surveillance?, <http://strategicstudyindia.blogspot.com/2013/06/afghan-lessons-for-arming-syrian-rebels.html>

Even as [the United States' PRISM cyber-snooping program](#) is raising alarm across the world, [India is in the midst of setting up a similar program](#) designed to collect intelligence via the internet domestically. The Hindu reports that the India government is creating a centralized mechanism to coordinate and analyze information gathered from internet accounts throughout the country. [The mechanism will be called the National Cyber Coordination Centre](#) [NCCC]. "The federal Internet scanning agency [will give law enforcement agencies direct access to all Internet accounts](#), be it your e-mails, blogs or social networking data," the Hindu reported, referring to the NCCC. A classified government "note" that The Hindu obtained explains the NCCC in this way: "The NCCC will collect, integrate and scan [Internet] traffic data from different gateway routers of major ISPs at a centralised location for analysis, international gateway traffic and domestic traffic will be aggregated separately ... [The NCCC will facilitate real-time assessment of cyber security threats in the country and generate actionable reports/alerts for proactive actions](#) by the concerned agencies" NDTV, however, reports that the NCCC will not target individuals but rather will seek to access threats to India's cyber infrastructure as a whole. "The new system will look for unusual data flow to identify and access cyber threats and not individual data," NDTV reported, citing unnamed government officials. But the Hindustan Times reports that [Indian authorities have long used meta-data to track potential cyber threats](#) inside the country. According to that paper, the program does not allow Indian authorities to access actual content, but rather look for "patterns in the manner emails, phone calls and SMSes are sent and delivered." It's unclear how much the NCCC would expand this authority and in which ways, if at all. One purpose of the NCCC seems to be simply trying to coordinate the different activities of government agencies tasked with elements of cybersecurity. During a speech last month, Prime Minister Singh briefly alluded to the then-forthcoming NCCC, "We are implementing a national architecture for cyber security and have taken steps to create an office of a national cyber security coordinator."

Turn, India's metadata surveillance program will prevent cyber attacks

Jhala 14 Krishna Jhala is an associate attorney at Priti Suri & Associates, India gets ready to set up cyber snooping agency March 2014, http://www.psalegal.com/FLASH_POPUP.php?flashID=144

[India will soon be setting up a federal internet scanning agency called NCCC to spy all internet accounts and online data](#). NCCC is [to monitor cyber security threats and inform concerned law enforcement agencies for proactive action to prevent crime](#). NCCC will collect and integrate internet traffic data from different gateway routers of major ISPs at a centralized location for analysis. NCCC would be set up at a cost of INR 10 billion and all top government spy and technical agencies including Department of Telecommunication, Intelligence Bureau, Research and Analysis Wing, Indian Computer Emergency Response Team, Army, Navy, Air force, National Security Council Secretariat,

Defence Research and Development Organization will play an active role in the functioning of NCCC. PSA view - In the present internet era, cyber attacks are on an increase and pose as a huge threat to the safety and security of the nation. Recently, Central Bureau of Investigation's website had been defaced by hackers and in another case attempts were made to break into Indian Railway Website. Therefore, NCCC is need of the hour and a step in the right direction to address the shortcoming in the cyber security. 100% FDI allowed in telecom sector In a meeting of the Department of Policy and Promotion chaired by Prime Minister on July 16, 2013, it was announced that FDI limit in the telecom sector has been increased to 100%. The earlier limit was 74%. As per latest announcements, investment up to 49% is allowed to come in through the automatic route and investment above 49% is required to be brought in through the government route i.e. approval of the Foreign Investment Promotion Board. PSA view - The announcement is seen as a welcome change. However, the policy and implementation of these announcement is what is most awaited. The increased limits are set to bring in billions of investments in this sector. Fresh foreign investments would help catalyze growth and the process of proliferation in the telecom sector across the country. India set to frame new testing norms for telecom equipment The Department of Telecommunications with the Department of Electronics & IT and National Technical Research Organization are all set to frame new testing standards for telecom gear to shield networks from potential cyber attacks. The Common Criteria Recognition Arrangement ("CCRA") clearance will no longer be enough to certify global telecom gear used in India, announced the National Security Council Secretariat, the apex agency looking into India's political, economic and energy and strategic security concerns. PSA view - CCRA was created ten years back by UK, US, Canada, France, Germany and the Netherlands, Australia and New Zealand, to define a common process to evaluate security-sensitive IT & telecom products and an objective to motivate global telecom vendors to find common processes to reduce equipment certification costs worldwide. But now India has started creating country-specific telecom gear testing standards and adopting several measures: (i) mobile phone companies have been mandated to use equipment deemed "safe" by an authorized testing lab in India from November 1, 2013; (ii) India is preparing a cyber security framework and a cyber security policy; (iii) India is setting up a National Cyber Coordination Centre to monitor metadata on cyber traffic flows; (iv) Establish a pilot lab and a full-fledged certification center and development system; and (v) To adopt global approaches to its procurement policies, India is reviewing its Preferential Market Access policy designed to compel foreign companies to manufacture electronic products in India if they want to sell in India.

LeT Disad

LeT stands for Lashkar e Taiba (sometimes called

Let - Internal Links

VOIP Links

LeT can avoid detection because it relies on VOIP communication that can't be tracked

Sharwood 12 Simon Sharwood is a reporter for the Register Terrorists 'build secure VoIP over GPRS network' Secret comms channel eludes Indian spooks, http://www.theregister.co.uk/2012/05/01/terror_group_voip/

Terror group Lashkar-e-Taiba has developed its own VoIP network that connects its members over GPRS networks, according to the Times of India. UK and US authorities have both declared Lashkar-e-Taiba a proscribed terror organisation. The group's aims include India ceding sovereignty over Kashmir. Members of the organisation participated in the 2008 attacks on Mumbai. The VoIP network is frustrating India's intelligence community, the report says, because it means they can no longer trace the group's members as it is far harder to spy on than email or commercial VoIP services. "Earlier, we could intercept conversations on phone or locate Lashkar cadres based on their IP addresses through their emails," an intelligence source told the Times. "But now we're finding it tough to gather intelligence because Lashkar men hold audio or video conferences using private VoIP." The network even has a name: Ibotel. The report says Lashkar-e-Taiba recruited "technicians, engineers and information technology executives ... intensify its operations across India." Some of those recruits, the report suggests, developed Ibotel as the group sought more secure methods of communication.

LeT use of VOIP is making them impossible to track down with conventional intelligence methods

Singh 12 Aarti Tikoo Singh reporter for Times of India, Lashkar's own Skype frazzles Indian intelligence , TNN | Apr 30, 2012, <http://timesofindia.indiatimes.com/india/Lashkars-own-Skype-frazzles-Indian-intelligence/articleshow/12934037.cms>

The increasing use by terror group Lashkar-e-Taiba [LeT] of Voice over Internet Protocol (VoIP) for communication, and its impenetrability, is proving frustrating for Indian intelligence. In fact, Lashkar supreme commander of operations, Zaki-ur Rehman Lakhvi, who is in a Rawalpindi jail, has been networking using a private VoIP on his smart phone with Lashkar cadres. "Lakhvi's compound serves as Lashkar's alternative headquarters," a top intelligence source told TOI. It was his imprisonment, sources said, that stopped Lashkar cadres from using emails and phones and restrict communication to VoIP. VoIP is a technology that delivers audio and video messages over the internet. It's distinct from phone as it converts audio signals into binary data. VoIP also allows encryption of data, which makes it difficult to decode messages. Senior intelligence sources in Kashmir told TOI that Muridke (Lahore) based Lashkar known for using technology more than any other terror group in Kashmir, has its own private VoIP, Ibotel, to communicate with its cadres in Pakistan and Kashmir. Ibotel, Lashkar's exclusive VoIP that runs on GPRS (mobile data service on 2G or 3G cellular communication system), was created by Lashkar's own tech team. The group began recruiting technicians, engineers and information technology executives almost a decade ago to intensify its operations across India. Lashkar, which is headed by Hafiz Saeed against whom the US recently announced a \$10 million bounty for his alleged role in the November 2008 Mumbai attacks, started using VoIP as soon as the technology became common in early 2000s. Lashkar's handlers used VoIP during the Mumbai attacks, intelligence sources said. "Earlier, we could intercept conversations on phone or locate Lashkar cadres based on their IP addresses through their emails. But now we're finding it tough to gather intelligence because Lashkar men hold audio or video conferences using private VoIP," said intelligence sources. "It's difficult to track their locations. And even if we know their IP addresses and the time and date of their audio or video calls, we remain technologically handicapped because we can't intercept what transpired between them," said a senior government official. "There may not be more than 50-odd Lashkar men. Yet, they are a threat because they have the ability to strike in the Valley or other parts of the country. We need to catch up with the technology to hunt them down," said a senior J&K police officer.

CMS is key to tracking VOIP communications

Parbat 13

Kalyan Parbat, ET Bureau Dec 30, 2013, Home Ministry pushes for IB right to screen VoIP services offered by Skype, Yahoo, GTalk, RediffBol c Dec 30, 2013, http://articles.economictimes.indiatimes.com/2013-12-30/news/45711413_1_interception-solution-voip-indian-telegraph-act

Learning from the interception pilot will be used by the government to fine tune the Centralised Monitoring System (CMS), the much-awaited national surveillance system that will be equipped to track all forms of communications, including wireless, landline, satellite, internet and VoIP calls from next year.

A comprehensive study demonstrated that disrupting LeT is key to stopping its attacks

Dilegge 12

¶ Dave Dilegge is Editor-in-Chief of Small Wars Journal and serves as a Director at Small Wars Foundation. ¶ University of Maryland Scientists Develop New Methods to Combat Pakistani Terrorist Group Lashkar-e-Taiba, <http://smallwarsjournal.com/blog/university-of-maryland-scientists-develop-new-methods-to-combat-pakistani-terrorist-group-lashk>

¶ Effectively reducing the likelihood and intensity of attacks by the Pakistani terrorist group Lashkar-e-Taiba (LeT), the perpetrators of the November 2008 assault on Mumbai, India, requires a cocktail of actions including fostering dissent within LeT, hampering the organization's ability to conduct communication campaigns or provide social services, and disrupting the links between LeT and other Islamist terror groups, says a new study completed by an interdisciplinary research team at the University of Maryland's Lab for Computational Cultural Dynamics.¶ Presented at an international symposium on Lashkar-e-Taiba held in Washington on Sep 10, 2012, the study also confirms traditional wisdom that pressuring Pakistan to rein in its terrorist proxies and disrupt LeT terrorist training camps is also necessary to reduce the scope of LeT attacks. The UMD research further showed that traditional counter-terror and law-enforcement tools such as arrests, raids, and targeting the group's field commanders have only had a limited impact in reducing the likelihood of Lashkar-e-Taiba attacks. The study also is being published as a book: "Computational Analysis of Terrorist Groups: Lashkar-e-Taiba" (Springer, released Sep. 10, 2012).¶ Besides killing hundreds of civilians, LeT threatens the stability of South Asia because its attacks heighten tensions between nuclear-armed rivals India and Pakistan. Further, since the assault on Mumbai, information on Lashkar-e-Taiba suggests that it has increasingly turned its attention towards attacking the West not only in Afghanistan but also in Europe and Australia.¶ "Our study of LeT is different," explains V.S. Subrahmanian, lead author of the study, and director of the University of Maryland's Laboratory for Computational Cultural Dynamics, "It is the first in-depth analysis of a terror group that uses sophisticated data mining algorithms to learn temporal probabilistic rules as well as new algorithms to automatically suggest set policies which are sets of actions that should and should not be taken in order to elicit a desired behavior. Companies like Google and Amazon use these kinds of analytic methodologies to model the behaviors of customers every day. Decision-makers dealing with deadly threats to national security should have the same kinds of tools available."¶ The findings

on how best to deal with LeT are based on systematically gathered monthly data on 770 variables over a period of over 20 years. The UMD researchers mined this data for temporal probabilistic rules that not only identify conditions under which different types of terror strikes are carried out by LeT or its affiliates, but also the time delay with which these actions occur. Given these rules about the likelihood of LeT actions, a new Policy Computation Algorithm identifies sets of actions that reduce the likelihood of LeT attacks.¶¶ A typical rule states that two months after 5-24 Lashkar-e-Taiba operatives were arrested and Lashkar-e-Taiba operatives were on trial in either India or Pakistan, there was an 88 percent probability of Lashkar-e-Taiba engaging in clashes with local security forces in which Lashkar-e-Taiba operatives are killed. The software generated hundreds of such rules about a vast range of Lashkar-e-Taiba attacks including their targeting of civilians, professional security forces, transportation centers, security installations, and symbolic/tourist locations.¶¶ Overall the rules showed that support from Pakistan's government for LeT (which over the years has included financial, military, as well as operational support) is strongly correlated with almost every type of Lashkar-e-Taiba violence, while when Lashkar-e-Taiba is suffering from internal dissension they are less likely to carry out every type of attack.

Meta data links

India access to Meta data is key to prevent attacks orchestrated through VOIP and to prevent terrorist attacks in India

Sharma 14

Laveesh Sharma, Graduate Student at Jindal School of International Affairs, Haryana, Changing Face of Privacy in India: An Analysis, <http://stsfor.org/content/changing-face-privacy-india-analysis>

In the year of 2012, the National Security Council of India, which was headed by the former Prime Minister Manmohan Singh, planned the establishment of the National Critical Information Infrastructure Protection Centre (NCIPC) that was to be created by the National Technical Research Organization (NTRO) (Joseph, 2012). The Standing Committee on Information Technology has recommended the following apart from the setting up of the NCIPC (Legislative, 2014): * Establishment of a protection centre; * Creation of a single centralised body dealing with cyber-crimes; * Employment of skilled IT professionals to overcome shortage of manpower and; * Funding as well as conducting extensive research and development. In the hindsight, the right to privacy has not been granted under the Constitution of India, although the courts encompass it within the 'freedom of speech and expression' under Article 19(1) (a) and 'right to life and personal liberty' under Article 21. Currently there is no dedicated legislation in place aimed at data protection or privacy. The data protection laws are a set of privacy laws and procedures meant for minimizing intrusion of privacy, owing to surveillance and data collection. Nevertheless the Centre for Internet & Society, an NGO based in New Delhi has researched extensively and drafted a version of the Privacy Protection Bill, 2013 (Acharya, 2013). Some characteristics of the bill include: * It seeks to heavily penalize organisations or institutions obtaining personal data under false pretext; * It authorizes suspension of telecom service provider's license if it violates conditions of confidentiality mentioned in the bill; * It states that recommendations shall be made by committee comprising the Cabinet Secretary, Secretaries of Departments of Personnel and Electronics and IT, as well as two experts of data protection, law and finance to be nominated by the Central government. However, the National Security Advisor (NSA) seeks to weaken the bill by reducing its scope and introducing provisions that would protect the intelligence agencies. The current IT Act applies only on entities and persons located in India and not foreign corporations or people located abroad (Kosturi Ghosh, 2014). It is designed to be incursive. For instance under Section 43A, the IT Act legalizes handling of sensitive personal data, and under Section 69, the Government of India can "intercept, monitor or decrypt" any information transmitted or generated from any computer resource in the interest of the sovereignty and integrity, defence, public order, preventing incitement and for the security of the State (Dalmia, 2011). The impact on privacy will be

hard hitting when the Central Monitoring System (CMS) comes into action. It was fast tracked post 26/11 Mumbai attacks in which the perpetrators used voice over internet protocol (VoIP). This system would allow the Government to access every digital communication and telecommunication in the country. The CMS will be capable of covering text messages, online activities, phone calls, online searches and even social media conversations! (Nandakumar, 2013). According to investigations, about 160 million users are already under the scrutiny of wide-ranging surveillance. They have further revealed that a “Lawful Intercept and Monitoring Systems” is in place, which has been arranged by the Centre for Development of Telematics for the purpose of monitoring Skype, emails, web-browsing and of course Internet traffic (Singh, 2013). The surveillance agency in Australia, Defence Signals Directorate (DSD) shared metadata of its citizens with intelligence allies overseas. Prime Minister Tony Abbott defined meta-data as “essentially the billing data which is different from the actual content of calls.” A metadata can paint a “visual rendering” of one’s digital and physical existence (Laughland, 2013). Owing to the trails of pieces, internet activities of an individual can be linked and traced back. The NSA’s meta-data surveillance programme compiles the data giving a detailed picture of lives of individuals; these can provide information about people’s political or religious affiliations and even their relationships. One of the other important phenomena has been the rise in the number of smart phones in India. The industry has been very successful and has seen spike in the number of smart phone users, with the market leader Android reportedly holding 62% of the market share according to a 2012 survey (Brindaalakshmi, 2013), followed by Windows Mobile, RIM, IOS and so on. A rising consumer base for these companies is a cause of concern, as in the past these very firms had provided direct access to the NSA. The NSA allegedly had access to over 180 million records from Yahoo, Google and Facebook. In 2013, the percentage of obtained information from Skype rose to 248%, for Facebook, 131% and 63% for Google with DropBox being designed as a PRISM provider (Glenn Greenwald, 2013). The recent upgrades in the Android software (Kit-Kat) make it the best spying phone that could capture highly personal data of movements, activities, interests, internet searches and geo-locations. These smart phones use cutting-edge technology, making them a potential spying weapon (Liss, 2014). The fact remains that such an incident can happen without anyone’s knowledge just like the NSA snoop-gate, and governments would not even come to know unless there is another Snowden out there. The mechanisms and artillery adopted in the IT sector by the Indian Government may all seem too invasive of one’s own privacy but all of these are absolute a necessity for the fight against cyber terrorism. mass-surveillance, cyber espionage and to prevent another snoop-gate by a foreign country. The past incidents have shown how powerful and exploitative these instruments are as they hamper freedom of speech and expression and lead to wrongful arrests for even ‘liking’ a post on Facebook or tweeting. Legal frameworks to tackle these issues are extremely essential; at the same time amends have to be made in the IT Act.

Sophisticated social network tools can turn metadata into effective intelligence information

Wheaton & Richey 14 Kristan J. Wheaton is an Associate Professor at Mercyhurst University and Melonie K. Richey is a graduate student at Mercyhurst University who is currently participating in IARPA’s Sirius Project. Metadata Analysis as an Intelligence Tool, e-International Relations January 9, 2014 , <http://strategicstudyindia.blogspot.com/2014/06/metadata-analysis-as-intelligence-tool.html>

The legality of the National Security Agency’s (NSA’s) use of US citizens’ metadata to identify and track foreign intelligence organizations and their operatives is currently a subject of much debate. Less well understood (and consequently routinely misreported) are the capabilities and limitations of social network analysis, the methodology often used to evaluate this metadata. One of the first causes of confusion is definitional. Social network analysis is often linked to an inappropriate degree with social media. True, social media such as Facebook and Twitter are frequently used as rich data sources for social network analysis, but understanding the importance of networks in the affairs of states has been around at least since Machiavelli.[1] In addition, the first modern version of what would come to be called social network analysis was developed not by an intelligence agency or computer scientist but by Columbia professor and psychosociologist, Jacob Moreno, in 1934. These “sociograms,” as Moreno called them were used to graph individual preferences or relations within a small group. Little did Moreno suspect that his method for understanding the relationships between people, when combined with graph theory and the processing power of computers, would allow for the detailed analysis of thousands of people or organizations with hundreds of thousands of connections between them (See Fig. 2). [2] Figure 2 – Modern social network analysis uses powerful computers and graph theory to map out the relationships between thousands of nodes and hundreds of thousands of links. Shown here is the network of the over 6000 Twitter users who follow the Twitter handle of the American Nuclear Society along with their over 200,000 connections. (Image Source: Melonie Richey) Along with the undeniable power of this type of analysis comes the inevitable (and justified) concerns for privacy and constitutionality. But just how powerful is social network analysis? What can intelligence agencies actually glean from the exabytes of data they are purportedly collecting? Social Network Analysis, as an analytic method, has inarguable applicability to the field of intelligence and is

progressively reshaping the analytic landscape in terms of how analysts understand networks. For example, analysts currently use SNA to identify key people in an organization or social network, develop a strategic agent network, identify new agents and simulate information flows through a network. Beyond this, SNA can be easily combined with other analytic practices such as Geographic Information Systems (GIS), gravity model analysis or Intelligence Preparation of the Battlefield (IPB) to create robust, predictive analyses. Identifying Key People/Organizations in a Network The most obvious use of SNA is its ability to identify key actors and entities within a network. Centrality measures within a network are means for measuring a node's relative importance within the network. [3] It is well-accepted that "the ability to measure centrality in social networks has been a particularly useful development in social network analysis." What is more interesting, however, is the number of centrality measures that social network analysts use to reveal different things about how key actors interact within a network. [4] For example, a node with a high degree centrality is connected to many other nodes. In Figure 3 below, it is unsurprising that the American Nuclear Society (ANS) has the highest degree centrality in its own Twitter network. However, a node with a high betweenness centrality is one that connects the cliques in the network. Figure 4 shows the same ANS network, reconfigured and revisualized with an emphasis on betweenness, with a new node, Nuclear.com, emerging as the most important. For example, by analyzing the network in accordance with different centrality measures and establishing filtering criteria (and using Carnegie Mellon's ORA software), [5] we were able to reduce a network representing the entire nuclear energy and non-proliferation communities on Twitter (6000+ nodes and 200,000+ links) to the 19 most influential individuals within that network (See Figure 5). These individuals are the nodes that would be able to disseminate information to the majority of the network within a matter of hours. Identifying New Agents Another traditional intelligence activity that could benefit from SNA is identifying potential new "agents" – people or organizations who might be willing or able to provide information to an intelligence agency. For example, by using Twitter's list feature, which allows users to establish lists of people to follow for particular purposes, and some simple cross-referencing techniques, we were able to identify 50 new, highly reputable individuals and organizations talking about strategic mining and minerals on Twitter. [6] While such a use by intelligence agencies may seem Orwellian, it is similar to techniques currently used in business to identify potential customers. Likewise, a similar algorithm likely supports various friend/colleague recommendation engines such as LinkedIn's "People You May Know" feature. Simulating Information Flows Of all the capabilities of SNA, simulations are likely one of the most useful. Carnegie Mellon's ORA, for example, provides four main kinds of simulations in order to demonstrate how money, information, disease or technology would move through a network. Pathway simulations locate the most direct or indirect routes from one node to another. Still other simulations also indicate how a network would react to the removal of any particular node or set of nodes (for example, how a decentralized terrorist network such as the Taliban would function if the leaders from two key cells were killed). As an example of this feature, Figure 7, shows the effect of providing a highly relevant piece of information to the 19 individuals identified in the Twitter network of nuclear specialists discussed above. The dots, representing individuals and organizations on Twitter, get larger and change color as the information flows throughout the system. Variables within the simulation allow researchers to alter the level of interest the network likely has to a particular piece of information (the information's "virality"). Combining SNA with Other Methods These simulations and other features of SNA provide idealized analyses that can then be combined with other techniques, such as GIS. Networks within ORA and many other SNA tools can be visualized geospatially if coordinates are provided for each node. Running simulations through these networks can then be represented on a map much like the simulation of Syrian refugee population movement throughout Turkey shown in Figure 8. This, in turn, allows for powerful predictive analytics. Figure 9 reflects the outcome of the simulation in Figure 8; not only does the image represent reality (the known locations of Syrian refugees according to the UN), [7] it also predicts where refugees are likely to move within the next 12 to 24 months. This analysis employed SNA as the cornerstone analytic technique in conjunction with GIS and even includes ideas from the more traditional intelligence methodology of Intelligence Preparation of the Battlefield.

India has modeled metadata collection—India depends on metadata

Xynou 13 Maria Xynou Maria is a Policy Associate on the Privacy Project at the CIS, FinFisher in India and the Myth of Harmless Metadata, <http://cis-india.org/internet-governance/blog/fin-fisher-in-india-and-myth-of-harmless-metadata>

Over the last months, it has been reported that the Central Monitoring System (CMS) is being implemented in India, through which all telecommunications and Internet communications in the country are being centrally intercepted by Indian authorities. This mass surveillance of communications in India is enabled by the omission of privacy legislation and Indian authorities are currently capturing the metadata of communications.[30] Last month, Edward Snowden leaked confidential U.S documents

on PRISM, the top-secret National Security Agency (NSA) surveillance programme that collects metadata through telecommunications and Internet communications. It has been reported that through PRISM, the NSA has tapped into the servers of nine leading Internet companies: Microsoft, Google, Yahoo, Skype, Facebook, YouTube, PalTalk, AOL and Apple.[31] While the extent to which the NSA is actually tapping into these servers remains unclear, it is certain that the NSA has collected metadata on a global level.[32] Yet, the question of whether the collection of metadata is “harmful” remains ambiguous. According to the National Information Standards Organization (NISO), the term “metadata” is defined as “structured information that describes, explains, locates or otherwise makes it easier to retrieve, use or manage an information resource”. NISO claims that metadata is “data about data” or “information about information”.[33] Furthermore, metadata is considered valuable due to its following functions: •Resource discovery •Organizing electronic resources •Interoperability •Digital Identification •Archiving and preservation Metadata can be used to find resources by relevant criteria, to identify resources, to bring similar resources together, to distinguish dissimilar resources and to give location information. Electronic resources can be organized through the use of various software tools which can automatically extract and reformat information for Web applications. **Interoperability is promoted through metadata, as describing a resource with metadata allows it to be understood by both humans and machines, which means that data can automatically be processed more effectively. Digital identification is enabled through metadata**, as most metadata schemes include standard numbers for unique identification. Moreover, metadata enables the archival and preservation of large volumes of digital data.[34] **Surveillance projects, such as PRISM and India's CMS, collect large volumes of metadata**, which include the numbers of both parties on a call, location data, call duration, unique identifiers, the International Mobile Subscriber Identity (IMSI) number, email addresses, IP addresses and browsed webpages.[35] However, the fact that such surveillance projects may not have access to content data might potentially create a false sense of security.[36] When Microsoft released its report on data requests by law enforcement agencies around the world in March 2013, it revealed that most of the disclosed data was metadata, while relatively very little content data was allegedly disclosed

India depends on metadata for intelligence

Lowenthal 14 Mark M. Lowenthal is the senior specialist in U.S. foreign policy at the Congressional Research Service Intelligence: From Secrets to Policy

India has a growing cyberspace capability, which, like that of many other nations, appears to have been used against potential foes, such as China and Pakistan, and more friendly states, like the United States. India is in the midst of deploying a Centralised (or Central) Monitoring System (CMS) that **is designed to track all communications within India**-telephone, computer, landline, mobile, and so on. Unlike the NSA program, CMS will not have to ask providers' permission for access but will have that built into the technology of the telecom and data service providers. (IMS will provide intelligence to foreign and domestic agencies, the police, and tax collectors-a list that some believe is too broad. **Like the NSA program, CMS appears to focus on metadata**. CMS is being developed and will be run by a government technology development center that is not part of the intelligent complex. The Ministry for Home Affairs will have the power to determine who is monitored.

Sleeper Cell Link

Domestic Surveillance in India is key—connections with internal groups in India is key to its ability to attack

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Lashkar-e-Tayyiba has always required some level of support from local Indian citizens to facilitate its operations in Kashmir and India. According to the Indian government, several Indians aided the 2008 Mumbai attacks including Arshad Ansari, Sabahuddin Ahmad, and Syed Zabiuddin Syed Zakiuddin Ansari. **LeT has also connected with local militant movements in India to extend its operational capabilities and expand its recruiting network**. One of these groups includes the Students Islamic Movement of India (SIMI). While SIMI was formed in 1977, at some point in the late 1990s a militant movement emerged out of the group. Some commentators suspect that SIMI has acted

as a major conduit for LeT activities. Another movement also associated with LeT known as the Indian Mujahideen (IM) either emerged out of SIMI or taken over its militant elements in 2007. Many analysts consider the two groups as synonymous.¹⁸⁴ Ideologically, IM and SIMI reject Hinduism, secularism, democracy, and nationalism.¹⁸⁵ The 2002 Gujarat riots likely has fueled an expansion of LeT's network into India. LeT has actively exploited the riots to expand its network in India. Shortly following the riots, Hafiz Saeed called for the Muslims of India to rise up stating that "the riots have proved that the Hindus are fully armed but the Muslims are badly ill-equipped to cope with such a situation." Indeed, even some women may have joined LeT as a result of the riots.¹⁸⁶ Indian investigators believe that a Mumbai-based SIMI operative Rahil Sheikh was tasked with aiding the transit of SIMI volunteers through the Iran-Pakistan border to train at LeT camps following the communal pogrom in Gujarat. Among the volunteers included Zakiuddin Ansari, the Indian believed to have been in the control room during the 2008 Mumbai attack.¹⁸⁷ This example may be indicative of how LeT has utilized its existing networks with a local Indian militant group to capitalize on Muslim anger at the communal violence.

Domestic surveillance in India is key to breaking LeT connections to domestic groups in India and cutting off funding

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Proactive steps should be taken to break Lashkar's alliance with homegrown jihadi outfits like Indian Mujahidin (IM) and the Student Islamic Movement of India (SIMI) who are known to provide logistical as well as surveillance services to Lashkar. Not just domestic jihadi organizations but also their links to organized crime and mafia leaders who provide a safe channel for money laundering should be cracked down upon. One of the most effective ways to disrupt Lashkar's operations is to disrupt their money flow. Further even though India has joined the Financial Action Task Force in 2009 and has with the help of the United States declared Dawood Ibrahim an international terrorist, but because Lashkar has such an extensive global network for fund raising as well as money laundering, it is difficult for authorities to move through slow diplomatic channels to fully implement and stop the money flow, especially with regard to Pakistan who seems to be extra cautious and slow while providing any kind of cooperation against Lashkar.

Indian domestic surveillance is key to prevent attacks--The LeT is a massive threat to India through sleeper cells in India activated through internet communications

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Lashkar-e-Taiba which translates into the 'Army of the Pure' is the most robust and powerful terrorist group operating out of Pakistan and a prominent threat to India. Lashkar has proved its capability for planning and executing highly sophisticated attacks like the one in Mumbai in 2008 where the operatives used maritime insertion, GPS navigation and satellite phones for real time monitoring and as well as for communication with their leaders in Pakistan. Lashkar-e-Taiba has also been the pioneer for introducing Fedayeen attacks in India, their first recorded attack was in Kashmir in 1993. LeT has infiltrated and built an extensive network of sleeper cells and associations with other jihadi groups in the sub-continent, which if not dealt with can and most probably will result in more Mumbai-style attacks. If we look at Lashkar's expenditure for the Mumbai attacks, the biggest operation Lashkar has planned and successfully executed, they spent around \$200,000 which when compared with LeT's overall annual budget (probably in the \$50 million or more range), it is evident that terrorism remains a low-cost endeavor.^[i] The group also has a robust above ground infrastructure that may be used as a first point of contact for would be jihadists.^[ii] It has a

sophisticated website named after its social wing- Jamaat-ud-Dawa and has an active presence on social media like Facebook and Twitter. Despite Lashkar being connected to various other attacks in Mumbai before November 26, 2008 as well as in other incidents across India which also involved a large number of casualties, the Mumbai attacks in 2008, which claimed 164 lives and injured 308, brought to attention Lashkar's global jihad ideology. For the first time after 9/11 foreign tourists, the Jewish community and luxury hotels were specifically targeted in Mumbai and the event forced national security authorities all across the world to rethink their preparedness as well as the possibility of another 'Mumbai style attack'. Also, since its formation Lashkar has shared very special relationship with Al-Qaida. It is widely believed that Osama Bin Laden was the one to provide seed funding for the establishment of Lashkar's headquarters in Muridke, Pakistan. The affiliation grew stronger with time especially after 9/11 when it became impossible for Lashkar to ignore global jihad. Dr. Bruce Hoffman, as RAND Director of the Washington office, said in an interview, "LeT is increasingly transforming itself from a localized group to one that is not only an al-Qaida surrogate but a global jihadist group. This is part of al-Qaida's strength: exploiting a group and getting them to buy into the global jihadist imperative." [iii] Al-Qaeda's core strategy aims at distracting and exhausting adversaries, creating divisions between counter-terrorism allies, forging close ties and assisting local affiliates, planning major international or global attacks and monitoring western security and defense systems. [iv] The only difference in Lashkar's core strategy is that the jihad they wage is directed towards India. Furthermore, not only they share a strong alliance but also similarities can be seen in their tactics and modus operandi. Many experts believe that the Mumbai attacks showed an uncanny resemblance to attacks carried out by Al- Qaida. The Mumbai gunmen were well-prepared and trained. The terrorists had done their reconnaissance and planning, which would have taken months to coordinate. They knew the terrain and locations. They had worked out the internal infrastructure and layout of the buildings and moved with stealth, combing their way through 10 locations and creating devastation along the way; [v] much like how Al-Qaida likes to conduct their operations.

LeT is growing a network of cells inside India

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Furthermore, the involvement of local Indians in both the attack planning as well as the operation itself suggest that LeT may have an expanding network of support cells in India. Indian authorities charged two detained Indian nationals—Fahim Arshad Ansari and Sabahuddin Ahmad— with preparing the maps and videotapes that aided the Lashkar militants to their targets during the Mumbai attack in February 2009. This marked the first official acknowledgement by the Indian government that Indians had participated in the attacks. [16] Furthermore, the intercepted communications between the Mumbai attackers and their controllers in Pakistan revealed that one of the controllers spoke Hindi. The Hindi-speaking Lashkar control was later identified by Indian intelligence agencies as Syed Zabiuddin Syed Zakiuddin Ansari from Maharashtra state in India. [17] His role in the control room during the attack raises the question of whether LeT has begun to concede to greater Indian involvement in its operations. The remainder of this paper will seek to resolve some of the issues raised by Mumbai attack and discern the factors that have fueled LeT's evolution leading into the attack.

Uniqueness

India is solving LeT terror threats now

IE 5/13 — Indian Express, 2015. (“Government successful in dealing with terror threats: Kiren Rijiju”, May 5th, 2015, Available Online at: <http://indianexpress.com/article/india/india-others/government-successful-in-dealing-with-terror-threats-kiren-rijiju/>)

Government on Wednesday said it has been successful in dealing with threats to coastal security in the recent past, but did not disclose details on security grounds. Replying to a question on terrorists sneaking through the sea route, Minister of State for Home Kiren Rijiju said “I can tell this august House that in the last 11 months, we have been successful in dealing with all the threats we have. “I don’t want to claim credit for that. It is the duty of the government to secure the country and we are committed to that.” He refused to divulge details on grounds of security. To a specific question regarding Mumbai, Rijiju said besides Lashkar-e-Taiba (LeT), “there are many other terrorist groups which are working on destroying the peace and tranquility of this country. They are a threat to our national security. “They have Indian affiliates also, which are banned under the relevant laws. All the steps are being taken and I am very confident that it is paying dividend also. There is no need to really worry and say that we are not taking enough steps to secure Mumbai.” He also listed out the steps to beef up security in the coastal areas of the country and added that whole security system has been “synergised”. To another question, Rijiju’s ministerial colleague Haribhai Parathibhai Chaudhary said the government receives intelligence inputs relating to attack plans by LeT on targets in the coastal areas from time to time and shares it with respective state governments. “However, further details in this matter cannot be disclosed in the interest of national security.” he said in a written reply. He was asked whether it is a fact that according to an intelligence report, Pakistan-based LeT terrorists might sneak into Mumbai via the sea route to carry out terror attacks.

We control uniqueness, India is preventing LeT attacks now but continued vigilance is essential

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India’s National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarjournal.com/printpdf

The most successful of all countermeasures though has been the arrest of key Lashkar-e-Taiba operatives. In 2013, Indian security officials arrested Abdul Karim Tunda- an expert bomb maker for the terrorist outfit. In 2012 approximately 61 operatives were killed in encounters with Indian security forces including Lashkar Division and District Commanders. Around 48 were arrested and 8 sleeper cells were neutralized. [xxiv] The arrests included key recruiter for Lashkar from India and Nepal Mohammad Omar Madni and Chief Coordinator for Jammu and Kashmir Manzoor. Looking at the numbers, it certainly seems like the intelligence community is successful in gathering critical information as well as preventing further attacks but in my opinion they still have a long way to go. In 2013 itself, there has been a record of 254 infiltration bids made by terrorists along the India- Pakistan border. In 133 cases, the terrorists were made to ‘return’ to Pakistan territory, while they successfully crossed over in 84 cases.[xxv] The operatives that crossed over in these 84 cases could well be planning another Mumbai.

India has prevented LeT attacks designed to crush the economy

Press Trust of India 12

Fake currency pushed at behest of Pak intel agencies, Lashkar-e-Taiba: Cops Delhi | Press Trust of India | Updated: April 15, 2012, <http://www.ndtv.com/delhi-news/fake-currency-pushed-at-behest-of-pak-intel-agencies-lashkar-e-taiba-cops-476737>

The Delhi police has told a court here that a consignment of over Rs. 1.18 crore fake currency notes, seized by it in January, had been sent from Pakistan at the behest of its intelligence agency and banned terror outfit Lashkar-e-Taiba (LeT) to destabilise the Indian economy. The police made this claim in its charge sheet, filed in the court of Chief Metropolitan Magistrate Vinod Yadav and indicting five Indians, arrested along with the fake currency note consignment on January 12. The seizure of the counterfeit notes with a face value of over Rs. 1.18 crore, concealed in 33 cloth bundles and loaded in two tempos, was made from near a godown at Dabri in West Delhi. The police has named Zeeshan Khan, a resident of Dabri, Ash Mohammad of Uttar Pradesh, Ghulam Ahmed, Yakoob Ali and Mohd Rafiq from Jammu and Kashmir as accused. All of them are presently in judicial custody.

Impacts

India/Pakistan War

Future LeT attacks are the most likely trigger for a nuclear war between India and Pakistan

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

A better understanding of LeT's evolution carries major implications for U.S. policy since the group poses major challenges to U.S. security interests. First and foremost, stability in South Asia is a key U.S. security interest and will continue to remain so as long as it remains entrenched in Afghanistan. LeT attacks have, on occasion, brought India and Pakistan to the brink of war and the group remains one of the most likely catalysts to war between the two nuclear-armed countries. At the very least, LeT acts as a major source of contention between the two countries and keeps Pakistan's national security establishment focused on India. This, in turn, distracts Pakistan from stabilizing its tribal regions on its border with Afghanistan complicating U.S. and NATO operations in that country. At worst, a future LeT attack could precipitate in a major war between the two countries that would carry the frightening risk of becoming the world's first nuclear war. Second, LeT has targeted U.S. forces in both Iraq and Afghanistan. While its foray into Iraq was relatively short-lived, since at least 2006, it has begun to actively support and participate in the insurgency in 2 Afghanistan. The group has been implicated in several attacks against U.S. forces in Afghanistan and coalition forces consider Lashkar militants among the most effective fighters in the region.¹ Though the group has had little impact on the insurgency thus far, its presence in Afghanistan will likely continue to expand.

Future LeT attack triggers nuclear war

Zarete 11 Juan Zarete, senior adviser at the Center for Strategic and International Studies, An alarming South Asia powder keg Sunday, February 20, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/18/AR2011021807465.html>

In 1914, a terrorist assassinated Archduke Franz Ferdinand in Sarajevo - unleashing geopolitical forces and World War I. Today, while the United States rightly worries about al-Qaeda targeting the homeland, the most dangerous threat may be another terrorist flash point on the horizon. Lashkar-i-Taiba holds the match that could spark a conflagration between nuclear-armed historic rivals India and Pakistan. Lashkar-i-Taiba is a Frankenstein's monster of the Pakistani government's creation 20 years ago. It has diverse financial networks and well-trained and well-armed cadres that have struck Indian targets from Mumbai to Kabul. It collaborates with the witches' brew of terrorist groups in Pakistan, including al-Qaeda, and has demonstrated global jihadist ambitions. It is merely a matter of time before Lashkar-i-Taiba attacks again. Significant terrorist attacks in India, against Parliament in 2001 and in Mumbai in 2008, brought India and Pakistan to the brink of war. The countries remain deeply distrustful of each other. Another major strike against Indian targets in today's tinderbox environment could lead to a broader, more devastating conflict. The United States should be directing political and diplomatic capital to prevent such a conflagration. The meeting between Indian and Pakistani officials in Bhutan this month - their first high-level sit-down since last summer - set the stage for restarting serious talks on the thorny issue of Kashmir. Washington has only so much time. Indian officials are increasingly dissatisfied with Pakistan's attempts to constrain Lashkar-i-Taiba and remain convinced that Pakistani intelligence supports the group. An Indian intelligence report concluded last year that Pakistan's Inter-Services Intelligence Directorate was involved in the 2008 Mumbai attacks, and late last year the Indian government raised security levels in anticipation of strikes. India is unlikely to show restraint in the event of another attack. Lashkar-i-Taiba may also feel emboldened since the assassination in early January of a moderate Punjabi governor muted Pakistani moderates and underscored the weakness of the government in Islamabad. The group does not want peace talks to resume, so it might act to derail progress. Elements of the group may see conflict with India as in their interest, especially after months of unrest in Kashmir. And the Pakistani government may not be able to control the monster it created. A war in South Asia would be disastrous not just for the United States. In addition to the human devastation, it would destroy efforts to bring stability to the region and to disrupt terrorist havens in western Pakistan. Many of the 140,000 Pakistani troops fighting militants in the west would be redeployed east to battle Indian ground forces. This would effectively convert tribal areas bordering Afghanistan into a playing field for militants. Worse, the Pakistani government might be induced to make common cause with Lashkar-i-Taiba, launching a proxy fight against

India. Such a war would also fuel even more destructive violent extremism within Pakistan. In the worst-case scenario, an attack could lead to a nuclear war between India and Pakistan. India's superior conventional forces threaten Pakistan, and Islamabad could resort to nuclear weapons were a serious conflict to erupt. Indeed, The Post reported that Pakistan's nuclear weapons and capabilities are set to surpass those of India.

A future LeT attack will force India to attack Pakistan destabilizing all of Southeast Asia

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Second, India will need to vastly improve its anti-terrorism measures as indicated by the effectiveness of the 2008 Mumbai attacks in which its security forces were clearly ill-prepared. India will need to invest heavily in its internal security including training, human capital, and equipment. Since stability in South Asia is a key U.S. priority, the U.S. might also assist India in these efforts through the provision of funds and anti-terrorism equipment and training. Domestic opinion in India may force India to respond much more harshly against Pakistan should a future devastating terrorist attack occur potentially destabilizing the whole of South Asia. Thus, it would be beneficial to both U.S. and Indian interest to limit the impact from a future mass casualty terrorist attack.

LeT terrorism is the unique threat of India Pakistan war risking a nuclear conflict

Blank 13 Jonah Blank1 The RAND Corporation Lashkar-e Taiba and the Threat to the United States of a Mumbai-Style Attack* Before the Committee on Homeland Security Subcommittee on Counterterrorism and Intelligence House of Representatives June 12, 2013 http://www.rand.org/content/dam/rand/pubs/testimonies/CT300/CT390/RAND_CT390.pdf

Fourth, LeT has a unique potential to precipitate a major war between India and Pakistan. Due to its traditional sponsorship by Pakistan's military, an attack by LeT is regarded by India as nearly synonymous with an attack by the state of Pakistan. At least twice in the recent past- after the 2008 Mumbai attack, and after the 2001 attack on India's Parliament- New Delhi came very close to launching a military strike across the border in response to an attack attributed to LeT. As the 1999 Indo-Pakistani combat at Kargil demonstrated, any serious military engagement between these two rivals runs the risk of nuclear escalation: During the Kargil episode, the Pakistani military began mobilizing the nation's nuclear assets without the knowledge of the civilian prime minister.¹⁰ Apart from the risk to tens of thousands of American citizens in India and Pakistan, the threat of a nuclear exchange anywhere in the world would obviously have a monumental impact on US strategic and economic interests.

Future terror attacks on India risk Indo Pak nuclear war

Markey 10 Daniel Markey is adjunct senior fellow for India, Pakistan, and South Asia at the Council on Foreign Relations, Terrorism and Indo-Pakistani Escalation, www.cfr.org/.../CPA_contingencymemo_6

India faces the real prospect of another major terrorist attack by Pakistan-based terrorist organizations in the near future. Unlike the aftermath of the November 2008 attack on Mumbai, in which 166 people died, Indian military restraint cannot be taken for granted if terrorists strike again. An Indian retaliatory strike against terrorist targets on Pakistani soil would raise Indo-Pakistani tensions and could even set off a spiral of violent escalation between the nuclear-armed rivals. Given Washington's effort to intensify pressure on al-Qaeda, the Taliban, and associated militants operating from Pakistani territory, increased tensions between India and Pakistan would harm U.S. interests even if New Delhi and Islamabad stop well short of the nuclear threshold because it would distract Pakistan from counterterrorism and counterinsurgency operations, jeopardize the U.S. mission in Afghanistan, and place new, extreme stresses on Islamabad.

Future LeT attack will lead to Indo-Pak war

Indian Express 15 3/6/15 Talking terms India and Pakistan have broken their silence. But it will require focused effort to break the impasse

<http://indianexpress.com/article/opinion/columns/talking-terms/>

The short-term purpose of these talks, it doesn't take much to see, isn't to solve intractable problems. Instead, the fact of diplomatic engagement adds a crisis-management cushion to the arsenals of both governments. For months now, Pakistan has feared that a terrorist attack against India could lead Prime Minister Narendra Modi to order military counter-strikes — catching it at a moment of special vulnerability, when a large part of its armed forces are tied down fighting terrorists in its northwest. Now, it hopes, Delhi will first address its problems through diplomatic channels, making rapid escalation of conflict less likely. For both countries, this is a pragmatic step. In the throes of severe economic challenges, India can ill afford a conflict, and near-bankrupt Pakistan can do so even less. But it would be dangerous to mistake this diplomatic breathing space for bedtime. Islamabad has scaled back jihadist operations in Kashmir, and placed restraints on organisations targeting India. It hasn't, however, dismantled the infrastructure of groups like the Lashkar-e-Toiba — leaving open the prospect of a future attack sparking off a crisis. The last two years have, notably, seen the first uptick of violence in Kashmir in over a decade. Delhi, for its part, has not unveiled just what it is willing to bring to the diplomatic table. The engagement of Kashmiri secessionists in dialogue, the demilitarisation of Siachen, and the settlement of the Sir Creek issue — the government's position on all these remains unclear. Barring focused effort, this latest engagement could also end in that depressing place both know so well — impasse.

Collapse Indian Economy

LeT attacks would target IT sector and crush India's economy

Saxena 5 Sudhir Saxena Institute for Defense Studies and Analysis, The rise of fiscal terror
March 25, 2005

http://www.idsa.in/idsastrategiccomments/Theriseoffiscalterror_SSaxena_250305.html

By targetting the IT industry, terrorists are revealing that the Indian economy may increasingly be their target. The elimination of the Delhi based Lashkar-e-Tayyiba (LeT) cell on 6 March 2005, could possibly indicate a new trend in Pakistan-based terror operations in India. Preliminary reports indicate that these terrorists were intending to strike against the Indian Military Academy (IMA) and the IT infrastructure especially in Bangalore using the network of the banned Students Islamic Movement of India (SIMI). A couple of issues emerge from the episode. First, is this an indication of widening of the area of operations by the LeT and similar groups away from Jammu and Kashmir and North India to relatively un-touched peninsular India? Secondly, do the plans of the captured terrorist suggest a change in the nature of targets from tactical to strategic, indicating increasing complexity of conceptual planning and hence institutional involvement? Jammu and Kashmir is undergoing a rather harsh and prolonged winter snow fall season. Like the tsunami,

unpredictable mother nature seems to have purged any possibility of an escalation of terrorist activity. Further, the Indo-Pak Composite Dialogue Process (CDP) process (agreed to in January 2004) has shrunk the political space for high-intensity, high-frequency terror operations. It is quite possible that the political and geo-climactic factors may have forced the terrorists to shift areas of operation southwards and if possible perform a repeat of the 12/13 attack on the Parliament. Though, there have been sporadic incidents involving J&K terrorist (like LeT) operating in areas like Hyderabad, the phenomenon could not be termed as wide spread, possibly due to logistical reasons. The planned future intentions of the LeT cell captured in Delhi may indicate just such a spread. The choice of targets certainly raises a new warning. It is known that the IT industry has been one of the success stories contributing to the growing vitality of the Indian economy. The amount of RDX captured (10.5 kgs along with detonators) provides clues to the nature and explosive power of the planned operation. However, a pertinent question needs to be answered - was blowing up few buildings of the Polaris company the only aim of the now failed operation, or was there a larger objective? A strike against a leading IT company and its aftermath would have no doubt lead to many tactical counter-operational and intelligence measures. But it would have also left a certain wariness in the investor market, particularly in the FDI sector, which is very sensitive about security of its assets give the experience in Iraq, Afghanistan and certain African locations. A planned strike at IMA, Dehradun is indicative of similar operations by the Zarqawi group in Iraq.

LeT attacks can collapse Indian democracy

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Since 2002, LeT has also begun to shift its focus increasingly into the Indian hinterland. Several factors may account for this. To begin with, the Indian government completed a 700- kilometer border fence along the Jammu and Kashmir border in 2004 making infiltration increasingly difficult. The Indian army claimed the fence reduced infiltration of militants by 80%.¹²³ In addition, militants stopped receiving cover fire and infiltration support from the Pakistani army following the ceasefire between the two countries in 2003. These factors have made it much more difficult to infiltrate into Kashmir and has made infiltration through transit by third countries more attractive which also increases access to the other parts of India. In addition, the predominantly Punjabi militants of LeT could likely blend in much easier in the larger and more cosmopolitan cities of the hinterland where they would not stand out among the more diverse population of these areas. Furthermore, the effectiveness of Fidayeen attacks in Kashmir may have also had diminishing returns as the Jammu and Kashmir Police developed more effective tactics to counter them. According to the Indian journalist Praveen Swami who has followed LeT closely for years, between 1999 and 2002, the worst years of LeT fidayeen attacks, less than 200 people died in them.¹²⁴ Finally, Kashmiris may simply have becoming increasingly exhausted from the militancy and bloodshed in the region and may have become harder to recruit for support. The 2002 Gujarat riots—in which Muslims bore the greater brunt of the bloodshed— generated willing volunteers for LeT and provided new opportunities to expand its network into India. During the riots, LeT put images of the riot victims on its website and called for jihad to avenge the bloodshed. Recruiting Muslims from outside Pakistan and Kashmir could also persuade Kashmir residents that they have no future in India.¹²⁵ By stoking the flames of Hindu-Muslim violence, LeT could discredit India as a democracy and reinforce its belief that Hindus cannot justly govern Muslims. Indeed, Hindu-Muslim violence tears at the very fabric of Indian society and has the potential to destabilize large swathes of India. In September of 2002, only a few months after the Gujarat riots ravaged the province, two heavily armed fighters carried out a fidayeen attack on the Akshardham temple in Gandhinagar, Gujarat. The attack turned into a nearly 14 hour hostage siege and the resulted in 33 dead including a commando and a state police officer along with 70 others wounded. Given the sophisticated nature of the attack and the heavy firepower the attackers carried, the attack contained the hallmarks of a typical LeT attack and made it unlikely the attack resulted as retaliation by local Muslims for the earlier communal violence—at least without external support.¹²⁶ Indeed, shortly following the Gujarat riots, Indian intelligence officials had estimated at least as many as 40 local Gujarati Muslims may have travelled to train in Lashkar camps as a result of the communal violence and LeT may have viewed an attack on the Akshardham temple attack as an opportunity to provoke further communal violence if they indeed did carry out the attack.¹²⁷ Given the timing and target of the attack, the objective was clearly to provoke Hindu-Muslim violence.

LeT seeks collapse of India

Karim 12 Maj Gen Afsir Karim War against Lashkar-e-Taiba

<http://www.indiandefencereview.com/news/war-against-lashkar-e-taiba/>

The LeT follows the radical Wahhabi ideology, which advocates global jihad against all infidels and moderate Muslims. Although the primary area of operations of the LeT in India is Kashmir, its main aim is the destabilisation of India and it has not confined its disruptive activities only to Jammu and Kashmir. The LeT has repeatedly claimed through its journals and websites that its main aim is to destroy the Indian republic and to annihilate Hinduism and Judaism.

Bioweapons

LeT has ability and will use bioweapons

Nanjappa 13

Vicky Nanjappa reporter for Rediff India Abroad, India faces real threat of biological warfare

January 01, 2013 <http://www.rediff.com/news/report/india-faces-real-threat-of-biological-warfare/20130101.htm>

As far as India is concerned, a possible bioterrorism tactic would appeal to Pakistan based Lashkar-e-Tayiba and other Kashmir centric groups. LeT is aware about the potential utility of bio weapon pathogen as it had observed the large-scale disruptions during the US anthrax letter cases. Also, it does not have to recruit or employ microbiologists or life scientists to carry out bioterrorist attacks. ¶As a matter of fact it has the most robust medical and path lab network in Pakistan and many of its activists are trained medical professionals. (eg Ad Dawa medical missions, Taiba Hospitals and Path Labs in Lahore, Karachi and number of mobile dispensaries). ¶Potentially the infrastructures and the manpower at the disposal of LeT/ Jamaat ud Dawa (JuD) can be modified to develop bio weapon pathogens without any large investments or at least spreading bioscare if the leadership wish to resort to the tactic.

LeT has ability and motive to use bioweapons

Nanjappa 9 Vicky Nanjappa reporter for Rediff India Abroad Bio weapons could be the next big terror threat: IB | March 27, 2009, <http://www.rediff.com/news/2009/mar/27bio-weapons-could-be-the-next-big-terror-threat-ib.htm>

Rogue outfits such as the Lashkar-e-Tayiba [Images] and the Al Qaeda are constantly planning various ways to attack India. While there were intelligence intercepts following the Mumbai [Images] attack that the next attack could be from the sea, reports now point to the fact that the next on the agenda of terror outfits would be biological warfare.¶ Intelligence Bureau officials say that the Inter-Services Intelligence has helped these terror outfits set up bases in Afghanistan way back in the late 1990s to build laboratories to manufacture biological weapons. ¶The first of such labs was established in 1998 in Kandahar where chemical and radiological weapons were being manufactured. ¶There is also a laboratory set up to manufacture biological weapons in Muzafarabad in Pakistan Occupied Kashmir. This lab which belongs to the Lashkar-e-Tayiba

is known as the electronics laboratory. Apart from manufacturing detonators for bombs and weapons, this laboratory has also a full fledged unit to manufacture biological weapons.¶ Several scientists were recruited exclusively for this purpose and have been working on the manufacture of these weapons since the past ten years. Intelligence Bureau sources they expect that terror groups would try and use biological warfare when all other means are exhausted.

LeT will use bioweapons

Chandran 05 D Suba Chandran Assistant Director, Institute of Peace and Conflict Studies, Looking Beyond Bio-Weapons and Bio-Terrorism in South Asia
<http://www.ipcs.org/article/terrorism/looking-beyond-bio-weapons-and-bio-terrorism-in-south-asia-1750.html>

Militant groups fighting for non-political purposes are more likely to use biological weapons in South Asia, especially the Lashkar-e-Toiba and the Jaish-e-Mohammad. Both these organizations are fighting for a religious cause and are not bothered about popular support in India. The radical right wing groups are more likely to use such weapons. The fact that the Aum Shinrikyo, a religious cult group, used biological weapons in the past need to be reckoned with. Al Qaeda search for chemical and biological weapons also need to be taken into account from this perspective.

Nuclear weapons

A close study of LeT reveals it has the ability and will to use nuclear weapons and will use any means to annihilate India

Sharma 12 Surinder Kumar Sharma consultant for Institute for Defense Studies and Analyses
LeT: Terror incorporated The Caliphate's Soldiers: The Lashkar-e-Tayyeba's Long War by Wilson John http://www.atimes.com/atimes/South_Asia/NB04Df04.html

LeT is likely the world's most powerful and resourceful multinational terror consultancy firm, keeping a rolodex of multinational terrorists, trainers and a massive support network. ¶ The author documents LeT's expansion extensively in the book. David Headley, a Pakistani-American who pleaded guilty in the US for his role in the Mumbai attacks, was working closely with the LeT commanders and facilitators in India, Pakistan, Bangladesh, Saudi Arabia, US and Muscat. Then, attacks were being planned on three different countries simultaneously - India, Bangladesh and Denmark - in a clear indication of the LeT's growing capability to organize transnational attacks independent of al-Qaeda networks. ¶ This book also details how the LeT has become a hub for training terrorists in using the latest weapons, explosives and communications devices. The emergence of the Salafi group in the Maldives has considerably helped the LeT expand its recruitment drive in the country. The author warns that what makes the LeT's growing influence on the Maldives more worrisome is the possibility that the group will use the island nation for

attacks against India, or block strategic sea communication lines in the Indian Ocean. ¶ The LeT has also been using Nepal as a transit point for terrorists travelling to and from Bangladesh and Pakistan while routing money and weapons for attacks in India. Instead of operating its own units in Nepal, as has done in the past, the ISI has been keen on establishing networks with Maoist and Muslim organizations for anti-India operations. ¶ A closer study of Hafiz Saeed's speeches and writings and other published works compiled by the author lay out a roadmap of global jihad with surprising clarity: once Kashmir is liberated, the group plans to work towards disintegrating India in whatever manner possible. ¶ Interestingly, the book also reveals that the LeT is not averse to using nuclear weapons to achieve its goals. LeT has not only trained cadres in chemical and radiological weapons (dirty bombs), it also has links with nuclear scientist Dr Abdul Qadeer Khan, who is a frequent visitor to the LeT's annual congregation in Muridke. ¶

LeT with nuclear weapons could not be deterred

Yingling 11 PAUL L. YINGLING: An Absence of Strategic Thinking – On the Multitude of Lessons Not Learned in Afghanistan, <http://cpost.uchicago.edu/blog/>

The future of Pakistan is more difficult to predict. It could limp along as a failing state, or suddenly fail with little warning. The West knows so little about the internal dynamics of the country that virtually any significant change will come as a surprise. Although the exact timing and extent of state failure in Pakistan is difficult to predict, the consequences of such failure are not. Partial or total state failure of a nuclear Pakistan would pose a grave threat to the United States. In such a scenario, the White House would not know who controlled Pakistan's nuclear arsenal. A nuclear-armed al Qaeda, Lashkar-e-Taiba, or other extremist group would be difficult if not impossible to deter.

AT: No ability for high tech weapons

LeT has ability to access science and technology and pull off complex attacks

Tellis 12

Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace, <http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

Seventh, LeT is an effective terrorist group that is adept at exploiting science and technology, extra-national social links, and state vulnerabilities in order to advance its political aims. The attacks in Mumbai unambiguously demonstrated LeT's sophistication in a way that few previous attacks had done. The meticulous planning, the enormous resources committed to a complex mission across great distances and long periods of time, and the burdens of a difficult sea-land operation all confirmed LeT's capacity to execute increasingly difficult terrorist attacks. This mission involved months of training in Pakistan and extensive reconnaissance of targets in Mumbai; after these tasks were complete, the terrorists left Karachi on local craft, hijacked a fishing trawler on the high seas, and, upon reaching India's territorial waters, transferred to inflatable

General threat evidence

LeT is a global threat that risks terror attacks on India and the United States

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,

<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

It is clear that after al-Qaeda, **LeT is the most dangerous terrorist group operating in South Asia because of its:** ¶ 1. **Global vision and international ambitions** ¶ 2. **Distinct ideology** that underwrites Islamic revanchism, justifying collaboration with other terrorist groups ¶ 3. **Loyalty to Pakistan** and willingness to protect its patron state against domestic opponents ¶ 4. **Diversified network for mobilizing resources**, promoting its international presence, and recruiting members, which minimizes its dependence on the state ¶ 5. **Involvement in terrorism** and social development concurrently, which limits Pakistan's ability to target the group even if it were so inclined ¶ 6. **Cohesive and hierarchic organizational structure** that is effective at both the conduct of violence and the delivery of social programs ¶ 7. **Proficiency at exploiting science and technology**, extra-national social links, and state vulnerabilities in order to advance its political aims ¶ **LeT is a formidable and highly adaptable adversary with a genuinely global reach and the ability to grow roots and sustain operations in countries far removed from its primary theater of activity in South Asia.** Though India's proximity to Pakistan has resulted in New Delhi absorbing most of the blows unleashed by LeT, the carnage in Mumbai demonstrates that the terrorism facing India is not simply a problem for New Delhi alone. **An attack could even reach U.S. soil.** ¶ **The only reasonable objective for the United States is the permanent evisceration of LeT** and other vicious South Asian terrorist groups—with Pakistani cooperation if possible, but without it if necessary.

The LeT is a massive global threat to India and the U.S.

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¶ Given the interaction of **LeT's ideology and its** sources of Pakistani state support, it is not surprising that Hafiz Mohammed Saeed, **LeT's emir**, **wholeheartedly endorsed the objective of destroying India** writ large. Asserting in a 1999 interview that "jihad is not about Kashmir only," he went on to declare that "about fifteen years ago, people might have found it ridiculous if someone told them about the disintegration of the USSR. Today, I announce the break-up of India, Insha-Allah. **We will not rest until the whole [of] India is dissolved into Pakistan.**" In a later 2001 statement he reaffirmed the proposition that "our struggle will continue even if Kashmir is liberated. We still have to take revenge for East Pakistan." In accordance with his declaration that Kashmir was merely a "gateway to capture India," Saeed then directed his LeT cadres to focus their attention on capturing the Muslim-dominated areas outside of Jammu and

Kashmir, such as Hyderabad, Junagadh, Munabao, and West Bengal, which he argued were forcibly occupied by India in 1947. ¶ **Judging from LeT's operational record, Saeed has been as good as his word.** The earliest LeT presence in India was detected in 1993, when a cohort of the group's Punjabi cadres crossed the Line of Control that separates the Pakistan-controlled from the Indian-controlled portions of Jammu and Kashmir. The organization's presence, however, was not publicly recognized until early 1996 when a group of LeT terrorists massacred sixteen Hindus in Barshalla in Kashmir's Doda District. Since then, hundreds of terrorist attacks involving LeT militants have occurred throughout India. LeT was implicated in plots like the terrorist attacks in New Delhi in October 2005; in Bangalore in December 2005; in Varanasi in March 2006; in Nagpur in June 2006; and in the July 2007 train bombings in Mumbai. ¶ ¶ Through these myriad efforts, **LeT has attempted**—consistent with both its own ideology and the interests of its state supporters—**to cripple India's economic growth, destroy national confidence in its political system, attack its open society, and provoke destabilizing communal rivalries.** All the while, the group has tried to send a message that India will remain an adversary because its successes make it a hindrance to LeT's larger cause. ¶ ¶ It took, however, the devastating November 2008 Mumbai attacks—a bloodbath that claimed the lives of over 150 people, including 26 foreigners of fifteen nationalities—for the international community to recognize that **LeT's ambitions, transcending India, were actually part of a larger war with the West and with liberal democracies more generally.** The barbarity in Mumbai thus represents the ugly face of **a brand of Islamist terrorism that threatens India, the United States and its allies, the larger international system, and, though often missed, Pakistan as well.** ¶ ¶ LeT's universal ambitions simply do not permit the group to confine itself only to South Asia. As Saeed has unequivocally declared, **LeT intends to “plant the flag of Islam in Washington, Tel Aviv and New Delhi.”** Such statements are not simply grandiose. That LeT has by no means restricted itself to keeping only India in its sights, even if it has focused on the latter disproportionately thus far—thanks to ISI objectives and support—is now acknowledged even by those who were initially skeptical of the group's larger ambitions. ¶ ¶ Like many other radical Islamist groups, **the LeT leadership has on numerous occasions singled out the Jewish community and the United States as being among the natural enemies of Islam.** Saeed warned, for example, that although his outfit may be presently consumed by the conflict with India, “Our struggle with the Jews is always there.” This enmity with the Jewish people is supposedly eternal and ordained by God himself. When Saeed was asked in the aftermath of the tragic 2005 earthquake in Pakistan whether then-president Pervez Musharraf's solicitation of aid from Israel was appropriate, he had no hesitation in declaring forthrightly that Pakistan “should not solicit help from Israel. It is the question of Muslim honor and self-respect. The Jews can never be our friends. This is stated by Allah.” ¶ ¶ This twisted worldview found grotesque expression during the November 2008 atrocities when **the group deliberately targeted the Jewish Chabad center** at Nariman House in Mumbai. Justifying this attack as reprisal for Israeli security cooperation with India, **LeT did not simply murder the Jewish hostages at Nariman House but humiliated and brutally tortured them before finally killing them** during the three-day siege. ¶ ¶ **Outside of al-Qaeda, LeT today therefore represents the most important South Asian terrorist group of “global reach.”** Indian intelligence currently estimates that LeT maintains some kind of terrorist presence in 21 countries worldwide with the intention of either supporting or participating in what Saeed has called the perpetual “jihad against the infidels.” LeT has declared that it would provide free training to any Muslim desirous of joining the global jihad, and the group has since delivered on that promise, as now corroborated by the testimony in the cases involving the “Virginia paintball jihad network.” In that instance, a group of ¶ extremists played paintball in anticipation of the launch of a global jihad against the West. After offering support to

LeT, several members of the group attended an LeT camp and received combat training to prepare for war against American soldiers in Afghanistan. Rather than being an isolated incident, the Virginia paintball jihad network is emblematic of LeT's larger ambitions. LeT's operatives have now been identified as engaging in:

- liaison and networking with numerous terrorist groups abroad, particularly in Central and Southeast Asia and the Middle East;
- the facilitation of terrorist acts, including in, but not restricted to, Chechnya and Iraq;
- fundraising in the Middle East, Europe, Australia, and the United States;
- the procurement of weapons, explosives, and communications equipment for terrorist operations from both the international arms markets and Pakistani state organizations such as the ISI;
- the recruitment of volunteers for suicidal missions in South Asia as well as the Middle East;
- the creation of sleeper cells for executing or supporting future terrorist acts in Europe, Australia, and likely the United States; and
- actual armed combat in at least India, Afghanistan, Pakistan, and Iraq.

Al Qaida Impact

India breaking the LeT is key to breaking Al Qaeda as well

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

India also proactively needs to end the cycle of radicalization and recruitment of youth by building strong confidence building programs and programs which counter jihadi propaganda. Further, India also needs to invest in technology which helps the security agencies combat terrorism and secure porous borders. Moreover, Lashkar has always shared a very special relationship with Al-Qaida and destroying Lashkar's strength is not only an important step for India's national security but also a step towards limiting Al-Qaida's brand name and the global jihad phenomenon. Hence, how the Indian authorities respond to Lashkar plays a very critical role.

AT: Empirically denied-Mubai

In a future attack India will be forced to retaliate—The restraint shown after Mubai won't happen again

Yusef 14 Moeed W. Yusuf is director of South Asia programs at the U.S. Institute of Peace. , Pakistan's Counterterrorism Challenge p, 16-7

Compounding these internal dynamics, Pakistan's delicate and dysfunctional relationship with its traditional rival, India, allows militant groups to register a significant threat to Pakistan's regional security. As was the case in the December 2001 attack on the Indian parliament by the Pakistan-based militant outfit Jaish-E-Mohammed (JeM), and again in the November 2008 Mumbai carnage orchestrated by Lashkar-e-Taiba (LeT), such episodes cause Pakistan to be the object of tremendous international condemnation.' They also risk escalating India-Pakistan tensions. Should a similar, future attack in India occur, some Indian strategists argue that the government in New Delhi will face too much public pressure to be able to exercise the restraint it showed following the 2008 Mumbai attacks.' Indeed, armed nonstate organizations based in Pakistan are in the unusual, and perilous, position of being able to undermine peace between two nuclear armed neighbors.

Future attacks will trigger war – Past restraint won't be repeated

Jan 11 Reza Jan was an Analyst and the Pakistan Team Lead for the Critical Threats Project at the American Enterprise Institute, Indo-Pak Talks Survive Mumbai Attack July 28, 2011, <http://www.criticalthreats.org/pakistan/jan-india-pakistan-talks-survive-mumbai-attack-july-28-2011>

Yesterday, the foreign ministers of Pakistan and India met as part of a series of talks between the two nuclear-armed neighbors five months after they officially resumed bilateral dialogue. Relations between the two countries appear to be well on the mend following the devastating 2008 Mumbai attacks in which 166 people were killed by the Pakistan-based terrorist organization, Lashkar-e-Taiba (LeT). The two sides discussed "confidence-building measures, including cross-border trade and visa protocols." Yet the talks could just as easily have been scuppered before they began by the recent terrorist attack in Mumbai. On July 13, a series of deadly bomb blasts ripped through India's financial capital, killing 23 people and wounding over 130. Unlike in the case of many previous attacks, however, there were no verbal barbs hurled across the border, no wild speculation from official sources regarding Pakistani involvement and no cancellation or delay of talks. Given the history of Indian reactions to terrorist attacks on its soil, this "non-reaction" is, by itself, noteworthy. Indian authorities and official functionaries have exhibited uncharacteristic restraint so far in declaring who they believe to have been behind the recent bomb attacks in Mumbai. Whereas in the past, authorities have been quick to point the finger at groups based in Pakistan, such as LeT, or Indian organizations with links to Pakistani terror groups, such as the Indian Mujahideen (IM), top officials in India have stated that they do not want to speculate on who might be responsible until investigations of the attacks are complete and more is known. Part of this hesitancy may be due to the fact that they are simply unsure of who is responsible. Monsoon rains on the night of the attack have complicated efforts to gather forensic evidence at the bomb sites. Then again, even though the pattern of the attack closely resembles that of previous attacks by IM, speculation to the fact remains muted. This is likely for two reasons. First, in the aftermath of the 2008 Mumbai attacks, any indicators that Pakistan or groups inside Pakistan had some role to play in a future attack would put tremendous pressure on the Indian government to take some sort of action. Indian Prime Minister Manmohan Singh and India's ruling Congress party were able to stave off such pressure in 2008 by a hair's breadth. They are highly unlikely to be able to do so a second time, especially if they are seen to be soft on a threat to which they themselves draw attention. Avoiding the pressure to take risky or uncomfortable action will only benefit the government.

U.S. Attack scenario

The LeT will use sleeper cells to attack the U.S.

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from Israel was appropriate, he had no hesitation in declaring forthrightly that Pakistan “should not solicit help from Israel. It is the question of Muslim honor and self-respect. The Jews can never be our friends. This is stated by Allah.”¶¶ This twisted worldview found grotesque expression during the November 2008 atrocities when the group deliberately targeted the Jewish Chabad center at Nariman House in Mumbai. Justifying this attack as reprisal for Israeli security cooperation with India, LeT did not simply murder the Jewish hostages at Nariman House but humiliated and brutally tortured them before finally killing them during the three-day siege.¶ ¶ Outside of al-Qaeda, LeT today therefore represents the most important South Asian terrorist group of “global reach.” Indian intelligence currently estimates that LeT maintains some kind of terrorist presence in 21 countries worldwide with the intention of either supporting or participating in what Saeed has called the perpetual “jihad against the infidels.” LeT has declared that it would provide free training to any Muslim desirous of joining the global jihad, and the group has since delivered on that promise, as now corroborated by the testimony in the cases involving the “Virginia paintball jihad network.” In that instance, a group of ¶ extremists played paintball in anticipation of the launch of a global jihad against the West. After offering support to LeT, several members of the group attended an LeT camp and received combat training to prepare for war against American soldiers in Afghanistan. Rather than being an isolated incident, the Virginia paintball jihad network is emblematic of LeT’s larger ambitions. LeT’s operatives have now been identified as engaging in: •liaison and networking with numerous terrorist groups abroad, particularly in Central and Southeast Asia and the Middle East; ¶ ¶ •the facilitation of terrorist acts, including in, but not restricted to, Chechnya and Iraq; ¶ ¶ •fundraising in the Middle East, Europe, Australia, and the United States; ¶ •the procurement of weapons, explosives, and communications equipment for terrorist operations from both the international arms markets and Pakistani state organizations such as the ISI; ¶ ¶ •the recruitment of volunteers for suicidal missions in South Asia as well as the Middle East; ¶ ¶ •the creation of sleeper cells for executing or supporting future terrorist acts in Europe, Australia, and likely the United States; and ¶ ¶ actual armed combat in at least India, Afghanistan, Pakistan, and Iraq.

Broad surveillance under patriot has been key to stopping LeT attacks on the U.S.

Carafano et al 12 James Jay Carafano, PhD, is Deputy Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Davis Institute, at The Heritage Foundation. Steve Bucci, PhD, is a Senior Research Fellow for Defense and Homeland Security in the Allison Center for Foreign Policy at the Heritage Foundation. Jessica Zuckerman is a Research Associate in the Allison Center for Foreign Policy Studies at The Heritage Foundation. Fifty Terror Plots Foiled Since 9/11: The Homegrown Threat and the Long War on Terrorism Fifty Terror Plots Foiled Since 9/11: The Homegrown Threat and the Long War on Terrorism, <http://www.heritage.org/research/reports/2012/04/fifty-terror-plots-foiled-since-9-11-the-homegrown-threat-and-the-long-war-on-terrorism?lfa=Protect-America%2CProtect-America%2CProtect-America%2CProtect-America> In 2007, The Heritage Foundation became the first and only organization to track thwarted terrorist attacks against the United States. That year, Heritage reported that at least 19 publicly known terrorist attacks against the United States had been foiled since 9/11. Today, that number stands at 50. The fact that the United States has not suffered a large-scale attack since 9/11 speaks to the country’s counterterrorism successes. But, one year after the death of Osama bin Laden, the long war on terrorism is far from over. Reviewing the terrorist plots that have been foiled since 9/11 can provide valuable information for understanding the nature of the threat, as well as best practices for preventing the next attack. The U.S. must also be ready to adapt its security strategies—such as to counter terror attacks by an increasing number of homegrown terrorists. After the death of Osama bin Laden on May 2, 2011, many worried that al-Qaeda would try to carry out another large-scale attack against the United States as an act of revenge. Indeed since bin Laden’s death, at least nine publicly known Islamist-inspired terror plots against the United States have been foiled, bringing the total number of foiled plots since 9/11 to at least 50. Ultimately, none of the plots foiled since bin Laden’s death proved to be of the scale that many feared, with the vast majority of the plots lacking major international connections. Instead, many of these plots could be categorized as homegrown terror plots—planned by American citizens, legal permanent residents, or visitors radicalized predominately in the United States.[1] Combating this continued threat of homegrown terrorism requires not only continued reliance on existing counterterrorism and intelligence tools, such as the PATRIOT Act, but also enhancing cooperation among federal, state, and local authorities as well as

mutual trust and partnerships with Muslim communities throughout the United States. Likewise, the Department of Homeland Security (DHS) and Congress must continue to plug gaps to halt terrorist travel, and create a lawful detainment framework for the incapacitation and interrogation of suspected terrorists. Continued Threat of Homegrown Terrorism Since 9/11, terrorist networks have been dismantled, training camps have been dispersed, and the terrorist leadership largely decimated. Internationally, al-Qaeda has become more decentralized, leading to a greater dependence on its affiliates and allies. At the same time, since increased domestic security has made it harder for terrorists to plan and carry out attacks, terrorists must increase their baseline skills and capabilities needed for a successful attack in the United States.[2] With the global operating environment for terrorist networks having become increasingly hostile, homegrown terrorism has become more appealing to al-Qaeda and other terrorist networks. Homegrown terrorist actors can often bridge the divide between the United States and the other regions of the world in which terrorist networks operate, frequently possessing the cultural and linguistic skills to easily move between the two. It is this "duality" for instance, that served Najibullah Zazi in his attempt to bomb the New York City subway system, with Zazi "being able to operate with facility in environments as starkly different as New York and Peshawar." [3] The value for terrorist networks also often lies in the ability of homegrown terrorists to more easily travel back and forth and work within the United States without raising suspicion. Of course, it is also these same abilities that can make it more challenging for U.S. intelligence and law enforcement to detect homegrown terrorist plots. Similarly, difficulties in detecting attempted homegrown attacks are also present in the fact that homegrown terror plots tend to involve significantly fewer actors and connections to terrorist networks at home and abroad. The frequency of lone wolf actors, radicalized independent of direct connections to terrorist networks either through the Internet or social circles, can further elevate these challenges. Yet, lacking the support of broader terrorist networks, violent extremists may lack a profound understanding of such specialized skills as bomb making, as well as financing, support networks, and training, causing them to be reluctant or even unable to carry out a large-scale, highly destructive attack independently.[4] This same lack of training and resources may also open up homegrown terror plots for detection by U.S. intelligence and law enforcement by affording more room for error on the part of the terrorist. Ultimately, while some signals of homegrown terror plots have gone unnoticed—most notably in the cases of Major Nidal Hasan's 2009 deadly attack on Fort Hood, the near-successful attempts in 2009 of Christmas Day bomber Umar Farouk Abdulmutallab, and in 2010 of Times Square bomber Faisal Shahzad—the vast majority of attempted attacks against the United States have been thwarted in their early stages through the concerted efforts of U.S. law enforcement and intelligence. For the individual homegrown terrorist, personal motives may vary greatly. It could be a desire for collective revenge against the U.S. for the purported "war on Islam," poverty or social alienation, or brainwashing. There is no one path to radicalization. As DHS's Office of Intelligence and Analysis has indicated, motives and paths to radicalization can vary significantly depending on one's ideology and religious beliefs, geographic location, or socioeconomic condition.[5] Nevertheless, trends do seem to exist among those attempted homegrown terror plots thwarted since 9/11, most significantly a seeming aversion to suicide or martyrdom.[6] 50 Plots Foiled Since 9/11 Compiled by The Heritage Foundation since 2007, the following list outlines those publicly known terrorist plots against the U.S. that have been foiled since 9/11.[7] Based on Heritage's research, at least 50 publicly known Islamist-inspired terror plots targeting the United States have been foiled since 9/11. Of these, at least 42 could be considered homegrown terror plots. While three of the 50 known plots were foiled by luck or the quick action of the American public, the remaining 47 were thwarted due to the concerted efforts of intelligence and law enforcement. 1. Richard Reid—December 2001. A British citizen and self-professed follower of Osama bin Laden who trained in Afghanistan, Richard Reid hid explosives inside his shoes before boarding a flight from Paris to Miami on which he attempted to light the fuse with a match. Reid was caught in the act and apprehended aboard the plane by passengers and flight attendants. FBI officials took Reid into custody after the plane made an emergency landing at Boston's Logan International Airport.[8] In 2003, Reid was found guilty on charges of terrorism, and a U.S. federal court sentenced him to life in prison.[9] He is currently incarcerated at a federal maximum-security prison in Colorado. Saajid Badat, a supporter to Reid, has been sentenced to 13 years in jail for planning to blow up a passenger plane. The 26-year-old, a religious teacher from Gloucester, England, was sentenced after he admitted conspiring with fellow Briton Reid. Badat pled guilty in February 2005 to the plot to blow up the transatlantic flight on its way to the U.S. in 2001.[10] 2. Jose Padilla—May 2002. U.S. officials arrested Jose Padilla in May 2002 at Chicago's O'Hare airport as he returned to the United States from Pakistan, where he met with 9/11 mastermind Khalid Sheikh Mohammed and received al-Qaeda training and instructions.[11] Upon his arrest, he was initially charged as an enemy combatant, and for planning to use a dirty bomb (an explosive laced with radioactive material) in an attack in the U.S.[12] Along with Padilla, Adham Amin Hassoun and Kifah Wael Jayyousi were convicted in August 2007 of terrorism conspiracy and material support. It was found that the men supported cells that sent recruits, money, and supplies to Islamic extremists worldwide, including al-Qaeda members. Hassoun was the recruiter and Jayyousi served as a financier and propagandist in the cell. Before his conviction, Padilla had brought a case against the federal government claiming that he had been denied the right of habeas corpus (the right of an individual to petition his unlawful imprisonment). In a five-to-four decision, the U.S. Supreme Court found that the case against him had been filed improperly.[13] In 2005, the government indicted Padilla for conspiring against the U.S. with Islamic terrorist groups. In August 2007, Padilla was found guilty by a civilian jury after a three-month trial. He was later sentenced by the U.S. District Court for the Southern District of Florida to 17 years and four months in prison.[14] In September 2011, an appellate court ruling deemed Padilla's original sentence to be too lenient.[15] Padilla is being held at the same penitentiary as Richard Reid and is awaiting resentencing. 3. Lackawanna Six—September 2002. When the FBI arrested Sahim Alwan, Yahya Goba, Yasein Taher, Faysal Galab, Shafal Mosed, and Mukhtar al-Bakri in Upstate New York, the press dubbed them the "Lackawanna Six," the "Buffalo Six," and the "Buffalo Cell." Five of the six had been born and raised in Lackawanna, New York.[16] All six are American citizens of Yemeni descent, and stated that they were going to Pakistan to attend a religious camp, but attended an al-Qaeda training camp in Afghanistan instead. The six men pled guilty in 2003 to providing support to al-Qaeda. Goba and al-Bakri were sentenced to 10 years in prison, Taher and Mosed to eight years, Alwan to nine and a half years, and Galab to seven years.[17] Goba's sentence was later reduced to nine years after he, Alwan, and Taher testified at a Guantanamo Bay military tribunal in the case against Osama bin Laden's chief propagandist, Ali Hamza al-Bahlul.[18] Recent reports indicate that Jaber Elbaneh, one of the FBI's most wanted and often considered to be a seventh member of the Lackawanna cell, has been captured in Yemen. It remains to be seen whether he will be tried in the U.S., since the U.S. does not have an extradition treaty with Yemen.[19] 4. Uzair and Saifullah Paracha—March 2003. Uzair Paracha, a Pakistani citizen with permanent residency status in the U.S., was arrested in March 2003 and charged with five counts of providing material and financial support to al-Qaeda. Uzair attempted to help another Pakistani, Majid Khan, an al-Qaeda operative, gain access to the United States via immigration fraud. Khan is said to have been in contact with 9/11 mastermind Khalid Sheikh Mohammed and planned to bomb underground storage tanks at Maryland gas stations.[20] Uzair was convicted and sentenced to 30 years in prison. Saifullah Paracha, Uzair's father, a 64-year-old citizen of Pakistan and resident alien of the U.S., is currently being held at Guantanamo Bay awaiting trial. Paracha was arrested in Bangkok, Thailand, in July 8, 2003, through the efforts of the FBI and information provided by his son. He is believed to have had close ties to Khalid Sheikh Mohammed, and Mohammed's nephew Ammar al-Baluchi. Saifullah is said to have used his international business connections to help al-Qaeda procure chemical and biological explosives and assist in their shipment to the U.S., along with the shipment of ready-made explosives.[21] 5. Iyman Faris—May 2003. Iyman Faris is a naturalized U.S. citizen, originally from Kashmir, who was living in Columbus, Ohio. He was arrested for conspiring to use blowtorches to collapse the Brooklyn Bridge, a plot devised after meetings with al-Qaeda leadership, including Khalid Sheikh Mohammed.[22] The New York City Police Department learned of the plot and increased police surveillance around the bridge. Faced with the additional security, Faris and his superiors called off the attack.[23] Faris pled guilty to conspiracy and providing material support to al-Qaeda and was later sentenced in federal district court to 20 years in prison, the maximum allowed under his plea agreement.[24] 6. Ahmed Omar Abu Ali—June 2003. Ahmed Omar Abu Ali is an American citizen of Jordanian descent who was arrested in Saudi Arabia on charges that he conspired to kill President George W. Bush, hijack airplanes, and provide support to al-Qaeda. He was arrested while attending Medina University, where he had joined an al-Qaeda cell. His plans, according to authorities, were to kill President Bush and then establish an al-Qaeda cell in the United States, with himself as the head.[25] He was convicted by an American court on November 22, 2005, and sentenced to life in prison on July 27, 2009, overturning a 2006 sentence of 30 years that was ruled to be too lenient.[26] 7. Virginia Jihad Network—June 2003. Eleven men were arrested in Alexandria, Virginia, for weapons counts and for violating the Neutrality Acts, which prohibit U.S. citizens and residents from attacking countries with which the United States is at peace. Four of the 11 men pled guilty. Upon further investigation, the remaining seven were indicted on additional charges of conspiring to support terrorist organizations. They were found to have connections with al-Qaeda, the Taliban, and Lashkar-e-Tayyiba, a terrorist organization that targets the Indian government. The authorities stated that the Virginia men had used paintball games to train and prepare for battle. The group had also acquired surveillance and night vision equipment and wireless video cameras.[27] Two more men were later indicted in the plot: Ali al-Timimi, the group's spiritual leader, and Ali Asad Chandia. Ali al-Timimi was found guilty of soliciting individuals to assault the United States and was sentenced to life in prison. Ali Asad Chandia received 15 years for supporting Lashkar-e-Tayyiba.[28] Randall Todd Royer, Ibrahim al-Hamdi, Yong Ki Kwon, Khwaja Mahmood Hasan, Muhammad Aatique, and Donald T. Surratt pled guilty and were sentenced to prison terms ranging from three years and 10 months to 20 years. Masoud Khan, Seifullah Chapman, and Hammad Abdur-Raheem were found guilty and later sentenced to prison terms ranging from 52 months to life.[29] Both Caliph Basha Ibn Abdur-Raheem and Sabri Benkhala were acquitted at trial.[30] 8. Nuradin M. Abdi—November 2003. Nuradin M. Abdi, a Somali citizen living in Columbus, Ohio, was arrested and charged in a plot to bomb a local shopping mall. Abdi was an associate of convicted terrorists Christopher Paul and Iyman Faris and admitted to conspiring with the two to provide material support to terrorists. Following his arrest, Abdi admitted to traveling overseas to seek admittance to terrorist training camps, as well as meeting with a Somali warlord associated with Islamists. Abdi has since pled guilty to conspiracy to provide material support to terrorists, one of the four counts for which he was indicted. He was subsequently sentenced to 10 years in jail per the terms of a plea agreement.[31] 9. Dhiren Barot—August 2004. Seven members of a terrorist cell led by Dhiren Barot were arrested for plotting to attack the New York Stock Exchange and other financial institutions in New York, Washington, D.C., and Newark, New Jersey. They were later accused of planning attacks in England. The plots included a "memorable black day of terror" that would have included detonating a dirty bomb. A July 2004 police raid on Barot's house in Pakistan yielded a number of incriminating files on a laptop computer, including instructions for building car bombs.[32] Barot pled guilty and was convicted in the United Kingdom for conspiracy to commit mass murder and sentenced to 40 years.[33] However, in May 2007, his sentence was reduced to 30 years.[34] His seven co-conspirators were sentenced to terms ranging from 15 to 26 years on related charges of conspiracy to commit murder and conspiracy to cause explosion.[35] 10. James Elshafay and Shahwar Matin Siraj—August 2004. James Elshafay and Shahwar Matin Siraj, both reportedly self-radicalized, were arrested for plotting to bomb a subway station near Madison Square Garden in New York City before the Republican National Convention.[36] An undercover detective from the New York City Police Department's Intelligence Division infiltrated the group, providing information to authorities, and later testified against Elshafay and Siraj.[37] Siraj was convicted and sentenced to 30 years in prison. Elshafay, a U.S. citizen, pled guilty and received a lighter, five-year sentence for testifying against his co-conspirator.[38] 11. Yassin Aref and Mohammad Hossain—August 2004. Two leaders of a mosque in Albany, New York, were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat.[39] An investigation by the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and local police contributed to the arrest. With the help of an informant, the FBI set up a sting that lured Mohammad Hossain into a fake terrorist conspiracy. Hossain brought Yassin Aref, a Kurdish refugee, as a witness. The informant offered details of a fake terrorist plot, claiming that he needed the missiles to murder a Pakistani diplomat in New York City. Both Aref and Hossain agreed to help.[40] Aref and Hossain were found guilty of money laundering and conspiracy to conceal material support for terrorism and were sentenced to 15 years in prison.[41] 12. Hamid Hayat—June 2005. Hamid Hayat, a Pakistani immigrant, was arrested in Lodi, California, after allegedly lying to the FBI about his attendance at an Islamic terrorist training camp in Pakistan. Hamid was found guilty of providing himself as "material support" to terrorists and three counts of providing false statements to the FBI.[42] In interviews with the FBI, he stated (correctly) that he specifically requested to come to the United States after receiving training in order to carry out jihad.[43] He was sentenced to 24 years in prison.[44] 13. Levar Haley Washington, Gregory Vernon Patterson, Hammad Riaz Samana, and Kevin James—August 2005. The members of the group were arrested in Los Angeles and charged with conspiring to attack National Guard facilities, synagogues, and other targets in the Los Angeles area. Kevin James allegedly founded Jamiyyat ul-Islam Is-Saheeh (JIS), a radical Islamic prison group, and converted Levar Washington and others to the group's mission. The JIS allegedly planned to finance its operations by robbing gas stations. After Washington and Patterson were arrested for robbery, police and federal agents began a terrorist investigation, and a search of Washington's apartment revealed a target list.[45] James and Washington pled guilty in December 2007. James was sentenced to 16 years in prison and Washington to 22 years. Patterson received 151 months, while Samana was found unfit to stand trial and was initially detained in a federal prison mental facility. He was later sentenced to 70 months in jail.[46] 14. Michael C. Reynolds—December 2005. Michael C. Reynolds was arrested by the FBI and charged with involvement in a plot to blow up a Wyoming natural gas refinery; the Transcontinental Pipeline, a natural-gas pipeline from the Gulf Coast to New York and New Jersey; and a Standard Oil refinery in New Jersey.[47] He was arrested while trying to pick up a \$40,000 payment for

planning the attack.[48] Shannen Rossmiller, his purported contact, was a Montana judge and private citizen working with the FBI. Rossmiller posed as a jihadist, tricking Reynolds into revealing his plan. The FBI later found explosives in a storage locker in Reynolds's hometown of Wilkes-Barre, Pennsylvania.[49] Reynolds claimed that he was doing much the same as Rossmiller, and was working as a private citizen to find terrorists.[50] Reynolds was convicted of providing material support to terrorists, soliciting a crime of violence, unlawful distribution of explosives, and unlawful possession of a hand grenade. He was sentenced to 30 years in prison.[51] 15. Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Zand Wassim Mazloum—February 2006. Amawi, El-Hindi, and Mazloum were arrested in Toledo, Ohio, for conspiring to kill people outside the United States, including U.S. Armed Forces personnel serving in Iraq.[52] The men also conspired to train and arm for a violent jihad against the United States, both domestically and abroad.[53] Training involved use of materials including those found on secure and exclusive jihadist websites, downloaded and copied training videos, and materials for jihad training sessions. The men also were found to have provided material support to terrorist organizations and to have verbally threatened attacks on President George W. Bush.[54] The investigation was begun with the help of an informant who was approached to help train the group.[55] In June 2008, the three men were convicted of conspiring to commit acts of terrorism against Americans overseas, including U.S. military personnel in Iraq, and other terrorism-related violations. Amawi was sentenced to 20 years, El-Hindi to 13 years, and Mazloum to approximately eight years.[56] 16. Syed Haris Ahmed and Ehsanul Islam Sadeque—April 2006. Ahmed and Sadeque, from Atlanta, Georgia, were accused of conspiracy, having discussed terrorist targets with alleged terrorist organizations. They allegedly met with Islamic extremists in the U.S. and gathered video surveillance of potential targets in the Washington, D.C., area, including the U.S. Capitol and the World Bank headquarters, and sent the videos to a London Islamist group. Ahmed is said also to have traveled to Pakistan with the goal of joining Lashkar-e-Tayyiba.[57] Both men were indicted for providing material support to terrorist organizations and pled not guilty.[58] In June 2009, a federal district judge found Ahmed "guilty of conspiring to provide material support to terrorists here and overseas." [59] Ahmed was subsequently sentenced to 13 years in jail. Sadeque was also found guilty and sentenced to 17 years.[60] 17. Narseal Batiste, Patrick Abraham, Stanley Grant Phanor, Nadimar Herrera, Burson Augustin, Lyglenson Lemorin, and Rotschild Augustine—June 2006. Seven men were arrested in Miami and Atlanta for plotting to blow up the Sears Tower in Chicago, FBI offices, and other government buildings around the country. The arrests resulted from an investigation involving an FBI informant. Allegedly, Batiste was the leader of the group and first suggested attacking the Sears Tower in December 2005.[61] All of the suspects pled not guilty. On December 13, 2007, Lemorin was acquitted of all charges, but the jury failed to reach a verdict on the other six.[62] The second trial ended in a mistrial in April 2008.[63] In the third trial, the jury convicted five of the men on multiple conspiracy charges and acquitted Herrera on all counts. On November 20, 2009, the five were sentenced to prison terms ranging from six to 13.5 years, with Batiste receiving the longest sentence.[64] 18. Assem Hammoud—July 2006. Conducting online surveillance of chat rooms, the FBI discovered a plot to attack underground transit links between New York City and New Jersey. Eight suspects, including Assem Hammoud, and al-Qaeda loyalist living in Lebanon, were arrested for plotting to bomb New York City train tunnels. Hammoud, a self-proclaimed operative for al-Qaeda, admitted to the plot.[65] He was held by Lebanese authorities but was not extradited because the U.S. does not have an extradition treaty with Lebanon. In June 2008, Lebanese authorities released him on bail.[66] In February 2012, Hammoud was convicted in a Lebanese court. He was sentenced to two years in prison, which he had already served.[67] 19. Liquid Explosives Plot—August 2006. British law enforcement stopped a terrorist plot to blow up 10 U.S.-bound commercial airliners with liquid explosives.[68] Twenty-four suspects were arrested in the London area. The style of the plot raised speculation that al-Qaeda was behind it, but no concrete evidence has established a link. The United Kingdom initially indicted 15 of the 24 arrested individuals on charges ranging from conspiring to commit murder to planning to commit terrorist acts.[69] Eventually, in April 2008, only eight men were brought to trial. In September, the jury found none of the defendants guilty of conspiring to target aircraft, but three guilty of conspiracy to commit murder.[70] The jury was unable to reach verdicts on four of the men. One man was found not guilty on all counts.[71] 20. Derrick Shareef—December 2006. Derrick Shareef was arrested on charges of planning to set off hand grenades in a shopping mall outside Chicago. Shareef reportedly acted alone and was arrested after meeting with an undercover Joint Terrorism Task Force agent. FBI reports indicated that the mall was one of several potential targets, including courthouses, city halls, and government facilities. Shareef, however, settled on attacking a mall in the days immediately preceding Christmas because he believed it would cause the greatest amount of chaos and damage.[72] Shareef was also found to have connections to convicted terrorist Hassan Agujiahaad, who was charged with attempted use of a weapon of mass destruction and later sentenced to 35 years in prison.[73] 21. Khalid Sheikh Mohammed—March 2007. Khalid Sheikh Mohammed, captured in Pakistan in 2003, was involved in a number of terrorist plots and is one of the most senior bin Laden operatives ever captured.[74] He is being held at the U.S. military detention facility in Guantanamo Bay. In March 2007, Mohammed admitted to helping plan, organize, and run the 9/11 attacks. He also claimed responsibility for planning the 1993 bombing of the World Trade Center and the 2002 bombings of nightclubs in Bali and a Kenyan hotel. He has stated that he was involved in the decapitation of Wall Street Journal reporter Daniel Pearl and took responsibility for helping to plan the failed shoe-bomb attack by Richard Reid, along with plots to attack Heathrow Airport, Canary Wharf, Big Ben, various targets in Israel, the Panama Canal, Los Angeles, Chicago, the Empire State building, and U.S. nuclear power stations. He had also plotted to assassinate Pope John Paul II and former President Bill Clinton. In December 2008, Mohammed and his four co-defendants (Ramzi Binalshibh, Mustafa Ahmad al-Hawsawi, Ali Abd al-Aziz Ali, and Walid Bin Attash) told the military tribunal judge that they wanted to confess and pleaded guilty to all charges.[75] The judge has approved the guilty plea of Mohammed and two co-defendants but has required mental competency hearings before allowing the other two conspirators to plead guilty. In November 2009, U.S. Attorney General Eric Holder announced that Mohammed would be relocated to the United States to face a civilian trial in the U.S. District Court for the Southern District of New York.[76] That decision has now been reversed and the Administration announced that Khalid Sheikh Mohammed and the other Guantanamo Bay detainees would be prosecuted in military tribunals at Guantanamo.[77] The date for the arraignment of Khalid Sheikh Mohammed and his co-defendants has been set for May 5, 2012, beginning the long-awaited legal proceedings for the five men.[78] 22. Fort Dix Plot—May 2007. Six men were arrested in a plot to attack Fort Dix, a U.S. Army post in New Jersey. The plan involved using assault rifles and grenades to attack and kill U.S. soldiers. Five of the alleged conspirators had conducted training missions in the nearby Pocono Mountains. The sixth helped to obtain weapons. The arrests were made after a 16-month FBI operation that included infiltrating the group. The investigation began after a store clerk alerted authorities after discovering a video file of the group firing weapons and calling for jihad. The group has no known direct connections to any international terrorist organization.[79] In December 2008, five of the men were found guilty on conspiracy charges but were acquitted of charges of attempted murder.[80] Four were also convicted on weapons charges. The five men received sentences ranging from 33 years to life plus 30 years. The sixth co-defendant pled guilty to aiding and abetting the others in illegal possession of weapons and was sentenced to 20 months in jail.[81] 23. JFK Airport Plot—June 2007. Four men plotted to blow up "aviation fuel tanks and pipelines at the John F. Kennedy International Airport" in New York City. They believed that such an attack would cause "greater destruction than in the Sept. 11 attacks." Authorities stated that the attack "could have caused significant financial and psychological damage, but not major loss of life." [82] Russell Defreitas, the leader of the group, was arrested in Brooklyn. The other three members of the group—Abdul Kadir, Kareem Ibrahim, and Abdul Nur—were detained in Trinidad and extradited in June 2008. Kadir and Nur have links to Islamic extremists in South America and the Caribbean. Kadir was an imam in Guyana, a former member of the Guyanese Parliament, and mayor of Linden, Guyana. Ibrahim is a Trinidadian citizen and Nur is a Guyanese citizen.[83] In 2010, Kadir was found guilty on five counts and sentenced to life in prison. In February, both Defreitas and Nur were also found guilty. Defreitas was sentenced to life in prison, while Nur was sentenced to 15 years.[84] The final conspirator, Kareem Ibrahim, was convicted in May 2011 and has been sentenced to life in prison.[85] 24. Hassan Abujihad—March 2008. Hassan Abujihad, a former U.S. Navy sailor from Phoenix, Arizona, was convicted of supporting terrorism and disclosing classified information, including the location of Navy ships and their vulnerabilities, to Babar Ahmad and Syed Talha Ahsan, the alleged administrators of Azzam Publication websites (the London organization that provided material support and resources to terrorists). Abujihad was arrested in March 2007 and pled not guilty to charges of supporting terrorism in April 2007. In May 2008, he was convicted by a jury and sentenced to 10 years in prison.[86] In 2010, his conviction was upheld in a federal court of appeals.[87] Both Babar Ahmad and Syed Talha Ahsan are being held in Britain on anti-terrorism charges and are fighting extradition to the U.S.[88] 25. Christopher Paul—June 2008. Christopher Paul is a U.S. citizen from Columbus, Ohio. He joined al-Qaeda in the 1990s and was involved in conspiracies to target Americans in the United States and overseas. In 1999, he became connected to an Islamic terrorist cell in Germany, where he was involved in a plot to target Americans at foreign vacation resorts. He later returned to Ohio and was subsequently arrested for conspiracy to use a weapon of mass destruction—specifically, explosive devices—"against targets in Europe and the United States." Paul pled guilty to the charges and was sentenced to 20 years in prison.[89] 26. Bryant Neal Vinas—November 2008. Bryant Neal Vinas is an American citizen of Hispanic descent who converted to Islam in 2004.[90] In 2007, Vinas left home telling his parents he wanted to study Islam and Arabic. He then traveled to Pakistan where he was trained by and joined the Taliban. During his time in Pakistan, Vinas assisted with unsuccessful attacks on American forces and provided al-Qaeda with extensive information regarding the Long Island Rail Road for a potential attack.[91] He was arrested by Pakistani forces and sent back to the United States, where he pleaded guilty and began cooperating with authorities. He is currently in the custody of the U.S. Marshals and is awaiting sentencing.[92] 27. Synagogue Terrorist Plot—May 2009. On May 20, 2009, the New York Police Department announced the arrest of James Cromitie, David Williams, Onta Williams, and Laguerre Payen for plotting to blow up New York-area Jewish centers and shoot down planes at a nearby Air National Guard Base.[93] The four had attempted to gain access to Stinger missiles and were caught in the act of placing bombs in the buildings and in a car. (The bombs were duds, because undercover agents stole the four defendants fake explosives as part of an ongoing sting operation). All four men were found guilty. In June 2011, James Cromitie, David Williams, and Onta Williams were sentenced to 25 years in prison.[94] In September 2011, Laguerre Payen received the same sentence.[95] 28. Raleigh Jihad Group—July 2009. A group of seven men in North Carolina were arrested on charges of conspiring to support terrorist groups abroad, engage in terror attacks abroad and plotting an attack on the U.S. Marine base at Quantico, Virginia.[96] Their ringleader, Daniel Patrick Boyd, is believed to have a long association with radical groups, dating from his time living in Pakistan. In Pakistan, he is believed to have been an active member of Hezb-e-Islami (Party of Islam). The Raleigh group also raised funds and trained extensively in preparation to wage attacks both at home and abroad. [97] The men were denied bail and are awaiting trial.[98] 29. Najibullah Zazi—September 2009. Najibullah Zazi, a 24-year-old Afghan, was arrested after purchasing large quantities of chemicals used to make a TATP bomb, the same type of weapon used in the 2005 bombing of the London Underground and the 2001 shoe-bomb plot. Zazi had traveled to Pakistan, where he received instruction in bomb making and attended an al-Qaeda training camp. Zazi allegedly planned to detonate TATP bombs on the New York City subway.[99] It has since been found that the plot was directed by senior al-Qaeda leadership in Pakistan.[100] Najibullah Zazi's father, Mohammed Wali Zazi, was also indicted for obstructing justice, witness tampering, and lying to the FBI in attempts to help his son cover up plans for his attack.[101] A cousin of Zazi, Amanullah Zazi, also publicly admitted that he played a role in Zazi's 2009 plot. Amanullah pled guilty in secret and agreed to become a government witness in federal court in Brooklyn against Najibullah's father.[102] The father has since been found guilty and sentenced to four and a half years in prison.[103] Najibullah Zazi pled guilty, as the result of a plea bargain, and remains in jail. He is currently awaiting sentencing.[104] At least three other individuals have since been arrested on allegations of conspiring to carry out the attack with Zazi. One of them, New York religious leader Ahmad Afzali, has pled guilty to charges of lying to federal agents about informing Zazi that he was being investigated by authorities. [105] As part of a plea deal, Afzali was sentenced to time served and ordered to leave the country within 90 days.[106] A second man, Zarein Ahmedzay, has also pled guilty to conspiring to use weapons of mass destruction in the foiled plot and lying to investigators. Adis Medunjanin has pled not guilty to conspiracy to commit murder in a foreign country and to receiving terrorist training.[107] Ahmedzay and Medunjanin are thought to have traveled to Pakistan with Zazi, and to have met with wanted al-Qaeda operative Adnan El Shukrijumah, who has also been charged in the plot.[108] A fourth individual, Abid Nasser, has also been implicated in the plot led by Zazi, as well as other plots in England and Norway. He is currently in the United Kingdom facing extradition to the United States.[109] Also charged in the plot are, Tariq Ur Rehman, and a fifth defendant known as "Ahmad," "Sohab," or "Zahid." Both El Shukrijumah and Rehman are not in custody.[110] 30. Hosam Maher Hussein Smadi—September 2009. Smadi, a 19-year-old Jordanian, was apprehended in an attempt to plant a bomb in a Dallas skyscraper. Originally identified through FBI monitoring of extremist chat rooms, Smadi was arrested and charged after agents posing as terrorist cell members gave Smadi a fake bomb, which he later attempted to detonate.[111] Smadi was found guilty and sentenced to 24 years in prison.[112] 31. Michael Finton—September 2009. Michael Finton, an American citizen, was arrested on September 23, 2009, by undercover FBI agents after attempting to detonate a car bomb filled with what he believed to be close to one ton of explosives outside the Paul Findley Federal Building and Courthouse in downtown Springfield, Illinois. The blast was also intended to destroy the nearby office of Representative Aaron Schock (R-IL).[113] Evidence presented against Finton has shown that he expressed a desire to become a jihadist fighter and was aware that his planned attack would cause civilian injuries. He has been arrested on charges of attempted murder of federal employees and attempted use of a weapon of mass destruction. Finton pled guilty and was sentenced to 28 years in prison.[114] 32. Tarek Mehanna and Ahmad Abousamra—October 2009. Tarek Mehanna, previously indicted for lying to the FBI about the location of terrorist suspect Daniel Maldonado, was arrested on October 21, 2009, on allegations of conspiracy to kill two U.S. politicians, American troops in Iraq, and civilians in local shopping malls, as well as conspiracy to provide material support to a terrorist organization.[115] Mehanna and Ahmad Abousamra, his co-conspirator, were indicted on charges of providing and conspiring to provide material support to terrorists, conspiracy to kill Americans in a foreign country, and conspiracy to provide false information to law enforcement.[116] The two men are not believed to be associated with any known terrorist organization.[117] Mehanna has pled not guilty to charges held against him and has since been convicted, while Abousamra remains at large in Syria.[118] 33. The Christmas Day Bomber—2009. Umar Farouk Abdulmutallab, a 23-year-old Nigerian engineering student living in London, boarded a plane from Nigeria to Amsterdam and then flew from Amsterdam to the U.S. It was on this second flight when he attempted to detonate a bomb hidden in his underwear as the plane began to land. The device ignited but did not detonate, and passengers quickly stopped Abdulmutallab from trying again, leading to his arrest by U.S. authorities upon landing in Detroit. The bomb, containing the explosives PETN and TATP, was similar to the failed device used by Richard Reid in his shoe in 2001. Media accounts following the plot indicate that Abdulmutallab admits involvement with al-Qaeda in Yemen and has pleaded not guilty to charges including conspiracy to commit an act of terrorism and attempting to use a weapon of mass destruction.[119] In February 2012, Abdulmutallab was sentenced to life in prison following his conviction.[120] 34. Raja Lahrasib Khan—March 2010. Chicago taxi driver Raja Lahrasib Khan, a naturalized U.S. citizen from Pakistan, was arrested by the Chicago FBI's Joint Terrorism Task Force on two counts of providing material support to a foreign terrorist organization. According to the charges, Khan was affiliated with Ilyas Kashmiri, leader of the al-Qaeda-linked extremist group Harakat ul-Jihad-I-Islami in Kashmir, and has previously been indicted in the U.S. on terrorism charges.[121] Khan originally transferred \$950 to Pakistan, to be delivered to Kashmiri, and later attempted to send around \$1,000 provided to him by an undercover agent to Kashmiri by having his son carry the money to England, where Khan then planned to rendezvous with him and carry the money the rest of the way to Pakistan. His son was stopped by government agents at Chicago's O'Hare airport before leaving the country. The criminal complaint filed against Khan also alleges that he had discussed plans to bomb an unnamed sports stadium in the United States. Khan has since pleaded guilty as part of a plea deal recommending a sentence of five to eight years. His sentencing has been scheduled for May 30, 2012.[122] 35. Faisal Shahzad—May 2010. Faisal Shahzad, a naturalized citizen from Pakistan, attempted to detonate explosives in an SUV parked in Times Square. After explosives training in Pakistan, he is said to have received \$12,000 from entities affiliated with the terrorist organization Tehrik-e-Taliban to fund the attack. Following the failed bombing attempt, Shahzad attempted to flee the country to Dubai, but was arrested before the flight was able to leave New York's JFK airport.[123] Shahzad pled guilty to 10 counts, including conspiracy to commit an act of terrorism and to use a weapon of mass destruction.[124] He was sentenced to life in prison and is being held at the same Colorado maximum-security prison as Richard Reid and Jose Padilla.[125] 36. Paul G. Rockwood, Jr., and Nadia Pirokska Maria Rockwood—July 2010. Paul G. Rockwood, Jr., an American citizen, became an adherent to Anwar al-Awlaki's ideology of violent jihad after converting to Islam. In studying al-Awlaki's teachings, Rockwood came to believe it was his religious responsibility to seek revenge against anyone who defiled Islam. He created a list of 15 individuals to be targeted for assassination, including several members of the U.S. military. Rockwood is said to have researched explosive techniques and discussed the

possibility of killing his targets with a gunshot to the head or through mail bombs. Nadia Piroška Maria Rockwood, Paul's wife, knowingly transported the list to Anchorage, Alaska, to share with an unnamed individual who apparently shared Rockwood's ideology. The list then made it into the hands of the FBI's Joint Terrorism Task Force in Anchorage. Paul was charged with making false statements to the FBI in a domestic terrorism charge, while Nadia was charged with making false statements to the FBI in connection to the case against her husband. Paul was sentenced to eight years in prison, while his wife was sentenced to five years probation.[126] 37. Ferooq Ahmed—October 2010. Pakistani-American Ferooq Ahmed was arrested following an FBI investigation into plots to attack the Washington, D.C., subway. Ahmed is said to have conducted surveillance on the D.C. Metrorail system on multiple occasions, and was in contact with undercover FBI agents whom he believed to be individuals affiliated with al-Qaeda.[127] According to an unsealed affidavit, Ahmed wanted to receive terrorist training overseas and become a martyr. The affidavit also indicates that he sought to specifically target military personnel in his bombing attempt.[128] Ahmed pled guilty to charges of material support and collecting information for a terrorist attack on a transit facility. He was then immediately sentenced to 23 years in prison.[129] 38. Air Cargo Bomb Plot—October 2010. Two packages shipped from Yemen to Chicago-area synagogues were discovered to contain explosive materials of the same type used by Richard Reid and Umar Farouk Abdulmutallab in previously thwarted bombing attempts.[130] The packages contained printer cartridges filled with the explosive material and were identified with the help of intelligence tips from Saudi Arabian authorities while in transit on cargo planes in the United Kingdom and Dubai.[131] While no arrests have been made, the Yemen-based Al-Qaeda in the Arabian Peninsula (AQAP) has claimed responsibility for the failed attack. 39. Mohamed Osman Mohamud—November 2010. Mohamed Osman Mohamud, a 19-year-old Somali-American, was arrested after attempting to detonate a car bomb at a Christmas tree lighting ceremony in Portland, Oregon. The bomb was composed of inert explosives given to him by undercover FBI agents. Mohamud had previously sought to travel overseas to obtain training in violent jihad. Having failed in that attempt, he wanted to commit an attack that would cause mass casualties to individuals and their families.[132] Mohamud has pled not guilty to the charges.[133] 40. Antonio Martinez—December 2010. Antonio Martinez, a 21-year-old American citizen also known as Muhammad Hussain, planned to bomb a military recruiting center in Maryland. The FBI learned of the plot from an unnamed informant. Martinez was arrested after attempting to detonate a fake explosive device supplied by FBI agents. He has been charged with attempted murder of federal officers and employees, as well as attempted use of a weapon of mass destruction.[134] He has pled not guilty and awaits further trial.[135] 41. Khalid Ali-M Aldawsari—February 2011. Khalid Ali-M Aldawsari, a Saudi citizen studying in Lubbock, Texas, was arrested by the FBI after placing an order for the toxic chemical phenol. Both the chemical supplier and the freight shipping company became suspicious of the order, which could be used to make an improvised explosive device (IED), and alerted the FBI and local police. Surveillance of Aldawsari's e-mail turned up a list of potential "nice targets" including dams, nuclear power plants, military targets, a nightclub, and the Dallas residence of former President George W. Bush. The search also recovered plans to acquire a forged U.S. birth certificate and multiple driver's licenses. Aldawsari seems to have considered using these documents to obtain rental cars for use in vehicle bombings. He has pled not guilty to charges of attempted use of a weapon of mass destruction and faces up to life in prison.[136] 42. Ahmed Ferhani and Mohamed Mamdouh—May 2011. Ahmed Ferhani of Algeria, and Moroccan-born Mohamed Mamdouh, a U.S. citizen, were arrested by the New York Police Department after attempting to purchase a hand grenade, guns, and ammunition to attack an undetermined Manhattan synagogue. The men planned on disguising themselves as Orthodox Jews in order to sneak into the synagogue.[137] Reports have also cited the Empire State Building as a possible second target.[138] Both men face charges of conspiracy to commit a crime of terrorism and conspiracy to commit a hate crime, as well as criminal possession of a weapon.[139] 43. Yonathan Melaku—June 2011. On June 17, 2011, Yonathan Melaku, an Ethiopian and a naturalized U.S. citizen and former Marine Corp reservist, was arrested at Fort Myer near Arlington National Cemetery, where he was found with a backpack filled with ammonium nitrate, spray paint, and spent ammunition rounds. The discovery led authorities to unravel a series of mysterious events from the fall of 2010, when shots had been fired at night from the street at various military buildings, including the Pentagon, causing over \$100,000 in damages. After searching his bag and house, authorities found video of Melaku shooting at the buildings and providing commentary, a series of notebooks written in Arabic with references to terrorism, and a list of equipment needed to make a timed explosive device. He has since pleaded guilty and was sentenced to 25 years in prison.[140] 44. Abu Khalid Abdul-Latif and Wali Mujahidh—June 2011. In a raid on a warehouse in Seattle, the FBI arrested Abu Khalid Abdul-Latif and Wali Mujahidh. The two suspects had arranged to purchase weapons from an anonymous informant in contact with the Seattle Police Department. They were seeking to purchase automatic machine guns and grenades in preparation for an attack on a military recruiting station in Seattle. Since the arrests have been made, authorities have learned that Abdul-Latif, a felon and Muslim convert, had initially planned to attack the Joint Base Lewis-McChord with his friend, Los Angeles resident Mujahidh. The target was later changed to the Seattle Military Entrance Processing Station for undisclosed reasons.[141] The men have been charged with conspiracy to murder officers and employees of the United States government, conspiracy to use a weapon of mass destruction, and possession of firearms in furtherance of crimes of violence. Abdul-Latif has also been charged with two counts of illegal possession of firearms and is awaiting further trial.[142] Mujahidh has pled guilty and faces up to 32 years in prison.[143] 45. Emerson Winfield Begolly—August 2011. Begolly, a moderator and supporter for the internationally known Islamic extremist Web forum Ansar al-Mujahideen English Forum (AMEF), was arrested on charges of terrorist actions involving solicitation to commit a crime of violence and distribution of information in relation to explosives, destructive devices, and weapons of mass destruction. Through his profile on AMEF, the Pennsylvania-born man solicited others to engage in violent acts of terrorism against post offices, water plants, military facilities, bridges, train lines, and Jewish schools. Begolly also used the website to post a downloadable 101-page document that contains information on how to create, conduct, and manufacture chemical explosives. The instructional document is loosely linked to al-Qaeda's former top chemical and biological weapons expert Abu Khabbab al Misi. Begolly pled guilty to counts of soliciting others to engage in acts of terrorism within the U.S., and attempting to use a 9-mm semi-automatic handgun during an assault upon inquiring FBI agents. He is currently awaiting further trial.[144] 46. Rezwan Ferdous—September 2011. Ferdous, a self-radicalized 26-year-old U.S. citizen, was arrested for trying to provide material support to terrorist organizations when he gave a modified cell phone to someone he believed to be an al-Qaeda operative.[145] He did so believing the man would use the cell phone to detonate improvised explosive devices against American soldiers. The alleged al-Qaeda operative was an undercover FBI agent. Ferdous also sought to use small drone aircraft laden with explosives to attack the Pentagon and U.S. Capitol, followed by a ground attack carried out by armed men with automatic rifles. He had already purchased some items, including C4 and AK-47s, toward this goal from an undercover agent.[146] He is being held awaiting trial.[147] 47. Iranian Terror Plot—October 2011. On October 11, 2011, Mansoor Arbabsiar, an Iranian-born U.S. citizen, was arrested for plotting to assassinate the Saudi Arabian ambassador to the U.S., as well as bomb the Saudi and Israeli embassies in Washington, D.C. He claims he was working for the Iranian Quds Forces, a special unit of the Iranian Revolutionary Guard. On behalf of the Quds Forces, Arbabsiar is said to have contacted members of a Mexican drug cartel with the goal of hiring them to assassinate the Saudi ambassador. The two parties allegedly agreed on a payment of \$1.5 million, with a down payment of \$100,000 that Arbabsiar wired to members of the cartel, supposedly from the Iranian government. The plot was uncovered because the supposed members of the cartel he approached were informants for the Drug Enforcement Agency.[148] He was arrested at JFK airport in New York, has pleaded not guilty, and is currently awaiting trial.[149] Another man, Gholam Shakuri, is an Iranian citizen who is wanted in connection with the plot; he is believed to be in Iran.[150] This is the first publicly known post-9/11 Islamist-inspired terror plot aimed at the United States specifically linked to state-sponsored terrorism. 48. Jose Pimentel -November 2011. On November 20, 2011, Jose Pimentel, a naturalized U.S. citizen from the Dominican Republic, was arrested on charges of planning to use pipe bombs to attack targets throughout New York City. His proposed targets included police stations, post offices, and U.S. soldiers. He was a homegrown radical inspired by Anwar al-Awlaki. Pimentel also managed his own radical website espousing his beliefs in violent jihad.[151] The plot was uncovered by an informant and Pimentel was arrested by the NYPD. He has pleaded not guilty and awaits trial.[152] 49. Sami Osmakac—January 2012. On January 7, 2012, Sami Osmakac, a naturalized U.S. citizen from the Kosovo region of the former Republic of Yugoslavia, was arrested on charges of planning attacks against night clubs, businesses, and a sheriff's office [153] He came to the attention of the authorities when a source alerted them that Osmakac had asked how to locate an al-Qaeda flag. He planned to conduct a multi-pronged attack against his proposed targets with vehicle-borne explosives. He also wished to take hostages. He was introduced to an undercover FBI agent who he believed was an arms dealer and procured disabled AK-47s and explosives from him.[154] He was arrested by the FBI's Tampa office and has since pleaded not guilty.[155] 50. Amine El Khalifi—February 2012. Amine El Khalifi, a Moroccan citizen illegally in the United States, was arrested on charges of plotting to attack the U.S. Capitol. He was arrested as he left his parked car with guns and a bomb. He did not know that the weapons had already been rendered inoperable, as they had been provided to him by FBI agents he believed to be al-Qaeda operatives. Before choosing the Capitol building as a target, El Khalifi had proposed targets including D.C. office buildings, restaurants, and synagogues.[156] He is currently being held in federal custody in Alexandria, Virginia, awaiting trial. 50 Terrorist Plots Foiled Since 9/11 Preventing the Next Terrorist Attack The death of Osama bin Laden marked an important victory in the long war on terrorism. The war, however, is not won. Terrorists, including those radicalized in the United States, continue to seek to harm the U.S. and its people.

As the first anniversary of the death of bin Laden approaches, Congress and the Administration should be mindful of what is needed to continue to combat the threat of terrorism at home and abroad. In order to prevent the next terrorist attack, lawmakers should: · Preserve existing counterterrorism and intelligence tools, such as the PATRIOT Act. Support for important investigative tools, such as the PATRIOT Act, is essential to maintaining the security of the United States and combating terrorist threats. Key provisions in the act, such as the roving surveillance authority and business records provisions, have proven essential in thwarting numerous terror plots. For instance, the PATRIOT Act's information-sharing provisions were essential for investigating and prosecuting homegrown terrorists, such as the Lackawanna Six. This case, along with others, demonstrates that national security investigators continue to require the authorities provided by the PATRIOT Act to track leads and dismantle plots before the public is put in danger. Bearing this fact in mind, Congress should not let key provisions of the PATRIOT Act expire, and instead, should make them permanent.

LeT attack on the U.S. would trigger U.S. war with Pakistan

Tellis 12

Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace, <http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

This is because the most vicious entities now engaged in attacks on India, like LeT, have objectives that go way beyond Kashmir itself. They seek to destroy what is perhaps the most successful example of a thriving democracy in the non-Western world, one that has prospered despite the presence of crushing poverty, incredible diversity, and a relatively short history of self-rule. India's existence as a secular and liberal-democratic state that protects political rights and personal freedoms—despite all its failures and imperfections—thus remains a threat to groups such as LeT, with their narrow, blighted, and destructive worldviews. It is also a threat to other praetorian and antidemocratic institutions such as the Pakistan Army and the ISI. India, accordingly, becomes an attractive target, while its mistakes, inadequacies, and missteps only exacerbate the opportunities for violence directed at its citizenry.

It would be a gross error, however, to treat the terrorism facing India as simply a problem for New Delhi alone. When viewed from the perspective of the United States, it is safe to say that LeT has long undermined U.S. interests in the global war on terror. It threatens U.S. soldiers and civilians in Afghanistan and has now killed U.S. citizens in Mumbai. Thus far it has not mounted any direct attacks on the American homeland, but that is not for want of motivation. Given the juicier and far more vulnerable U.S. targets in South Asia, LeT has simply found it more convenient to attack these (and U.S. allies) in situ rather than overextend itself in reaching out to the continental United States, especially when al-Qaeda still remains focused on that task. An LeT attack on the U.S. homeland would also lead Washington to target the ISI and the Pakistani state directly, problems that the Pakistani military can do without at a time when groups like LeT and its regional partners are more than amply successful in advancing the Pakistan Army's aims by undermining larger U.S. and coalition investments in Afghanistan.

LeT operatives have been stopped in the U.S.

Adlakha 10 Joshua Adlakha, Graduate Student in Security Studies at Georgetown University, THE EVOLUTION OF LASHKAR-E-TAYYIBA AND THE ROAD TO MUMBAI, <https://repository.library.georgetown.edu/bitstream/.../adlakhajoshua.pdf>.

Several LeT operatives have also been arrested in the United States. These include a network of jihadists in northern Virginia known as the Virginia Jihad Network. Ali al-Timimi, an American born Islamic scholar popular among a group of young Muslim men in Virginia, was convicted of advocating war against the U.S. He exhorted his followers to join the Taliban following the U.S. invasion of Afghanistan. While none of them ever did join the Taliban, four of them ended up receiving training from LeT.¹⁹⁵ Ali Asad Chandia, a resident of College Park, Maryland and third grade teacher, was convicted of aiding a British member of LeT, Mohammed Ajmal Khan, with acquiring military equipment for LeT.¹⁹⁶ Nine other members of the network were convicted in 2003 and 2004 variously for providing material support to LeT, assisting others in gaining entry into LeT training camps, and for obtaining training to wage war against the United States.¹⁹⁷ The most notable American operative of LeT is David Headley. As previously noted, the American-born Headley had legally changed his name from Daoud Gilani to make travel easier and moved effortlessly between the U.S., Pakistan, and India for nearly seven years.¹⁹⁸ According to Headley's plea agreement, he made at least five trips to Mumbai between 2006 and 2008 to scout locations for attacks and scouted targets in Pune and Goa in India. While in Mumbai, he made videos of the targets, collected coordinates with a GPS device, and scouted the landing site for the attackers. Between 2002 and 2005, Headley had trained at Lashkar camps on at least five occasions. During this training he learned the use of explosives, small arms and countersurveillance techniques.¹⁹⁹

U.S. has been preventing domestic LeT attacks on U.S. homeland

Jones 11 Seth G. Jones is director of the International Security and Defense Policy Center at the RAND Corporation, The Future of Al Qaeda CT-362 May 2011,

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=12&ved=0CCUQFjABOApqFQoTCKrvpZ-H-MYCFcc4iAod7-8KHw&url=http%3A%2F%2Farchives.republicans.foreignaffairs.house.gov%2F112%2Fjon052411.pdf&ei=E2-0VeqZN8fxoATv36v4AQ&usg=AFQjCNH28hzNYeUrTDQ2grEJvGW46_6aRQ&sig2=OwaEnNRKOptgEs7KiwQs3Q

In September 2009, for example, Najibullah Zazi was arrested for planning attacks on the New York City subway. Zazi pleaded guilty in U.S. District Court to “conspiracy to use weapons of mass destruction” and “providing material support for a foreign terrorist organization” based in Pakistan.¹¹ Several al Qaeda operatives, including Saleh al-Somali and Adnan el Shukrijumah, were involved in the plot. According to U.S. government documents, Zazi’s travels to Pakistan and his contacts with individuals there were pivotal in helping him build an improvised explosive device using triacetone triperoxide (TATP), the same explosive used effectively in the 2005 London subway bombings. In October 2009, Chicago-based David Coleman Headley (aka Daoud Sayed Gilani) was arrested for involvement in terrorist activity. He is a Pakistani-American who had cooperated with Lashkar-e Tayyiba and senior al Qaeda leaders to conduct a series of attacks, including the November 2008 Mumbai attack and a plot to attack a newspaper in Copenhagen that had published a cartoon of the Prophet Muhammad. His base in Chicago made him ideally suited for a future attack in the U.S. homeland.

LeT is a global threat that risks terror attacks on India and the United States

Tellis 12 Ashley J. Tellis, Senior Associate, South Asia Program, Tellis is a senior associate at the Carnegie Endowment for International Peace,

<http://carnegieendowment.org/2012/03/13/menace-that-is-lashkar-e-taiba/a2hn>

It is clear that after al-Qaeda, LeT is the most dangerous terrorist group operating in South Asia because of its: ¶ 1. Global vision and international ambitions ¶ 2. Distinct ideology that underwrites Islamic revanchism, justifying collaboration with other terrorist groups ¶ 3. Loyalty to Pakistan and willingness to protect its patron state against domestic opponents ¶ 4. Diversified network for mobilizing resources, promoting its international presence, and recruiting members, which minimizes its dependence on the state ¶ 5. Involvement in terrorism and social development concurrently, which limits Pakistan’s ability to target the group even if it were so inclined ¶ 6. Cohesive and hierarchic organizational structure that is effective at both the conduct of violence and the delivery of social programs ¶ 7. Proficiency at exploiting science and technology, extra-national social links, and state vulnerabilities in order to advance its political aims ¶ LeT is a formidable and highly adaptable adversary with a genuinely global reach and the ability to grow roots and sustain operations in countries far removed from its primary theater of activity in South Asia. Though India’s proximity to Pakistan has resulted in New Delhi absorbing most of the blows unleashed by LeT, the carnage in Mumbai demonstrates that the terrorism facing India is not simply a problem for New Delhi alone. An attack could even reach U.S. soil. ¶ The only reasonable objective for the United States is the permanent evisceration of LeT and other vicious South Asian terrorist groups—with Pakistani cooperation if possible, but without it if necessary.

AT: HUMINT Turn

Human intel can't work for India—They have massive shortages of human spy personnel and don't have the ability to train enough human spys

Indian Express 14

India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

Indians waited that, and longer-and while they did, the foundations on which India's intelligence services have been rotting. The Intelligence Bureau, highly-placed government sources said, is over 30% short of staff-particularly critical mid-level executive positions. For its part, the Research and Analysis Wing (R&AW), tasked with securing Indian interests across the world, has desperate shortages of specialists in languages and the sciences-deficits that are running as high as 40% in critical departments. Later this year, Prime Minister Narendra Modi is expected to make his first appointment to lead the Intelligence Bureau. He is expected to choose from among Ashok Prasad, who helped build the organisation's counter-terrorism data-hub, the Multi-Agency Centre, D P Sinha, a veteran of anti-terror operations, and Dineshwar Sharma, a quiet but highly respected analyst, who won his spurs when he volunteered to serve in Jammu and Kashmir in the early 1990s. The Prime Minister will also have to find a leader to rebuild R&AW-devastated by internal feuds, staff shortages and technology deficits. He is expected to choose between Rajinder Khanna, the leader of R&AW's counter-terrorism efforts in recent years, and Arvind Saxena, a veteran with long experience of Pakistan, the United States and organisational management. Too few spies Figures released to Parliament by the United Progressive Alliance government show that even as Chidambaram's efforts to create new institutions became the focus of official efforts, staffing deficits became endemic across the intelligence services. In March 2013, then Minister of State for Home R P N Singh told Parliament that the IB had 18,795 personnel on its rolls, against a sanctioned strength of 26,867 – in other words, a shortfall of over 30 per cent, and that based on manpower requirements drawn up in the 1970s. The effects are evident across the states: dedicated counter-terrorism groups set up by National Security Advisor Ajit Doval, while he was Intelligence Bureau chief, have been sucked into routine duties. The Intelligence Bureau's operations hub in New Delhi has just 30-odd executive staff. Intelligence Bureau chief Asif Ibrahim has cut the shortfall to some 7,000 people-taking in as many as the service's overstretched training facility can handle. It's proved just too little though and not because of lack of trying. In 2009, Chidambaram authorised the hiring of 6,000 personnel. However, the IB's existing training facilities can process just 600 to 700 staff in a year, which barely -covers attrition from retirements and resignations. "There's another problem, too", notes a senior Intelligence Bureau officer. "Let's say we, by some miracle, find the 6,000-odd people we need in one go. They'll need to be promoted from time to time-and there just won't be positions for them. The government needs to do a thoroughgoing review of staffing, and the last one just wasn't interested". R&AW, estimated to have some 5,000 personnel, faces a similar shortage. The organisation is short of some 130 management-level staff, the sources said, particularly cutting-edge under-secretaries and deputy secretaries. R&AW is also short of personnel with specialist language and area knowledge, particularly Arabic, Chinese and minor Pakistani languages. –

They no longer have a pool to recruit sufficient human intelligence—Indian states won't let their best police get recruited intelligence

Indian Express 14

India's spy agencies more toothless than ever, <http://indianexpress.com/article/india/india-others/indias-spy-agencies-more-toothless-than-ever/>

Long years of neglect, intelligence officials said, had contributed to the staffing crisis at the R&AW and the IB. "The intelligence services," a senior officer said, "had always relied on young Indian Police Service officers, recruited early in their careers, to serve in middle and senior-management roles. The overall shortfall in the IPS's strength, though, has meant states are loath to allow their best officers to serve in - New Delhi on deputation." The R&AW's internal cadre, the Research and Analysis Service, for its part, froze recruitment

from the 2004-2005 batch to the 2009-2010 batch, and in other years, cut hiring to a trickle. Last year, bulk recruitment to fill the deficits was agreed on, but a debate about whether needs would be best met through Union Public Service Commission-run examinations or campus recruitment rages on. –

Answers to LeT

Even if India gets intelligence data it won't be effectively used to stop terrorism because of inaction and corruption

Bhatia 14 Raashi Bhatia is the Co-Founder of a non-profit organization Business Alternatives for Peace, Action and Reconstruction (BAPAR) based in New Delhi and a Graduate Student in Security Studies with the Center of Security Studies, Georgetown University, India's National Security Policies and the Threat of Lashkar-e-Taiba: A Forgotten Concern Small Arms Journal Journal Article | Apr 15 2014, smallwarsjournal.com/printpdf

Actionable intelligence is the first thing that comes to mind when one thinks about disrupting a terrorist plot. Although its primary function is strategic intelligence, the Indian Intelligence Bureau has an excellent record in providing tactical support to state police forces- within reasonable limits. Between 1998 and 2003, it reportedly neutralized 250 ISI- backed jihadist cells across India, excluding Jammu and Kashmir and the North Eastern states. This neutralization rate of approximately one terrorist cell per week has been maintained even after the current spate of jihadist violence erupted in 2005. Where problems have arisen is not so much in the IB's response to pan-Islamist terrorism, but in that of the political leadership. Put simply, there has been no policy response to ample warnings from the intelligence community since 2002 that Pakistan planned to target the Indian heartland.[xxxvi] Before the Mumbai attacks there were reports of at least 20 intelligence reports provided to the Mumbai Police Department specially warning them about Fedayeen attacks or sea borne infiltrations. The Intelligence Bureau of India had also received two specific warnings about the Taj hotel. One concerned a possible attack on 24 May and the other on 11 August, both prompted by tip offs from a source in Pakistan said to be inside Lashkar. [xxxvii] The hotel was made aware of the tip offs but nothing was really done to beef up security or improve the current measures in place, like CCTV cameras and security guards on the front gate. Prem Mahadevan writes in his book 'The Politics of Counterterrorism in India', "Such inaction (failure to act on intelligence) stems from four factors, two of which are political and two operational. The factors are: a lack of political consistency and consensus, and a lack of operational capacity and coordination. Between them, these constraints ensure that decision- makers in the Indian political and security establishments fail to act on initial warnings provided by intelligence agencies."[xxxviii] Additionally, the security agencies as well as the people in the position of responsibility have an attitude problem. Till the time everything is right and nothing goes wrong the attitude is simply 'Chalta hai' – Everything works. Any amount of intelligence is of no use till the time it is taken seriously and acted upon. Despite such specific intelligence inputs, as mentioned before, Mumbai's Joint Police Commissioner Rakesh Maria said in an interview that it was a 'failure of imagination' on the part of the police department. This clearly shows the lack of seriousness attributed to the importance of intelligence in counterterrorism. To overcome this, personnel in state police departments need to go through rigorous training for intelligence gathering as well as to deal with the gathered intelligence inputs. A committee set up to find the loopholes in the response to the Mumbai attacks, The Pradhan Committee, found out that "well set out procedures for handling intelligence and 'crisis management' were overlooked and the Commissioner of Police Mumbai Hasan Gafoor did not exhibit adequate initiative in handling the multi-pronged attack and remained at one spot near Trident Hotel throughout the operations.[xxxix] There is an urgent need for proper Standard Operating Procedures in place and not just on paper but for them to be enforced through drills and simulation games. There is also a need for a centralized command and control, so that in an event of an attack, forces on the ground know who they are taking orders from and remain coordinated in their efforts. Most importantly, it is necessary to be practical about countermeasures being put in place, most of the steps taken by Indian authorities remain non-operational and useless. In the end everything boils down to resource allocation and in India where every official must have his 'cut' at every step of the process, it becomes increasingly difficult to implement any policies. It is imperative that a strong anti-corruption system comes in place, especially where authorities are working for national or state security for a speedy and proper implementation of counter terrorism policies.

Analysis tools for meta data empirically fail

Wheaton & Richey 14 Kristan J. Wheaton is an Associate Professor at Mercyhurst University and Melonie K. Richey is a graduate student at Mercyhurst University who is currently participating in IARPA's Sirius Project. Metadata Analysis as an Intelligence Tool, e-

International Relations January 9, 2014 ,

<http://strategicstudyindia.blogspot.com/2014/06/metadata-analysis-as-intelligence-tool.html>

Caveat Emptor Like all analytic techniques, SNA is imperfect and comes with a number of caveats for researchers new to the method. SNA, while widely applicable, is by no means universally applicable. For example, in early 2013, one of the authors sought to use SNA to locate terrorists using social media. SNA and social media seemed like a good place to start, even though it seemed unlikely that many such individuals would self identify as a “radical extremist” or “Al-Qaeda affiliate.” Ultimately though, the effort failed because there was just too much of what social network analysts like to call “white noise,” or extraneous information picked up through a comprehensive scraping of the Internet. Our search for radical extremists returned journalists, university students of international relations and politics, and a slew of ordinary people just keeping up with current events and Tweeting about it. Another issue with SNA has to do with the nature of relationships. In the real world, they are often messy and convoluted. Just because two people work together and do so often, does not necessarily mean that they like each other. Similarly, the best way to describe the relationship between two businesses might not be the number of contracts the two have signed together. SNA works best, however, with clearly definable relationships and where one factor in the relationship correlates well with other factors important in a relationship. Modern intelligence problems, which often contain, political, economic, military, tribal, geographic, personal, and historical relationship data require the application of advanced SNA techniques and, even then, may yield little of real use to decisionmakers. Finally, SNA is fundamentally a mathematical tool but is most useful in the decisionmaking process when the networks are visualized. It is, without doubt, the visualization of these networks that tends to capture the most attention from the policymakers that intelligence units typically support. This is both a blessing and a curse. While it is easy to capture attention, explaining why the charts and graphs look the way they do is an art. All too often, the initial excited reaction to these diagrams turns to boredom and confusion as analysts bog the decisionmakers down with the arcana of SNA. In addition, creating these complex visualizations often stresses even the most powerful personal computers (the images of the simulation in Figure 8 above took approximately 2 hours to produce using a powerful desktop PC with two high end graphics cards). Like every analytic technique, SNA has great utility for the right question. Within its limits, SNA is unmatched and can be usefully applied to identify key individuals or organizations within a network, generate new leads and simulate the flows of information or money throughout a network. SNA, however, remains just a answer, not the answer. Used inappropriately or without a full understanding of the limits of the method and analysts will only be finding new and more technically sophisticated ways to fail. That, then, is the primary job of the modern day analyst: making the judgment call of which techniques to use and when. Equally as important as knowing when to use SNA is knowing when not to use it.

Surveillance fails — even if countries have the data, it doesn't translate into preemptive politics

NYT 14 — New York Times, 2014. (“In 2008 Mumbai Attacks, Piles of Spy Data, but an Uncompleted Puzzle”, James Glanz, December 21st, 2014, Available Online at:

<http://www.nytimes.com/2014/12/22/world/asia/in-2008-mumbai-attacks-piles-of-spy-data-but-an-uncompleted-puzzle.html> Accessed 7-22-15)

In the fall of 2008, a 30-year-old computer expert named Zarrar Shah roamed from outposts in the northern mountains of Pakistan to safe houses near the Arabian Sea, plotting mayhem in Mumbai, India's commercial gem. Mr. Shah, the technology chief of Lashkar-e-Taiba, the Pakistani terror group, and fellow conspirators used Google Earth to show militants the routes to their targets in the city. He set up an Internet phone system to disguise his location by routing his calls through New Jersey. Shortly before an assault that would kill 166 people, including six Americans, Mr. Shah searched online for a Jewish hostel and two luxury hotels, all sites of the eventual carnage. But he did not know that by September, the British were spying on many of his online activities, tracking his Internet searches and messages, according to former American and Indian officials and classified documents disclosed by Edward J. Snowden, the former National Security Agency contractor. They were not the only spies watching. Mr. Shah drew similar scrutiny from an Indian intelligence agency, according to a former official briefed on the operation. The United States was unaware of the two agencies' efforts, American officials say, but had picked up signs of a plot through other electronic and human sources, and warned Indian security officials several times in the months before the attack.

Indian domestic surveillance not key — US international solves

ET 14 — The Economic Times, 2014. (“US alerts India of possible terror attack by Lashkar-e-Taiba, capital on high-alert”, Aman Sharma, Decemeber 12th, 2014, Available Online at: http://articles.economictimes.indiatimes.com/2014-12-12/news/56990498_1_delhi-police-terror-strike-republic-day-function)

It was the United States which alerted India of an impending major terror strike in Delhi by Pakistan-based Lashkar-e-Taiba, triggering a comprehensive security review of the national capital by the Delhi Police and Intelligence Bureau. "The alert came directly from US intelligence agencies...it was not a pin-pointed information and did not specify any place or time of attack but the input said there was clear intelligence with the US of a big terror strike somewhere in Delhi by LeT," a senior Home Ministry official told ET. The government has decided to take no chances as the said tip-off from the US came shortly after the visit of US President Barack Obama to India was confirmed for being the chief guest at the Republic Day. Sources in the home ministry said that besides taking extra steps to secure Delhi, IB has also begun a "coordination exercise" with neighbouring states like UP and Rajasthan, sensitising them of the terror threat and asking them to be on alert for any terror module in their jurisdictions which may target Delhi. "Many meetings have been held between state authorities and IB since. Delhi Police Commissioner BS Bassi has also met National Security Advisor Ajit Doval to brief him of the security measures taken for Delhi.

Insider Threat HSS

Case

Intelligence Advantage

1NC — Intelligence Advantage

They can't solve for spy aircrafts and battlefield sensors

Irwin 12 [Sandra Irwin, "Too Much Information, Not Enough Intelligence," *National Defense*, May 2012, pg. <http://tinyurl.com/7ty8gl8>

The Defense Department over the last decade has built up an inventory of billions of dollars worth of **spy aircraft and battlefield sensors**. Those systems create avalanches of data that clog military information networks and overwhelm analysts.

Intelligence experts say the military is drowning in data but not able to convert that information into intelligible reports that break it down and analyze it.

"The challenge for users of intelligence is that all the different types of information come in a stove-piped manner," says Michael W. Isherwood, a defense analyst and former Air Force fighter pilot.

Intelligence feeds include electronic signals, satellite imagery, moving-target data and full-motion video. "How do you integrate this into a clear picture?" Isherwood asks. "That is one of the enduring challenges in the ISR [intelligence, surveillance and reconnaissance] arena for all the services."

The returnee threat is low

Zammit 15 – Researcher @ Monash University's Global Terrorism Research Centre [Andrew Zammit (PhD candidate @ University of Melbourne) "Australian foreign fighters: Risks and responses," *Lowy Institute for International Policy*, April 2015

Despite the seriousness of the threat, it does not follow that most foreign fighters attempt attacks on return. In fact, **very few do**. In his study of foreign fighters, Hegghammer found that only up to **one in nine** jihadist foreign fighters from Western countries later became involved in terror plots within the West, and that even this was likely to be an **overestimate**.¹⁸ Similarly, a study by Jeanine de Roy van Zuijdewijn found that only a very small portion of Western jihadist fighters returned to carry out attacks.¹⁹ This leaves governments with a seemingly paradoxical problem: **most foreign fighters do not prove a threat on return**, but those who do are highly dangerous and have been involved in a substantial proportion of the domestic jihadist plots in the West, including the most serious attacks such as the 2005 London bombings. This raises the question of what distinguishes the many returned foreign fighters who do not pose a domestic threat from the few who do. Pg. 4-5

No Saudi-Iran war

Khashoggi 15 - US-educated Saudi journalist, columnist, author and the general manager and editor-in-chief of Al Arab News Channel [Jamal Khashoggi, "Saudi Arabia and Iran heading to war?," *Al Arabiya News*, Monday, 8 June 2015, pg. <http://tinyurl.com/pkajljf>

Saudi Arabia does **not want an open confrontation** with Iran, realizing the high cost of such a war. The same goes for Iran, which knows that the military budget, especially for the air force, is not in its favor. Moreover, Riyadh has alliances with a number of Arab and Islamic countries willing to defend the Land of the Two Holy Mosques. Both countries have enough arms to destroy each others' capacities. It is a binary threat and an important **deterrence**.

Iran is a model of internal stability

Saremi 15 - Strategic analyst w/ a PhD in International Relations [Dr. Fariborz Saremi, "Is Iran the Most Stable Country in Region?," *Counter Punch*, January 30, 2015, pg. <http://tinyurl.com/pp6pywf>

In the turbulent 35 years since the Islamic Republic of Iran emerged overnight following revolution in that country, the balance of power in Middle East has shifted. For much of that time Iran has been hampered by **internal power struggles**, the imposition of sanctions, and from ostracization due to its links with terrorism. Today, however, Iran is emerging as a **model of stability** given that several of its neighbors have fallen into utter turmoil. Some of them are still suffering the back-swell from the Arab Spring, while others are under severe threat from violent extremists such as ISIS. Finally, observers see a distinct possibility that Iran may move towards meaningful rapprochement with its former enemies in the west.

TURN: ISIS threat will reset US-Iran relations

Mohseni 14 – Director of the Iran Project @ Harvard Kennedy School's Belfer Center for Science and International Affairs and a Fellow for Iran Studies at the Kennedy School. [Payam Mohseni, "Bad Move, ISIS: Why America and Iran Should Work Together," *The National Interest*, October 6, 2014, pg. <http://tinyurl.com/ph83pjx>

While a threat to U.S. interests, the Islamic State of Iraq and al-Sham (ISIS) presents us with a **unique opportunity** to "reset" the Middle East equation—to actively transform regional relations, to abate the cold war between Iran and Saudi Arabia and to forge a new working relationship with Iran. As the United States moves to escalate its war against ISIS and forge a coalition against the terrorist group, it is important that Iran be included in the process. After all, U.S. and Iranian interests have increasingly converged in the Middle East with the emergence of a common enemy, and no power in the region is better suited to taking on ISIS than Iran and its affiliated Shi'a militias in Iraq.

Just as importantly, Iran will have to be a key part of any meaningful solution to regional instability and any effort to help sustain a new unity government in Iraq. By formally acknowledging the role it can play in the conflict, Iran can be guided into becoming a **constructive stakeholder** in a more inclusive Middle East order—a goal that has become increasingly salient as the possible success of the Iranian nuclear negotiations forebodes a transformation of the Middle East status quo and Iran's role in the region.

Despite its public statements, **Iran has already signaled its willingness to cooperate on ISIS.** Iran's decision to remove its support from former Iraqi prime minister Nouri al-Maliki was not primarily driven by fear or simply a response to the grave threat posed by ISIS—as commonly perceived in the West—but rather a demonstration of its own flexibility and accommodation with

regional powers. Based on my conversations with the conservative elite in Tehran during the summer, the Iranian leadership does not view ISIS as a serious threat to the country, but rather an opportunity for further empowerment—not just for Iran, but for the larger Shi'a community and the “popular militias” in Iraq as they become entrenched as a consequence of the conflict. Iran's influence and leverage in Iraq has certainly expanded with the ISIS offensive. By rapidly moving to support the Shi'a militias at the very beginning of the conflict, Iran has effectively gained the support of the Iraqi Shi'a as they have been pushed toward Iran as a source of protection. Iranian influence has also increased over the Sunni Kurds as it has helped them establish a buffer zone on its Western frontier.

Iran's decision to facilitate Maliki's removal signals the leadership's intent and willingness to cooperate with regional countries and the United States in search of a political solution instead. This intent is most clearly demonstrated by the prominent role played by Rear Admiral Ali Shamkhani, the chairman of Iran's Supreme National Security Council, when he traveled to Iraq to broker an agreement on a new unity government. Shamkhani's role is important for two reasons. First, not only is he a moderate in the Iranian political spectrum—appointed last year by President Rouhani—but he is also an Iranian of Arab origin who is believed to be held in high esteem by the Saudi King. Both his appointment and his recent visit to Iraq signal Iran's desire to pursue rapprochement with the Saudis and abate sectarianism.

Second, Shamkhani's role demonstrates that the Iranian Revolutionary Guards work within the constitutional boundaries of the state—operating within, rather than outside, the Supreme National Security Council to discuss and negotiate Iran's role in Iraq. This development was particularly striking, since the security files of Iraq and Syria belong to the Revolutionary Guards and the position of the Guards has only strengthened with the escalation of the ISIS conflict. By working within the Council, the Guards opened the space and possibility for greater foreign cooperation, allowing the Iranian government to influence and coordinate with the Guards based on government discussions with the Iraqis and external powers.

These positive signals, however, seem to contravene Iran's growing declarations that it will not engage U.S. efforts against ISIS. It also begs the question of why Iran would cooperate with the United States or an Arab coalition if it perceives itself to be strengthened by the conflict and if it considers ISIS to be a foreign conspiracy. Of course, it is not likely that Iran will work with the United States openly, due to the historical relations between the two countries, but it may do so within a regional framework that formalizes Iran's role and protects its interests in the Middle East. In other words, Iran is looking at the larger picture and vision it has for the future Middle East beyond ISIS and will base its foreign policies on two driving considerations: Iran's role in the security architecture of the region, including in Syria, and the increasing sectarian nature of conflicts and politics in the Middle East. If cooperation preserves Iran's role in the region and diminishes sectarian strife, Iran will cooperate. For Iran to do so explicitly and publicly will depend on how it sees itself to be accepted and incorporated as part of this process—one from which it sees itself largely excluded thus far.

By viewing ISIS as an opportunity to “reset” its working relation with Iran in the region, the United States can help Iran become a constructive player in the conflict and **weaken the potential for it to act as a spoiler or destabilizing force.** Moreover, it will allow the United States to make effective use of Iranian power and the Shi'a militias in opposing ISIS, by far the best regional means of military boots on the ground. To do so, the United States must not only clarify its own vision for the Middle East, but also, just as importantly, persuade Saudi Arabia to

cooperate and work with the Iranians. Yes, engaging Iran and incorporating it as part of the Middle East order will be a daunting task fraught with its own risks, particularly at a time when the nuclear negotiations are taking place. But not doing so will only further exacerbate the ongoing conflict in a direction that will be worse not only for the entire Middle East, but for U.S. interests as well.

Common ground prevents war

Duggan 15 – Professor of history @ Georgetown University, [Dr. Michael F. Duggan, “The Persian Elephant in the Room: Revitalizing U.S.-Iran Relations After the Iran Nuclear Deal,” Georgetown Journal of International Affairs, April 9, 2015, pg. <http://tinyurl.com/ofngsf8>

Deep down every specialist of the Middle East with a grounding in history knows that in dealing with Iran there are only a handful of options, and that all but one or two of them are likely to produce constructive results. The others are likely to produce little more than continued **violence and instability** in an already troubled region, and will do nothing to prevent Iran from achieving its nuclear goals. It is therefore mystifying as to why the United States and Israel have used rhetoric that will be impossible to back up without catastrophic consequences, and which will inflame an already difficult situation. In terms of the United States’s general treatment of Iran, it would seem that the options are fourfold. First, the United States could keep up its economic sanctions in an attempt to generate Iranian compliance under threat of further destabilizing the nation’s economy. The problem with this sort of approach—beyond the very real violence it does to civilians—is that it will do nothing to derail Iran’s nuclear program, and in fact signals the exact sort of hostility that continues to justify the desire for and pursuit of such weapons in Iranian eyes. Some Americans think that because sanctions worked in Libya (over a period of more than two decades and before a NATO air campaign), they will also work in Iran. But Gaddafi’s Libya and present-day Iran are two fundamentally different cases. Whereas Libya is a flat analog to Afghanistan, consisting of a number of mostly disunified tribes with a territorial boundary drawn around them, Iran—historical Persia—is a proud civilization with antecedents that date back to before the time of the Ancient Greeks and Israelites. Iran is more like pre-WWII Japan in the sense that its people are unlikely to knuckle under to the pressure of external sanctions and embargoes. Rather, it is quite possible that they will unify, radicalize, and eventually fight. At the very least, continued U.S. sanctions will push Iran closer to Russia. Iran’s relative social stability, its considerable natural resources, and its potential for strengthened economic ties with Russia and China will allow it to safely endure any sanctions imposed by the West.

A second option for the United States is to attack Iran outright. Over the past half-decade, some American and Israeli leaders have talked openly about pursuing this course of action. Doing so, however, would embroil the United States in a war with a nation with more than twice the population of Iraq, almost four times its land area, a far more varied and difficult terrain, and a much more capable military. Considering how its military adventures in Iraq and Afghanistan have gone to date, U.S. leadership should probably err on the side of nonmilitary options vis-à-vis Iran first. Attacking Iran directly would only destabilize the wider region in a way that could potentially spell the eventual end of Israel—and bankrupt the United States in the process.

The third option is for the United States to contrive some way to divide and/or isolate Iran, the world’s dominant Shiite Muslim nation, from the rest of the (mostly Sunni) Islamic world.

However, such a divide and conquer component to a grand strategy primarily focused on economic sanctions would be completely obvious to the great majority of the world's Muslims. Moreover, the very real and menacing conflict between Sunni and Shia in the greater Muslim world that threatens to escalate into a regional conflagration constitutes a further elephant in the room of U.S. strategic planning. Such a strategy would also run afoul of the inconvenient truth that Iranian-backed forces are currently shouldering a large portion of the ground war against ISIS in Western Iraq, and are proving to be valuable assets there. Divide and conquer strategies—using mutual hatreds to play enemies off each other—is a dirty and tricky game that can easily blow up in the faces of those who initiate them (see the civil war in Ukraine).

This leaves only the fourth and most realistically promising approach to the situation: the United States could try to find **common ground with Iran** and bury the hatchet. After all, it is in the national interest of the United States to be on good terms with regional powers and soon-to-be nuclear states, and there is a slight chance that positive relations may actually preclude the latter. Without overstating things, Iran is now the dominant regional power of Southwest Asia—and it was the United States' removal of Iraq as a secular counterbalance that elevated Iran to this status, or at least helped cement its claim. Moreover, the nuclear genie was let out of the bottle when India, Israel, and Pakistan developed bombs of their own, and there is nothing the United States can do to reverse the process. Finally, in 2001, Iran allowed the United States passage through Iranian air space in order to launch the latter's invasion of Afghanistan, and it is time we acknowledged this good faith accommodation with renewed talks about the general security of the region.

Ext Zammit 15 – No Returnee threat

They will go quiet upon return

Zammit 15 – Researcher @ Monash University's Global Terrorism Research Centre [Andrew Zammit (PhD candidate @ University of Melbourne)“Australian foreign fighters: Risks and responses,” *Lowy Institute for International Policy*, April 2015

Some research indicates that those who train with jihadist groups are more likely to pose a terrorist threat on return than those who actually fight on the frontlines. Van Zijdewijn's study of Western jihadist foreign fighters involved in European terror plots found that two-thirds had trained, while only one-third had actually engaged in combat. 32 A study by Jonathan Githens-Mazer on UK foreign fighters supports this. His research found that many jihadist combat veterans often **went quiet on return or actively discouraged others** from becoming involved, while some particularly dangerous returnees had not made it to the frontlines.33 There are parallels with the involvement of former US military personnel in far-right extremist groups. Research has found that they tended to have had short-lived and unsuccessful military careers, suggesting that those most likely to turn to violent extremism once back home may be those who feel they have more to prove. 34 By contrast, exposure to combat increases the likelihood of a foreign fighter becoming **disillusioned or indeed being injured or killed.** Pg. 6

Ext Serami 15 – Iran stable

It has a thriving economy. No internal backlash

Nair 15 – Founder and CEO of the Global Institute For Tomorrow (GIFT) [Chandran Nair, “The Futility and Immorality of Iran Sanctions,” *Huffington Post*, Posted: 07/09/2015 12:06 pm EDT, pg. <http://tinyurl.com/nwyfrdz>

Contrary to what many have come to believe, U.S. sanctions on Iran are not as crippling as they are made out to be. Unlike many of its neighbors who are almost entirely dependent on oil, Iran is a diversified economy with a functioning manufacturing, agricultural and service sector, albeit inefficient due to sanctions and inadequate investments. The World Bank classifies it as an "upper middle income" country and despite sanctions Iran, with a GDP of \$415.3 billion, is still the second largest economy in the Middle East and North Africa region. Average life expectancy (74 years) is almost as good as any in the developed world, and when it comes to primary school enrollment, Iran is leagues ahead of its neighbors.

But, if anything, the Iranian people are resourceful and creative. They get around the problem through ingenuity and enterprise. A thriving currency market in the bazaars of Isfahan allowed me to exchange as much cash as I wanted for my travel and shopping, and sellers were happy to accept the Hong Kong dollar, renminbi and the yen. Carpet merchants, hoteliers and even taxi drivers are ever ready to swap foreign currencies for the riyal. Bank Melli Iran even issues pre-paid "cash cards" that allow tourists to swipe transactions just as they would in Hong Kong or Singapore.

Ext Mohseni 15 – Turn: US-Iran Relations

ISIS threat will force US-Iran to work together

Mekhennet 14 [Souad Mekhennet, “ISIS is the best thing to happen to Iran-U.S. relations in years,” *The Washington Post*, June 19, 2014, pg. <http://tinyurl.com/q3suo99>

TEHRAN—Even here, nobody is happy about Iraq’s implosion. But Iranian officials are preparing to make the best of it. In a raft of interviews this week with government officials, a consensus has emerged: Iraq is a chance to make amends with the United States. It may even be the beginning of a beautiful friendship.

Already, the question both here and in Washington is not “if” Tehran and Washington should work together to combat the advance of the Islamist insurgency ISIS, but “how.” “We are open to any constructive process here that could minimize the violence, hold Iraq together — the integrity of the country — and eliminate the presence of outside terrorist forces that are ripping it apart.” Secretary of State John Kerry said in Washington Monday. President Obama added today that “Iran can play a constructive role.”

Iran is moving to cast itself as a U.S. ally in the fight against terrorism (despite its official sponsorship of Hezbollah). In meetings here over the last week, part of the Bergedorf Round Table — the session was called “Stability in the Middle East: Prospects for Cooperation between Iran and the West” — Iranian officials repeatedly said things like this: “Like the U.S. and Europe, we are fighting terrorism.” They also stressed common interests with the West. (My trip, like the

conference, was sponsored by the Körber Foundation, a nonpartisan group devoted to social development.)

ISIS threat fuels US-Iran cooperation

Milani 14 – Professor of Politics and the Executive Director of the Center for Strategic and Diplomatic Studies @ University of South Florida [Mohsen Milani, “This is What Détente Looks Like,” *Foreign Affairs*, August 27, 2014, pg. <http://tinyurl.com/os9I9t9>

Tehran and Washington find themselves on the same side in the fight against the Islamic State of Iraq and al-Sham (ISIS), also called the Islamic State (IS), and there are already signs that they have been cooperating against the extremist group’s advance through Iraq. Although there is no guarantee that this will last for the duration of the war, such cooperation is clearly a positive step.

The United States and Iran both view ISIS as a significant threat to their own interests. An ISIS stronghold near the Iranian border would be a profound and immediate security threat to Tehran. For one, the Sunni jihadists of ISIS are openly disdainful of the Shia faith, the sect of Islam that the overwhelming majority of Iranians and the majority of Iraqis adhere to. The group is already in a sectarian war in Syria and Iraq, and Tehran must assume that it eventually plans on turning its attention to Iran.

Washington, for its part, has also concluded that ISIS poses a significant threat. If ISIS manages to create a safe haven in Iraq, it could use the territory to plan operations against the West, undermine Western allies in the region, and endanger oil shipments in the Persian Gulf. In the meantime, the group’s war against the Iraqi state also poses a danger to U.S. interests. Over the past decade, Washington has paid a high price in blood and treasure to create a stable and relatively friendly Iraq. The collapse of that state would be a humiliating defeat.

Although the United States and Iran have different visions for the future of Iraq, they share three major strategic goals there: protecting Iraq’s territorial integrity; preventing a sectarian civil war that could easily metastasize into the entire region; and defeating ISIS. There is also a precedent of tactical cooperation in Iraq between Tehran and Washington: In 2001, the two cooperated to dislodge the Taliban from Afghanistan.

ISIS threat is large enough to solidify cooperation with US and solves their Iran-Saudi war impact

Milani 14 – Professor of Politics and the Executive Director of the Center for Strategic and Diplomatic Studies @ University of South Florida [Mohsen Milani, “This is What Détente Looks Like,” *Foreign Affairs*, August 27, 2014, pg. <http://tinyurl.com/os9I9t9>

Despite these difficulties, cooperation between Washington and Tehran is likely to deepen, rather than ebb, in the weeks ahead. ISIS is a clear transnational threat that demands a transnational solution. Iran has considerable experience fighting against ISIS in Syria and Lebanon and can offer much assistance to those who seek to eradicate the threat posed by the militant group. Indeed, the fight against ISIS may even produce the previously unthinkable: cooperation between Iran and Saudi Arabia, two countries that have more or less fought an open proxy war for the past several years in Iraq, Lebanon, and Syria. Now, both countries are threatened by ISIS, which explains why Saudi Arabia openly welcomed Abadi’s nomination to become prime minister.

Two weeks ago, Alaeddin Boroujerdi, chairman of the Iranian parliament's Foreign Policy and National Security Committee, correctly stated that Iran, Saudi Arabia, and the United States are the key players in Iraq. If Washington and Tehran manage to cooperate to stabilize in Iraq, it would not only be good news for the Iraqis -- it could also pave the way for a final agreement in the ongoing nuclear negotiations. In that sense, the two countries would have truly achieved significant rapprochement, if not in the way that many observers originally anticipated.

Ext Duggan 15 – Iran War Impact

Goes nuclear

Avery, 13 --- Associate Professor, University of Copenhagen (11/6/2013, John Scales Avery, "An Attack On Iran Could Escalate Into Global Nuclear War," <http://www.countercurrents.org/avery061113.htm>)

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences. As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems. The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy. In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result. Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

Iran war escalates

White 11, July/August 2011 (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. <http://www.the-american-interest.com/article-bd.cfm?piece=982>)

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend

on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran's behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would spread the conflict to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

Extinction

Giribets 12 [Miguel Giribets, "If US Attacks Iran, Human Survival May Be at Risk (Part III)," Argen Press, 10 January 2012, pg. <http://watchingamerica.com/News/141596/if-us-attacks-iran-human-survival-may-be-at-risk-part-iii/>]

The dangers of global war are clear. On one side, hundreds of Russian technicians would die working on Iranian nuclear facilities, to which Russia could not stand idly by. According to Chossudovsky: "Were Iran to be the object of a "pre-emptive" aerial attack by allied forces, the entire region, from the Eastern Mediterranean to China's Western frontier with Afghanistan and Pakistan, would flare up, leading us potentially into a World War III scenario. The war would also extend into Lebanon and Syria." It is highly unlikely that the bombings, if they were to be implemented, would be circumscribed to Iran's nuclear facilities as claimed by US-NATO official statements. What is more probable is an all out air attack on both military and civilian infrastructure, transport systems, factories, public buildings.

"The issue of radioactive fallout and contamination, while casually dismissed by US-NATO military analysts, would be devastating, potentially affecting a large area of the broader Middle East (including Israel) and Central Asian region." As an example, a few years ago Burma moved its capital Rangoon to Pyinmana, because it believed that the effects of nuclear radiation caused by an attack on Iran would be less there. Radiation and nuclear winter could have uncontrollable consequences for humans. Put plainly, the survival of the human race would be put at stake if the U.S. attacks Iran.

Iran proliferates – global proliferate – nuclear wars everywhere

Edelman, 11 — Distinguished Fellow at the Center for Strategic and Budgetary Assessments, former U.S. Undersecretary of Defense for Policy (Eric, “The Dangers of a Nuclear Iran: The Limits of Containment”, Foreign Affairs, 2011, proquest)

FROM ISLAMABAD TO RIYADH The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates- all signatories to the Nuclear Nonproliferation Treaty (npt)-have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade. There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads effectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could

be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the npt. N-PLAYER

COMPETITION Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.-Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to **miscalculation and escalation** than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to **preserve regional stability and avoid a nuclear exchange**. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarine-based nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to **"launch on warning"** of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also **delegate launch authority** to lower-level commanders, heightening the possibility of **miscalculation** and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a **significant risk** that it would retaliate against the wrong party, potentially triggering a regional **nuclear war**. Most existing nuclear powers have taken steps to protect their nuclear weapons from unauthorized use: from closely screening key personnel to developing technical safety measures, such as permissive action links, which require special codes before the weapons can be armed. Yet there is no guarantee that emerging nuclear powers would be willing or able to implement these measures, creating a significant risk that their governments might lose control

over the weapons or nuclear material and that nonstate actors could gain access to these items. Some states might seek to mitigate threats to their nuclear arsenals; for instance, they might hide their weapons. In that case, however, a single intelligence compromise could leave their weapons vulnerable to attack or theft.

Ext Duggan 15 – Iran Solves the Case

Only US-Iran cooperation can resolve the ISIS threat

Milani 15 – Professor of Politics and the Executive Director of the Center for Strategic and Diplomatic Studies @ University of South Florida [Mohsen Milani, “What are the Prospects for US-Iran Cooperation Against ISIS?,” *Iran Matters*, May 20, 2015, pg. <http://tinyurl.com/q3jo3ac>

As the situation stands now, the United States is faced with a dilemma: “If we don’t put boots on the ground to fight ISIS, who will?” It is unlikely that Arab states like Saudi Arabia, other GCC countries, Egypt, and Jordan will have the desire to muster an army to fight a force that is primarily Sunni. The Iraqi Security Forces, despite U.S. training, have proved incapable of single handedly defeating the jihadist threat. The Turkish military has the strength, but the government is determined to overthrow the Assad regime and therefore is unlikely to engage in any military operations against ISIS at this time. Nor does the Shi’a dominated government in Iraq have any interest to invite Sunni armies to interfere in Iraq’s internal affairs. The Kurdish Peshmerga have the desire, willingness and the manpower to fight ISIS, but they cannot single handedly defeat ISIS or expel them from Iraq.

Iran has the willingness and the determination to fight against ISIS by helping the Iraqi government. Moreover, Iranian trained Iraqi militias have had a good record of fighting against ISIS. Should there be a nuclear agreement between six global powers and Iran, there is a reasonable possibility that the hostile relations between Iran and the U.S. can change and the two countries can join together to undermine ISIS and address other areas of common interest.

Turn – Leaks Decrease Coop

Turn: Leaks undermine intel cooperation

Walsh 15 - Professor of political science @ University of North Carolina - Charlotte. [James Igoe Walsh, “How the latest leak hurts intelligence cooperation,” *The Washington Post*, February 25, 2015, pg. <http://tinyurl.com/pleau7m>

The leak is likely to have important implications for the willingness of intelligence agencies to share information in the future. At its heart, intelligence sharing involves the exchange of not simply information, but information that must be kept secret from others. States that share secrets worry that their partners will divulge them, deliberately or inadvertently. The current leak is the latest case, after Wikileaks and the Edward Snowden revelations, where an intelligence “insider” has broken this promise of secrecy.

States’ reaction to this leak will have important consequences for their own security. Greater limits on intelligence sharing might restrict states’ ability to counter transnational terrorist groups and other threats to peace and stability. Leaks by insiders have fast become the biggest challenge

to the current intelligence sharing regime. To some extent, these leaks are a public good. They have provided a lot of information about intrusions on civil liberties and human rights by intelligence agencies around the world.

Intelligence agencies are likely to want to share less after this document leak. It makes sense to share only with those whom you trust to keep information secret. Insider leaks may lead states to update their assessments of the trustworthiness of their partners. But limiting sharing to only the most trustworthy states imposes quite serious costs. Only a handful of countries have foreign intelligence services of any size, and none comes close to matching the United States. For smaller countries, this means there are relatively few partners who can provide intelligence on a wide range of issues. After the Wikileaks and Snowden revelations, many commentators suggested that foreign intelligence services would limit sharing with the United States, but it is not clear that this has actually happened.

But cooperating with only the most trustworthy states is not the only way to share intelligence. As I discuss in my book, “International Politics of Intelligence Sharing,” cooperating states can construct institutions and practices that limit their vulnerability to exploitation by their partners. The United States, for example, provides funding and technical support to the intelligence agencies of a number of smaller states. This not only builds partner states’ capacity to develop mutually useful intelligence, but also provides the United States with leverage it can use to punish partners who violate sharing agreements.

This and earlier insider threats suggest it is becoming increasingly difficult for intelligence services to keep their secrets secret. Although we do not yet know the motives of the leaker or leakers in the South African case, many of the previous leakers were unhappy about their governments’ willingness to aggressively exploit their growing capacity to monitor communications, even when doing so threatens civil liberties.

1NC — Squo Solves

Status quo solves US-Saudi intelligence sharing

Hosenball et al. 4/10 (MARK HOSENBALL, PHIL STEWART AND WARREN STROBEL, 2015, Reuters, “Exclusive: U.S. expands intelligence sharing with Saudis in Yemen operation,” <http://www.reuters.com/article/2015/04/11/us-usa-saudi-yemen-exclusive-idUSKBN0N129W20150411>)/RTF

The United States is expanding its intelligence-sharing with Saudi Arabia to provide more information about potential targets in the kingdom's air campaign against Houthi militias in Yemen. U.S. officials told Reuters. The stepped-up assistance comes as two weeks of relentless air strikes by the Saudis and other Gulf Arab allies have largely failed to halt advances by the Iran-linked Houthi forces. The U.S. officials said the expanded assistance includes sensitive intelligence data that will allow the Saudis to better review the kingdom's targets in fighting that has killed hundreds and displaced tens of thousands since March. "We have opened up the aperture a bit wider with what we are sharing with our Saudi partners," said one U.S. official. "We are helping them get a better sense of the battlefield and the state of play with the Houthi forces. We are also helping identify 'no strike' areas they should avoid" to minimize any civilian casualties, the official said. U.S. ally Saudi Arabia is concerned that the violence could spill over the border it shares with Yemen, and is also worried about the influence of Shi'ite Iran, which has denied Saudi allegations it has provided direct military support to the Houthis. The United States, whose fight against al Qaeda militants in Yemen has been dealt a heavy setback by the Houthi takeover of the capital Sanaa and ousting of the previous government, has avoided a direct role in the worsening conflict. It will still stop short of picking targets for the Saudis, said the four

U.S. officials, who spoke on condition of anonymity. But Washington has come under pressure to do more to assist the alliance led by Saudi Arabia, which fears the Houthi advance is expanding the influence of arch foe Iran to its border. Saudi concerns of growing Iranian influence have also been heightened by nuclear talks between Tehran and world powers that could result in a deal by June 30 removing punishing sanctions on the country. A senior U.S. diplomat said earlier this week that Washington was speeding up arms supplies and bolstering intelligence sharing with the Saudi-led alliance. The Pentagon has said it is beginning aerial refueling of Arab coalition jets – although outside Yemeni airspace. Until recent days, U.S. intelligence support was limited to examining Saudi targeting information to try to affirm its accuracy, U.S. and Saudi officials said. The U.S. role has now expanded in size and scope, involving more detailed “vetting” of targeting information prepared by the Saudis, with a particular interest in helping the Saudis to avoid civilian casualties, according to the U.S. officials. The White House and Pentagon would not comment specifically when asked about expanded intelligence-sharing. "The United States is providing our partners with necessary and timely intelligence to defend Saudi Arabia and respond to other efforts to support the legitimate government of Yemen," said Alistair Baskey, a White House spokesman. LEGAL BARRIERS Aid groups have said the Saudi strikes, which began March 25, have caused many civilian deaths, including a March 30 attack on a Houthi-controlled refugee camp in northern Yemen that the International Organization for Migration said killed 40 people. Senior Saudi officials have blamed such incidents on the Houthis themselves. The Saudi-led air campaign is aimed at rolling back territorial gains by the Houthis and reinstalling Yemeni President Abd-Rabbu Mansour Hadi, who has fled the country. While the White House announced U.S. intelligence support soon after the operation began, American officials said that data sharing had been extremely minimal in the campaign's early days. That is partly due to legal barriers, the officials said. While the United States has used lethal force against an al Qaeda offshoot in Yemen, it does not consider itself at war with the Houthis. Some officials said the U.S. administration's analysis is that it lacks the ability under international and U.S. law to collaborate with the Saudis in an offensive against the Houthis. Baskey said that U.S. actions were "fully consistent with applicable domestic and international legal requirements." Deputy Secretary of State Antony Blinken spoke in general terms about the expanded cooperation during a Monday visit to Riyadh, without disclosing specifics. "Saudi Arabia is sending a strong message to the Houthis and their allies that they cannot overrun Yemen by force," Blinken said. "As part of that effort, we have expedited weapons deliveries, we have increased our intelligence sharing, and we have established a joint coordination planning cell in the Saudi operation center," he added. The United States has sent a 20-member military coordination team to interact with the Gulf allies, led by Marine Major General Carl Mundy. Assigning a two-star general will facilitate interactions with other high-ranking officials from other nations, U.S. officials said. The United States this week started daily air-to-air refueling flights of fighter jets from Saudi Arabia and the United Arab Emirates. But even with its refueling flights, the United States is exhibiting caution -- carrying out the flights outside Yemeni airspace and requesting financial reimbursement from allies. It is still unclear how the United States plans to accelerate the delivery of bombs and guidance kits to its allies. One person familiar with the matter, speaking on condition of anonymity, said the United States might accelerate shipments to the United Arab Emirates, which could then also help resupply Saudi Arabia.

Squo solves- countries are already taking measures to mitigate the threat and intel sharing is taking place

Zelin and Prohov 14 (Aaron and Jonathan, May 18th, Aaron Y. Zelin is the Richard Borow Fellow at The Washington Institute and the Rena and Sami David Fellow at the International Centre for the Study of Radicalisation. He also runs the website Jihadology.net. Jonathan Prohov is a research assistant at the Institute, "Proactive Measures: Countering the Returnee," <http://www.washingtoninstitute.org/policy-analysis/view/proactive-measures-countering-the-returnee-threat//RTF>

Fears that foreign fighters traveling to Syria might return home once the conflict is over and engage in terrorism have prompted an unprecedented level of proactive measures by countries around the world. In the past, many countries only changed their laws after an attack occurred, but this time around many states are trying to get ahead of the issue. Compared to the number of foreigners who fought against the United States in Iraq or the Soviets in Afghanistan, the number of foreigners fighting in Syria has exceeded both of those cases -- and in less than half the time. Around 9,000 individuals from more than 80 countries have joined the fight against the Assad regime, with the majority coming from the Arab world and Western Europe. U.S. intelligence officials told the Los Angeles Times in February that at least 50 Americans had joined the fight in Syria, and FBI director James Comey recently stated that the number of Americans who had either traveled to Syria or tried to do so had grown by a few dozen since the beginning of 2014. The United States was one of the first to designate Jabhat al-Nusra, Al Qaeda's branch in Syria, as a terrorist organization. Some European Union (EU) countries, as well as Canada, Australia, and Britain, have followed suit. The United States has also used sting operations to stop individuals from joining the fight. Australia has used laws already on the books that allow it to revoke individuals' passports to prevent its citizens from going to fight in Syria in the first place and to prevent those who have already gone from getting back into the country. In the EU, the Netherlands has banned certain individuals from returning home, used ankle bracelets to track those who have returned from Syria, and ruled that preparing to travel to Syria to participate in jihad is a crime. In Germany, three different Salafist organizations have been banned for providing recruitment networks for groups fighting in Syria, and one German official has proposed setting up a network

of telephone hotlines and counseling centers to enable friends and relatives to report radicalized young men as a sort of early warning system. Some EU countries have also discussed cutting off individuals' access to government benefits such as healthcare and other social services if they've participated in the jihad in Syria. One way Britain has tried to combat the recruitment of its citizens is by removing recruitment material from the Internet. Between January and March 2014, Britain had 8,000 "takedowns" of online content -- a sudden and dramatic increase, considering there were only 21,000 takedowns conducted over the previous four years combined. The Foreign and Commonwealth Office has also been putting money into a social media program aimed at deterring British citizens from traveling to Syria to fight. In addition, the British police recently announced that they will be partnering with charitable organizations in a campaign to prevent young people from going to Syria. As reported by the New York Times, "Officers plan to hand out leaflets at British ports warning of the risks of traveling to Syria, and officers plan to advise people who want to support humanitarian efforts in Syria to avoid traveling there and to donate to nonprofit organizations instead." Just last week, the House of Commons Home Affairs Committee issued a detailed report recommending a number of new policy initiatives aimed at dealing with the returnee threat; these included revoking the passports of British citizens fighting in Syria, sending "spotters" to countries that border Syria to identify British citizens at risk of crossing the border to fight (a program currently used to track soccer hooligans in foreign countries), and coordinating with mental health practitioners to help returning fighters cope with the violence they've experienced. And according to the New York Times, the House of Lords on Monday "passed legislation that allows the government to strip terrorism suspects of their citizenship even if it renders them stateless." Britain's counterparts in France launched a new counter-radicalization program in October 2013, and they recently announced an expansion of the program with 20 additional measures, including a plan to stop minors from leaving France without parental consent; increased surveillance of Islamist websites that recruit fighters; and, similar to the program proposed in Germany, a system to encourage parents to identify and report suspicious behavior in their children. Smaller countries like Bosnia, Finland, and Azerbaijan are also considering strengthening their anti-terrorism laws. Bosnia recently passed a law that imposes a sentence of up to ten years for any citizen who fights or recruits others to fight in a conflict abroad. Finland's parliament has begun to debate strengthening their terrorism laws to include making it a criminal offense to receive training to commit acts of terror. In Azerbaijan, an amendment has been introduced to increase penalties for involvement in international terrorism, financing of terrorism, and using any form of media for extremist purposes. Most countries in the Arab world are also concerned and are taking steps in anticipation of potential problems. Saudi Arabia has done this before, opening a rehabilitation center in Riyadh in 2007 for all Al Qaeda members serving prison sentences. Beyond opening additional rehabilitation centers to serve those who fight in Syria, the Saudis have increased preventive measures in several other ways: in early February 2014, the government issued a royal order declaring that any citizen who fights in conflicts abroad will face between three and twenty years in jail. A month later, the Saudis released a royal decree designating Jabhat al-Nusra and Al Qaeda in Iraq (better known these days as the Islamic State of Iraq and Syria, or ISIS) as terrorist organizations. To help deter further recruitment of Saudi citizens by groups in Syria, the Saudis also promoted a disillusioned returned Saudi fighter, Sulayman Sa'ud Subai'i, on the television program Humumana ("Our Concerns"). In the show, Subai'i explained that the Syrian jihad is not as glamorous as it is portrayed in the media and online and decried a number of offensive practices he saw various rebel groups in Syria engaged in, including what he referred to as "the weaponization of takfir" among the different rebel groups. (Takfir is an Islamic term that refers to the act of labelling another Muslim as a non-Muslim, which in this context then implies that one can now kill that person.) In Kuwait, where much of the financing for extremists in Syria has originated or been routed through, members of parliament passed a bill in early April 2014 to combat money laundering and funding of terror groups that carries a potential sentence of up to 20 years in prison. Similarly, Turkey passed an anti-terrorism finance law in February 2013 in order to maintain compliance as a member of the Financial Action Task Force, a money-laundering watchdog organization comprised of 36 members. The new law allows the state to freeze the financial assets of terrorists without a court order; however, Turkey's enforcement of these laws remains very poor. More recently -- and perhaps more effectively -- Turkey also changed its policy related to issuing tourist visas. Starting in mid-April 2014, tourists wanting to travel to Turkey must obtain a visa ahead of time and cannot simply get one at the airport once they arrive in Turkey. Turkey has also administratively authorized a no-entry list for over 3000 individuals based on information received from Interpol, other countries, and individuals' families. In addition, the country has started building a fence along parts of its border with Syria. Major fighting along Jordan's borders since the conflict in Syria began combined with the fact that a number of Jordanians have gone to fight in Syria prompted Jordan to update its 2006 Anti-Terrorism Law: amendments include a clause

that criminalizes the act of joining or attempting to join jihadi groups abroad and recruiting or attempting to recruit for these groups. The law also explicitly criminalizes using "information technology, the Internet or any means of publication or media, or the creation of a website, to facilitate terrorist acts or back groups that promote, support or fund terrorism." In Lebanon, where violence has spiked tremendously due to the spillover effects of the Syrian conflict raging next door (including several bombing incidents carried out by Al Qaeda-affiliated groups), laws have remained unchanged thanks to a 10-month period of political deadlock that has prevented the formation of a government. Instead, law enforcement personnel have beefed up their domestic enforcement efforts, including dramatically increasing the number of arrests and preemptively detonating cars they suspect of being rigged with explosives. Taking a less bellicose approach, the Tunisian government has established a mechanism for individuals who have gone to Syria but have not killed anyone to be integrated back into society through an amnesty program. Ridha Sfar, a deputy minister in Tunisia's interior ministry, described it as "a forgiveness and repentance law which was previously enacted in countries like Algeria and Italy," and said that the policy applied to "[a]ny Tunisian who does not have blood on his hands." Morocco is also looking into a reintegration process for those who do not pose a security risk. Currently, the Moroccan government is using administrative powers to delay the issuance of passports to those it suspects intend to travel to Syria to fight; however, this measure is unlikely to be successful since of the Moroccans that have traveled to Syria, 81% were previously unknown to Moroccan security forces. Broader multilateral approaches are also being taken to mitigate this issue. In February 2014, the Global Counterterrorism Forum (GCTF) -- an international organization created by the United States and Turkey in 2011 with 30 member countries and partnerships with several other international organizations -- launched the "Foreign Terrorist Fighters" Initiative. Led by the Netherlands and Morocco, the Initiative "will include two expert meetings and the development of good practices that could be adopted by the GCTF at the ministerial level." At the opening meeting, participants discussed the challenges posed by foreign fighters and the ways different countries and organizations are already dealing with the issue. For instance, some states have begun utilizing Interpol yellow notices -- designed to locate missing persons -- to disseminate information about suspected foreign fighters. Only time will tell how effective all of these policies will prove to be at mitigating the threat of foreign fighters returning home from Syria. The fact that countries across the region and far beyond are already making such changes indicates the seriousness of the threat posed by the proliferation of violence well beyond Syria's borders. Foreign fighters present such a complex problem that prospects for failure are likely. Multilateral counterterrorism mechanisms instituted after 9/11 mean that the United States and the international community do not have to build capabilities and relationships from scratch. Yet even as additional programs and policies are implemented and strengthened, the fact remains that it only takes one successful attack for these policies to be deemed insufficient. Attacks have already occurred in the Middle East, where security is precarious due to domestic instability, and attacks have quietly been thwarted in western countries as well. The United States must remain vigilant at home and continue to take a leadership role abroad, encouraging best practices and helping foreign governments craft policies to address the threat. In particular, the United States needs to apply further pressure on certain key countries, such as Turkey, which is the main point of entry into Syria for foreign fighters and whose borders are still notoriously easy for fighters to cross, and Kuwait, which remains the "epicenter of fundraising for terrorist groups in Syria." Meanwhile, the source of the problem -- the Syrian conflict itself -- has become what the Economist describes as a "bloody stalemate" with no end in sight.

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Status quo intel sharing solves

Nielsen 1/19 (Nikolaj, 2015, Danish-American journalist working for EUobserver in Brussels. He won a King Baudouin Foundation grant for investigative journalism in 2010, "EU to increase intelligence sharing with Arab states," <https://euobserver.com/foreign/127283>)/RTF

The EU wants to step up security and intelligence co-operation with neighbouring countries to counter terrorist threats. The plan is part of a broader effort discussed on Monday (19 January) by EU

foreign ministers to reduce the risk of militant attacks by getting national intelligence and law enforcement agencies to share data and to communicate better with each other and their counterparts in Turkey, north Africa, and Asia. An EU source said it could involve a future proposal by the EU's counter-terrorism chief Gilles de Kerchove to rebuild dismantled intelligence agencies in post-Arab spring countries, such as Tunisia. Federica Mogherini, the EU's foreign policy chief, told reporters in Brussels she wants "security attaches" posted in EU delegations to help liaise with the host country's authorities. She also wants to reach out to Arab-speaking populations by "improving our capacity to speak Arabic, read Arabic" and "listen to the messages coming from the Arab world". Mogherini, in a separate meeting with Arab League secretary general Nabil El Arabi, agreed to work closer together on counter-terrorism threat and announced that projects would be launched in the coming weeks with Algeria, Egypt, Turkey, Yemen, the Gulf countries and some African nations. "We know very well that the first victims of terrorists and terrorist attacks are Muslims and Arab countries," she said. Monday's meeting, marked by a sense of urgency, outlined plans with formal decisions set to be taken on 12 February. A meeting in Brussels is also planned in the next few days with experts from the EU, US, Australia, Canada, Iceland, Japan, Norway, Switzerland, and UN agencies to figure out how to cut the funding schemes that bankroll militant groups in Iraq and Syria. The aftermath of the Charlie Hebdo murders, which left 17 dead, has seen national governments trying to fast track security measures provisionally announced last October. These includes, among others, stepping up external border checks and blocking, with the help of Facebook, Google, Twitter, and Microsoft, online content that glorifies the violence perpetrated by Islamic militants. But concerns are mounting that additional security calls made by national governments, such as confiscating passports, pose a threat to civil liberties and may result in unanticipated adverse affects.

Squo solves intel coop

Born 07 (Hans, October 6th, Senior Fellow, DCAF, Geneva, "International Intelligence Cooperation: The Need for Networking accountability," <http://www.dcaf.ch/content/download/37081/529379/version/1/file/born-international-intelligence-cooperation-networking-accountability-071006.pdf>)/RTF

International intelligence cooperation takes many forms, from ad hoc information sharing to the institutionalized exchange of intelligence between states. Cooperation may occur: Bilaterally; • Multilaterally within specific arrangements for intelligence sharing such as the Club of Bern, UKUSA and the Alliance Base Counterterrorist Intelligence Center near Paris;3 • Intelligence cooperation (or the lack thereof) takes place within the context of international organizations such as NATO and the EU. There can be little doubt that states have for long shared intelligence. However, the events of 11 September 2001 and subsequent terrorist attacks in Bali, Beslan, London and Madrid have driven states to cooperate more intensively and on a broader range of issues than ever before. This increased cooperation has not only developed between traditional international partners in the West, but has also extended to a range of states that were not previously considered to be traditional allies in security matters – principally in the Middle East, Central Asia and Southeast Asia. Cooperation with these non-traditional partners has generated significant problems, largely because the collection and use of intelligence may not be subject to the same human rights safeguards as applied in NATO member states. As many of you may be aware, international intelligence cooperation as part of the so-called 'war on terror' has generated a series of high profile controversies – to name just two examples – the alleged CIA secret detention centres in Europe and the case of Maher Arar in Canada. These practices have been exposed through inquiries, however, the fact these events took place is in part the result of a lack of accountability of intelligence cooperation, I will now discuss this 'accountability gap' more fully.

Alt Causes

Alt Causes to Intel Sharing:

Personal data

McGill and Gray 12 (Anna-Katherine Staser and David H, Summer, School of Graduate and Continuing Studies in Diplomacy and Campbell University, "Challenges to International Counterterrorism Intelligence Sharing," <http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf>)/RTF

Personal data is critical to counterterrorism efforts because it “often provide[s] the only evidence of connections between members of terrorist groups and the types of activities that they are conducting” (Bensehal 48). However, Europe has shown resistance to freely sharing this type of information with its American counterparts since many of the US’s European allies have much more stringent views on the protection of personal data. In the EU, there are safeguards at the national and regional level that regulate the storage and sharing of personal data information. These laws are a product of Europe’s historical experience with fascism and thus its sensitivity to the abuse of such information as travel records or communications (Bensehal, 48). In “The Counterterror Coalitions: Europe, NATO, and the European Union” Nora Bensehal explains “by contrast, the United States protects personal information through legal precedents and procedures rather than [unified] legislation” which the Europeans find insufficient (48). The EU’s concerns over the US’s protection of personal data caused them to withhold information from the US and created a substantial challenge to their combined counterterrorism efforts. Following 9/11 the heightened political will to overcome such issues enabled the US and the EU to compromise on this issue but there are lingering limits to EU willingness to share personal data with the US. In the wake of the attacks, the US and Europol signed an agreement to permit the sharing of personal data. Although it increased operational effectiveness and intelligence sharing this agreement is limited to law enforcement operations which excludes personal data found in commercial activities. Furthermore, provisions in the agreement state that “personal information can be used only for the specific investigation for which it was requested” (Bensehal, 48). If the suspect is being investigated for murder and is discovered to have ties to a smuggling ring the US must submit a separate request to use the murder information in the case regarding the smuggling activities.

Extraordinary Rendition

McGill and Gray 12 (Anna-Katherine Staser and David H. Summer, School of Graduate and Continuing Studies in Diplomacy and Campbell University, “Challenges to International Counterterrorism Intelligence Sharing,” <http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf>//RTF

The US and the EU have also had substantial disagreements on the treatment and punishment of accused terrorists. This tension hinges on such issues as the use of the death penalty and “extraordinary rendition”. Fortunately, the death penalty issue was resolved with the passage of a multilateral treaty on extradition however the US has not fully recovered from the backlash of criticism and mistrust from its practice of “extraordinary rendition”. Prior to a May 2002 summit, the US and EU were at a disagreement over the death penalty. The EU’s aversion to capital punishment led it to not only hesitate from sharing information but deny requests for extradition unless the US would guarantee that the individual in question would not face the death penalty. The 2002 summit did however bring both the US and EU to at least agree in principle to a treaty on extradition and Mutual Legal Assistance Treaty (MLAT) and both parties ratified the treaties in 2003. The extradition treaty allowed for a blanket policy for European nations to “grant extradition on the condition that the death penalty will not be imposed” and the MLAT provided enhanced capability to gather and exchange information (Bensehal 49). The CIA’s use of “extraordinary rendition”, the practice of transporting a suspect to a third country for interrogation, has also stoked the ire of many traditional allies. Critics charge that this tactic quite simply allows the CIA to sidestep international laws and obligations by conducting interrogations in nations with poor human-rights records. In 2003, an Italian magistrate formally indicted 13 CIA agents for allegedly kidnapping an Italian resident and transporting him to a third country for interrogation. Ultimately 22 CIA agents and one US military officer were convicted in absentia of crimes connected to the abduction (Stewart, 1). The case not only heightened criticism of the US in Italy but challenged U.S. strategic communications aimed at reducing anti-Americanism worldwide (Reveron 462). According to Julianne Smith, director of the Europe program at the Center for Strategic and International Studies (CSIS), “[extraordinary rendition] makes it extremely difficult [for European governments] to stand shoulder-to-shoulder with the U.S.” (Heller 1). In 2002 Deputy Secretary of State Richard Armitage testified that increased counterterrorism collection and sharing “results not just from collective revulsion at the nature of the attacks, but also the common recognition that such groups present a risk to any nation with an investment in the rule of law” (qtd in Reveron, 455). Indeed, increased political will on both ends has greatly improved intelligence sharing between the US and its allies. Yet, as demonstrated in the previous section, bonding over the catastrophic events of 9/11 cannot settle all disputes even with the closest of friends. It is even more difficult as commonalities and shared interests are limited at best, as is the case with many of the US’s new allies. As will be discussed in the following section, extraordinary rendition is just one of the ways the US is currently challenged by its relationships with new allies.

Anti-Americanism

McGill and Gray 12 (Anna-Katherine Staser and David H, Summer, School of Graduate and Continuing Studies in Diplomacy and Campbell University, "Challenges to International Counterterrorism Intelligence Sharing," <http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf>)//RTF

Non-traditional relationships with Muslim nations like Saudi Arabia and Pakistan have been critical to the crackdown on terrorism financing and the ongoing operations against terrorists and insurgents in both Afghanistan and Pakistan's Federally Administered Tribal Areas. Yet the domestic populations of these nations put strains on cooperation with the US. In Saudi Arabia, the ultra conservative Wahhabi culture prevented the Saudi royal family from taking decisive action against terrorism facilitation within its boundaries years after it openly agreed to multilateral anti-terrorism treaties. Though it would stand to reason that the Saudi royals had a vested interest in undermining groups like al Qaeda who considered Saudi Arabia to be an apostate regime and therefore a target, it could not risk inciting public outrage by cracking down on donations to these groups. The intermingling of naïve benevolence toward seemingly legitimate charities, those hiding behind the veil of religious duty, and sympathy for al Qaeda's cause against the West made enforcement of counterterrorism measures in Saudi Arabia highly unlikely. It wasn't until the 2003-2004 Riyadh terrorist attacks did the Saudis jump into action. Since then they have been an extremely helpful ally for the US and yet domestic support for Islamic extremists remain and will continue to cause strains for US-Saudi CT cooperation in the future. The US-Saudi relationship was able to weather the storm of domestic anti-Americanism in large part to the long history of their alliance. Though traditional by no means this arrangement hinged on the trade of oil for security and the US dependence on Saudi oil prevented it from abandoning its relationship despite the feet dragging on CT issues. Had the Saudis not made an about face following the Riyadh attacks, it is questionable if this relationship would have survived. The US's relationship with Pakistan, however, does not enjoy the same benefits of a long-nurtured and ingrained alliance. Over the past half-century the relationship has been marked with highs and lows and though the US is heavily reliant on Pakistan for CT operations in Central Asia now, recent developments threaten to dismantle their alliance. Pakistan is home to many Islamic radicals and militants including Tehrik-i-Taliban Pakistan, responsible for the attempted Time Square bombing, and Lashkar-e Toiba, responsible for the 2008 Mumbai attacks. These extremist groups, Lashkar-e Toiba in particular, enjoy a considerable amount of influence amongst the populace and antiAmericanism is a cornerstone of the message it wishes to impart on the Pakistani people. The recent crisis over the arrest Raymond Davis, a CIA contractor accused of killing two Pakistani men in Lahore, highlights this tension and threatens Pakistani support of the war on terrorism as well as its own domestic stability. Upon the arrest of Davis, the US demanded his release on the grounds of diplomatic immunity. The location of the shooting, the city of Lahore in the Punjab region of Pakistan happens to be a hotbed of anti-American sentiment and a stronghold of many Pakistan based militant groups. Despite American pressure, and possibly pressure from the government of Pakistan, the Lahore courts have denied Davis's diplomatic immunity. For the past month multiple demonstrations organized by extremists groups like Lashkar-e Toiba and Jammāt-i-Islami have called for the execution of Davis and accused the Pakistani government of being "Washington's agents" (Hindustan Times). Demonstrators were also seen carrying signs with messages like "Friends of America are traitors" (Arnoldy 1). As a result of the public outcry against US demands for Davis's release the Government of Pakistan has officially stated that it will not make a determination on Davis's diplomatic immunity until March 14th. The US, in response, cancelled Secretary of State Hillary Clinton's meeting with Pakistan's Foreign Minister and a trilateral meeting with Afghanistan and Pakistan officials in Washington (Crilly 1; Arnoldy 1). Adding to the political pressure against the Government of Pakistan, President Obama himself spoke out on the matter shortly after the crisis began to urge the Pakistanis to release Davis on the conditions of diplomatic immunity and to emphasize that the case was a priority for the US government (Tapper & Farren 1). He further emphasized the importance of this matter by stating that the arrest and detention of foreign diplomats is a violation of the Vienna Convention and sets a dangerous precedent. If the Pakistanis chose to detain Davis they risk losing US aid and if Pakistan's anti-American sentiments are further incited, and possibly exploited by Pakistani extremist groups, the US may lose a key ally in its CT and counterinsurgency operations in Afghanistan and the FATA.

1NC Turns Iran-Saudi

ISIS conflict key to Iran-Saudi bilateral relations—preserves broader stability in Mideast—specifically resolves proxy wars. Even if that fails, ISIS doesn't collapse Iran.

Daily Star 14 Lebanese paper of record, 2014-09-06, "ISIS Brings Saudi Arabia and Iran Closer," <http://www.aina.org/news/20140905213005.htm>

Beirut -- The ISIS threat has brought Saudi Arabia and Iran closer together, and convinced the two rivals of the need to cooperate in order to face an "existential and strategic" menace to their countries,

analysts and experts said. They also emphasized that Saudi-Iranian cooperation is crucial to confront the mounting threat posed by ISIS. The jihadist group has sent shockwaves across the entire world over the past few months following its significant military advances in Iraq and Syria, coupled with its brutal practices, namely the execution of its prisoners and the beheading of two American journalists. **A long-awaited rapprochement between Riyadh and Tehran is a key tool to defuse sectarian tensions and long-simmering conflicts in the region,** particularly in Syria and Iraq, analysts said.

"The **ISIS** threat **has** brought Iran and Saudi Arabia closer together and **convinced them to engage in diplomacy in order to resolve lingering issues.**" Hilal Khashan, a professor of political science at the American University of Beirut, told The Daily Star. "I think **Saudi-Iranian cooperation is very important** in the battle to defeat ISIS. In order for them to successfully eliminate the ISIS threat, **they need to agree on lingering regional issues, such as the situation in Yemen, Iraq and Syria.**" he said. "For Saudi Arabia, ISIS poses an existential threat, while ISIS poses a strategic threat for Iran in the region," Khashan added. "**ISIS can have an appeal to** a segment of the **Saudi** population, **but** it does **not** have such an appeal **within the Iranian population.**" Sami Nader, a professor of economics and international relations at the Universite St. Joseph, echoed a similar view. "A Saudi-Iranian rapprochement is fundamental to confront the Daesh threat in the region," Nader told The Daily Star, using the Arabic acronym for ISIS. "For Saudi Arabia, ISIS poses an existential threat, while the militant group poses a strategic threat for Iran." "**Both countries have shown a great deal of pragmatism** in the attempt to cooperate to face the Daesh threat," said Nader, also the director of the Levant Institute for Strategic Affairs (LISA), a Beirut-based think-tank. "**A Saudi-Iranian rapprochement is a master key to defuse conflicts in the region,** namely in Iraq, Syria, Yemen, Lebanon and Bahrain." Nader said that strained Saudi-Iranian ties were going through "detente" that could lead to the beginning of a rapprochement. "For now, [the] dÃ©tente is based on a single subject, which is a common threat posed by ISIS. **Both countries are facing the Daesh threat.** This is why the **confrontation by their proxies in the region has calmed down.**" he said. **Signs of a thaw in strained Saudi-Iranian relations emerged last month** when **Iran's Deputy Foreign Minister** Hossein Amir Abdollahian **held an ice-breaking meeting with Saudi Foreign Minister** Prince Saud al-Faisal in the Saudi city Jeddah. Abdollahian described the **talks**, which also **covered** the **ISIS** threat, as "positive and constructive." "**Both sides emphasized the need to open a new page of political relations** between the two countries," he said after meeting Prince Saud. Abdollahian is expected to visit Beirut next week as part of a tour that will also take him to Syria to brief officials in both countries on the new climate of understanding between Saudi Arabia and Iran, a political source told The Daily Star. Prince Saud has said he had invited his Iranian counterpart Mohammad Javad Zarif to visit Saudi Arabia and was awaiting a reply. He said Iran is a neighboring country which can contribute to stability in the region. Zarif said he was ready to visit Saudi Arabia and welcome Prince Saud in Tehran. Speaking at a news conference in Tehran Aug. 31, Zarif, commenting on Abdollahian's talks in Jeddah, said: "Iran is always eager to establish good relations with neighboring states and Saudi Arabia is the most important of these states. It is an important country at the Islamic world level and enjoys a wide role and influence." He said Iran and Saudi Arabia have "common interests and are facing common threats. "Extremism, violence and terrorism are the most important dangers facing the Islamic world," he added. Since he was elected as Iran's president last year, Hassan **Rouhani has said he would make it a top priority to mend frayed relations** with Saudi Arabia. The imminent dÃ©tente between Riyadh and Tehran comes as U.S. President Barack Obama, with his NATO allies, is struggling to establish an international coalition to confront the ISIS threat. The United States said Friday that it was forming a "core coalition" to battle ISIS militants in Iraq. Obama sought to use a NATO summit in Wales to enlist allied support in fighting the Islamist militants, but it is unclear how many nations might join the United States in the battle. **A Saudi-Iranian rapprochement would have ramifications across the Middle East, potentially cooling political and military struggles in Syria, Iraq, Lebanon, Bahrain and Yemen.** Saudi Arabia has long been suspicious of Iran's influence in the region. Riyadh and other Gulf states have also been apprehensive of Tehran's nuclear ambitions. Saudi-Iranian relations have been further strained by policy differences, particularly over the war in Syria, where the two countries support opposing sides. Saudi Arabia and its Gulf neighbors back rebels fighting to topple President Bashar Assad's government, which is supported by Tehran. In Lebanon, Saudi Arabia and Iran also support opposing sides. While Saudi Arabia backs the Future Movement-led March 14 coalition, Iran supports the Hezbollah-led March 8 alliance. Speaker Nabih Berri and rival Lebanese politicians have said that improved Iranian-Saudi relations would result in breakthroughs in Lebanon and the conflicts in Syria and Iraq. Berri expressed hope that **renewal of talks between Saudi Arabia and Iran would ward off terrorism threats facing the region.** "I am counting on the Saudi-Iranian meeting to fight off the danger facing the region," Berri was quoted as saying by lawmakers last week. Shafik Masri, a professor of international law at the Lebanese University and the American University of Beirut, agreed that a Saudi-Iranian dÃ©tente is pivotal to confronting the ISIS threat. "A Saudi-Iranian **rapprochement has not materialized yet. But there are intentions driven by an understanding** between Saudi Arabia and Iran," Masri told The Daily Star. "**The Saudi-Iranian understanding is seeking to address** the region's problems, beginning with the **ISIS** threat."

1NC Russia Relations

ISIS threat isn't existential—but protracted fight rebuilds US-Russia relations—overwhelms Ukraine

Naumkin and Kramer 14 Mark Kramer, Professor, Director of the Cold War Studies Program at Harvard's Davis Center for Russian and Eurasian Studies, Vitaly Naumkin, director of the Institute of Oriental Studies at the Russian Academy of Sciences (RAS), editor-in-chief of Vostok (ORIENS) journal, member of the Science Council at the Russian Foreign Ministry and the Russian Security Council, "Will the ISIS threat help to reset US-Russia anti-terrorism cooperation?" Aug 19, 2014, <http://www.russia-direct.org/debates/will-isis-threat-help-reset-us-russia-anti-terrorism-cooperation>

The new round of limited airstrikes carried out by the U.S. against the Islamic State of Iraq and Greater Syria (ISIS) indicates that U.S. President Barack Obama is very concerned about the increasingly unstable situation in northern Iraq. Likewise, UK Prime Minister David Cameron makes no bones about his readiness and resolve to provide diplomatic and military aid to help prevent ISIS – which he called a "monstrous organization" - from expanding further. Even though both Obama and Cameron are hesitant about putting boots on the ground and sending their troops, they may use "all the assets we have – our diplomacy, our political relationships, our aid, the military prowess and expertise we have to help others," as Cameron told BBC1's Breakfast program on Monday. Likewise, Russia is still trying to figure out what to do about the potential threat that ISIS and religious radicalism pose for the region. On July 22, Russia's Foreign Ministry expressed concerns about ISIS persecuting and oppressing representatives of religious minorities, including Christians, forcing them to flee the country. It regarded "such aggressive and systematic actions" as "absolutely unacceptable and criminal." ISIS has become a sort of bogeyman for a reason. Its religious fanaticism, severe discipline and brutality can overshadow even Al-Qaeda's. Its military advance and expanding turf in Iraq is become more obvious, even though its ambitions to establish a caliphate throughout the Middle East and Europe looks like an exaggeration and a surreal fantasy. In July, Russia's Foreign Ministry called all the world's stakeholders to do "their utmost" to prevent the ethnic and religious hatred that may have very grave implications for the world. Yet this call seems to be futile. On one hand, there is the increasing confrontation between Russia and the West over Ukraine and lingering distrust toward the Kremlin, and on the other hand, skepticism about the true scale of the ISIS threat. Indeed, naysayers would posit that the ISIS threat is highly exaggerated. Does ISIS really pose a threat to Russia and the U.S.? Can this Islamic organization really succeed in expanding its influence globally? Should the world really take seriously the declarations from ISIS about their geopolitical ambitions and a global caliphate? "ISIS is surely a major problem for Iraq, and its tactics and strategy are abhorrent, such as its use of crucifixions and its genocidal attacks on the small Yazidi minority," reads CNN's website. "But that doesn't mean it is a serious threat to the American homeland." Yet some experts admit that despite the looming threat from ISIS, so far it is not included in Russia's international agenda. Jack Goldstone, political expert and professor at George Mason University, argues that Russia might not be interested in dealing with ISIS as much as NATO and the Persian Gulf countries are. "While ISIS is both a threat to Russian interests and to Russian clients (Bashar Assad in Syria), Ukraine is far more important to Russia," he said. "So I do not expect Russia to change its behavior. It will focus on Ukraine first, and the Middle East second." Most importantly, the sanctions war between Russia and the West triggered by the Ukrainian crisis might put at stake Russian-American counter-terrorism cooperation. "Putting Russian security chiefs on the EU sanctions list formalizes the end of anti-terrorist cooperation between Russia and the West," wrote Carnegie Moscow Center's Dmitri Trenin in his Facebook post on July 22. Nevertheless, the looming threat of ISIS and international terrorism for Russia, the U.S., and Europe seems like it has the potential to bring them closer together and forget about (or at least ignore) their differences over Ukraine. Although such a scenario is unlikely (at least while ISIS doesn't pose a more serious existential threat for all stakeholders), the question of how to minimize Russia-West confrontation over Ukraine to deal with ISIS together remains open. Russia Direct interviewed experts to find out if ISIS poses a real threat for Washington and Moscow and if they can overcome their differences over Ukraine and find ways to collaborate despite the beginnings of a new Cold War? Mark Kramer, Professor, Director of the Cold War Studies Program at Harvard's Davis Center for Russian and Eurasian Studies Despite severe tensions over Ukraine, the United States and Russia still have important common interests, which they can pursue cooperatively. In particular, the two countries have a lot to gain by working together on some counter-terrorism issues, including efforts to neutralize the Islamic State (formerly known as ISIS). Because of glaring blunders committed by the Obama administration in its dealings with Iraq, the brutal terrorists in the Islamic State were able to gain a foothold and spread their influence. Obama's weak and indecisive response to the disaster in Syria has further strengthened the

Islamic State and other radical Islamist terrorists who are using Syria as a training ground. Russia has not made as many foolish blunders, but it has not done enough to try to combat the Islamic State. U.S.-Russian cooperation against the Islamic State might inspire other countries to do more, including counter-terrorism offensives that would take the fight to ISIS, seeking to destroy it. U.S.-Russian cooperation [in the region] might prove difficult in some respects – the Russian authorities will want to solidify Bashar al-Assad's regime, whereas the United States has sought to replace Assad – but these problems are not so severe that they will stymie cooperation altogether. Cooperation against the Islamic State might have the further important benefit of getting U.S. and Russian officials to begin to ease the confrontational stance they have taken against each other. Tensions will persist for a long while to come, but the shrill rhetoric of recent months has been needlessly antagonistic. **Cooperation against radical Islamic terrorists might help to turn things around** at least a bit. Vitaly Naumkin, director of the Institute of Oriental Studies at the Russian Academy of Sciences (RAS), editor-in-chief of Vostok (ORIENS) journal, member of the Science Council at the Russian Foreign Ministry and the Russian Security Council No doubt, putting Russian security chiefs on the EU sanctions list further complicates Russia – West counter-terrorist **cooperation, but cannot completely destroy it given the size of the threat emanating from terrorism and religious extremism for both sides.** One example: According to Guido Steinberg from Stiftung Wissenschaft und Politik, Chechen jihadist fighters in Syria “represent a domestic security problem for Europe and Turkey” because many of them come from the diaspora – Georgia, Turkey, and “dozens from Austria and France and rather fewer from Belgium, Scandinavia and Germany.” What will be their agenda when they come back home and who are they going to fight against? Without meaningful cooperation, we’ll be not able to deter this threat. Another example: ISIS leaders declare that they will be killing Americans everywhere in the world. Doesn’t the U.S. need cooperation with all partners including Russia to obstruct terrorists from inflicting damage to U.S. citizens inside and outside the U.S.? Russia, in turn, also needs international support in its struggle against terrorism and extremism. I do believe that we can overcome our disagreements over the Ukrainian crisis however serious they are and at least preserve what is left from the cooperation between Russia and the West **in the field of security, which is becoming more and more indispensable** for them in this era of hyper-globalization.

Relations prevent nuclear war—93% of the world’s arsenals

Shukla 5/21/15 Vikas is a reporter and value investor. He has an MBA in finance and a deep interest in tech, science and politics. **“How Russia And The US Can Avert A Nuclear War,”** <http://www.valuwalk.com/2015/04/russia-us-can-avert-a-nuclear-war/>

While Russia and the U.S. agreed in 2010 to reduce their nuclear arsenal to about 1,500 warheads each, the two countries are aggressively upgrading their nuclear weapons. **The U.S. and Russia together have 93% of the world's nuclear stockpile.** Ukraine crisis has brought down the relations between Moscow and Washington to historic lows. Russia US Russia and the U.S. still practice Cold War-era nuclear doctrine In a column published in The The New York Times Company (NYSE:NYT), the former US Marine Corps General James E. Cartwright and former Russian Major General Vladimir Dvorkin said that a nuclear war was a serious and real threat. They believe that rising tensions between the two countries, modern technologies, and Cold War-era nuclear doctrines all point to the possibility of a nuclear war. Last month, reports surfaced that Russian President Vladimir Putin had put nuclear warheads on alert during the Crimea crisis last year. Cartwright and Dvorkin say that the Cold War-era nuclear doctrine is still practiced by the U.S. and Russia. It dictates three strategic options: first strike, post-attack retaliation and **launch on warning**. Of them, launch on warning is the riskiest scenario. Under this strategy, a country fires its nuclear missiles upon detecting the launch of enemy rockets. It relies on ground radar and early-warning satellites for information about the launch of enemy missiles. Russia and U.S. should eliminate launch on warning from their strategies Strategic missiles have a flight time of about 15-30 minutes, so the target country has only a few minutes to decide whether to launch after detection of an apparent attack. Due to the emergence of cyber-warfare, there is a significantly high potential for false alerts from early warning systems. So, there is a likelihood of error and the opportunities for ill-considered decisions are quite real. Cartwright and Dvorkin said that the presidents of Russia and the United States should discuss and eliminate the launch on warning option from their nuclear strategies. The two countries should restart military-to-military talks, which were suspended due to the Ukraine crisis, "to pursue this stand-down as an urgent priority." A joint decision on this will not affect either country's nuclear deterrence, they said. **Once the Russia-U.S. relations are restored, they can explore detailed verification measures.**

1NC Assad Tradeoff

Eliminating ISIS causes Assad fill-in—reestablishes his power

CNN 9/24/14 “Obama's Syria dilemma: Does hurting ISIS help al-Assad?”

<http://edition.cnn.com/2014/09/24/world/meast/syria-isis-airstrikes-assad/index.html>

The United States has inflicted damage on one enemy in Syria with the airstrikes it launched against ISIS. But it may also be helping another foe: the regime of President Bashar al-Assad. Rewind a year, and it was al-Assad's forces, not Islamic militants, against which President Barack Obama was weighing military action. Those strikes never happened, due in large part to a timely diplomatic intervention from Russia. Now, warplanes from the U.S. and Arab nations are pummeling the stronghold of ISIS, a group that has gained global notoriety for its brutal tactics and ruthless treatment of people who don't follow its extremist version of Islam. But ISIS, which controls broad areas of northern Syria and Iraq, has also been racking up military victories against al-Assad's troops. The Syrian regime may end up as "the real winner" from the expanded campaign against ISIS, said CNN Political Commentator Peter Beinart. First tweet of the Syrian airstrikes First tweet of the Syrian airstrikes 01:08 PLAY VIDEO Who is Khorasan? Who is Khorasan? 03:02 PLAY VIDEO Iraqi PM: Happy Arab nations joined U.S. Iraqi PM: Happy Arab nations joined U.S. 01:09 PLAY VIDEO The potential benefits to al-Assad from the airstrikes "may be the most dangerous and morally troubling consequence of President Obama's decision to cross the Syrian border to fight the Islamic State," The New York Times warned in an editorial Tuesday. To try to prevent that, the Obama administration has to delicately navigate this minefield. Here are the challenges it faces: 1. Distance itself from al-Assad The White House has been at pains to stress that the airstrikes took place without any cooperation with al-Assad's government, which has been fighting against rebel groups for more than three years in a vicious conflict that has killed around 200,000 people. "I want to be very clear ... that we did not coordinate with them, we did not provide them advance notice of the timing or of targets that the U.S. was going to strike. In fact, we warned them to not pose a threat to our aircraft," Ben Rhodes, Obama's deputy national security adviser for strategic communications said Tuesday. The only contact, he said, was U.S. Ambassador to the United Nations Samantha Power telling her Syrian counterpart that direct action was to be taken. U.S. officials are also playing down the advantages of the airstrikes to the Syrian regime, although not very convincingly. Map: Airstrikes in Syria EXPAND IMAGE "I wouldn't characterize the effects we had last night as benefiting Assad," said Lt. Gen. William Mayville, director of operations for the Joint Chiefs of Staff. 2. Quickly bolster moderate rebels The big question is that if the airstrikes weaken ISIS' grip on northern Syria, who will step in and take that territory. In his address Tuesday, Obama emphasized intensified U.S. efforts to train and equip more moderate Syrian rebels as "the best counterweight" to both ISIS and al-Assad. But many analysts are skeptical that the rebels will be in a position to make major inroads anytime soon. Congress only approved Obama's request to arm and train "appropriately vetted" rebel groups last week. U.S., Arab nations attack ISIS in Syria 13 photos 01 isis airstrikes 092502 isis airstrikes 092505 isis airstrikes 03 isis airstrikes 092507 Syria attack obama 092302 syria attack 092303 syria attack 092305 syria attack 092304 syria attack 092301 syria attack 092306 syria attack 10 syria attack 092311 syria attack 0914 EXPAND GALLERY What life is like inside ISIS stronghold What life is like inside ISIS stronghold 02:40 PLAY VIDEO What weapons are U.S. using? What weapons are U.S. using? 01:23 PLAY VIDEO Pentagon: ISIS fight will take years Pentagon: ISIS fight will take years 04:23 PLAY VIDEO Turning those groups into a force that can take on ISIS' feared fighters and al-Assad's military will take time. But the strikes against ISIS are happening now. 3. Manage a fragmented opposition Experts say that the rebels fighting for the Western-backed Free Syrian Army (FSA) lack a unified leadership. "Syria is a fragmented country, and most of these militias have a very town-centric quality. They're based on clan structures and regional structures," Joshua Landis, director of the Center for Middle East Studies at the University of Oklahoma, said in an interview with WBEZ earlier this month. "None of them have really developed a national scope, except for the Islamist ones, like al Qaeda and ISIS," he said. The sheer number of different militias across Syria -- estimated in the hundreds -- runs the risk of turning Syria into a patchwork of warlord fiefdoms. "If you just give them money without unifying them, you're going to get Somalia," said Landis. 4. Juggle unaligned objectives Keeping the rebels on board with American military objectives is also fraught with difficulty. The initial reaction from Syrian activists to the airstrikes Tuesday was a sense of relief that the U.S. had taken action against ISIS, CNN's Arwa Damon reported. But that was before it emerged that the strikes had also hit members of the al-Nusra Front, a terrorist organization that was nonetheless among the rebel groups resisting ISIS. That news, along with reports of civilian casualties, soured the mood among the activists, Damon reported, with apprehension growing on the ground about what intentions of the U.S. and its allies have for Syria. The focus on defeating ISIS may also be hard to stomach for many rebels. "We have to remember, the FSA wants to destroy Assad, not ISIS," Landis said. "They will destroy ISIS if America makes it contingent -- they don't like ISIS. But their goal, from the beginning, has been to fulfill this revolution. If their only object is to kill ISIS, many of them feel the revolution will be dead."

Fall of Assad is coming in the squo—that destroys Hezbollah power projection and influence

Yacoubian 11 “Hezbollah After Assad,” Aug 20, 2014, Mona Yacoubian serves as Deputy Assistant Administrator for the Middle East Bureau

<https://www.foreignaffairs.com/articles/middle-east/2011-12-01/hezbollah-after-assad>

Hezbollah faces a moment of reckoning. The increasingly likely demise of Bashar al-Assad’s regime in Damascus would deprive the militant Lebanese Shia organization of one of its main patrons and could constrain its ability to play an active role in regional politics. Moreover, by offering up unbridled support for Syria, Hezbollah has placed itself at odds with the popular revolts that are unseating autocratic rulers across the Arab world, undermining the narratives of resistance and justice for the oppressed that it has long espoused. Facing the loss of a key ally and with its credibility compromised, an off-balance Hezbollah could turn inward, deepening its involvement in Lebanese politics in order to consolidate its power. Together with Iran, Hezbollah stands to lose the most from the fall of the Syrian regime. Over the years, the organization and the Assad regime have nurtured strong ties due to their often overlapping interests in Lebanon, a proxy arena for Western confrontation with Iran and Syria. The relationship deepened following Syria’s 2005 withdrawal from Lebanon, which forced Damascus to rely more heavily on Hezbollah to extend its influence in the country. Assad has reportedly supplied Hezbollah with training and access to sophisticated weapons systems, including long-range Scud missiles, on Syrian soil. Beyond its bilateral ties to Hezbollah, Damascus has also served as an important conduit for Iranian arms and played a bridging role between the Persian power and its Lebanese acolytes. Bound together by their shared hostility toward Israel, these three allies, together with Hamas, have formed a so-called axis of resistance to serve as a counterweight to more moderate forces in the region. Although Hezbollah’s relationship with Iran would endure without Assad, the alliance would lose an important center of gravity. Moreover, the instability in Syria has deepened sectarian divisions in Lebanon, which could further challenge Hezbollah. Lebanon’s Sunnis overwhelmingly support the Syrian opposition and have publicly demonstrated their outrage at Damascus’ repression; the ruling March 8 bloc, comprising Hezbollah, the Shia party Amal, and their Christian allies, has sided with Assad. Rival pro- and anti-Syrian rallies regularly occur in Beirut and in the northern city of Tripoli, where Sunni-Alawi clashes in June left several dead and required the Lebanese army to quell the violence. Although Hezbollah’s military predominance in Lebanon minimizes the prospects for renewed civil war, a surge in sectarian violence would significantly undermine its position. Hezbollah’s steadfast support for Assad has already dealt its credibility a severe blow, in Lebanon and across the region. Its pro-regime declarations stand in marked contrast to the group’s boisterous encouragement of every other popular uprising during the Arab Spring. Hassan Nasrallah, Hezbollah’s charismatic leader, was once a hero across the Arab world but now appears increasingly tone deaf as he struggles to defend Damascus against a growing chorus of Arab and Muslim condemnation. Established media outlets, such as al Jazeera, as well as Arab youth using social media sites, charge Nasrallah with hypocrisy and double standards. The revolt against Assad has put Iran and Hezbollah on the wrong side of Arab history, and has compromised their mantle as champions of the oppressed. No matter what happens in Syria, Hezbollah will retain its preeminent military and political role in Lebanon. But the likely end of the Assad regime poses an existential dilemma for the organization, accentuating the divide between its regional objectives of resisting the West and Israel and its local role in Lebanon as the representative of a once marginalized Shia community. The organization may need to recalibrate its priorities, choosing either to double down on its military objectives or evolve into a wholly political force and further develop as a grassroots movement with a vast political and social network. If Hezbollah goes with the first option, it would likely move quickly to consolidate its control over Lebanon, possibly using military force. Such a move might be precipitated by emboldened Sunni aggression toward Hezbollah or by other circumstances that threaten the organization and its weapons. But Hezbollah’s probable triumph in an armed struggle would be a pyrrhic victory, dramatically undermining its popular credibility in Lebanon and leaving the country highly unstable. Hezbollah might also choose to direct its militancy toward Israel. This could come as part of a broader struggle between Israel and Iran or as a result of escalating tensions between Israel and Hezbollah. Hezbollah is not likely to intentionally provoke another war with Israel; both sides have acknowledged that a third Israel-Lebanon war would be far more brutal, and encompass far more territory, than the one in 2006. But if either Israel or Hezbollah miscalculated and provoked a conflict, Hezbollah would be at a strategic disadvantage without a Syrian supply line and safe haven. War with Israel could rejuvenate Hezbollah’s resistance narrative, particularly if Israel used excessive force that produced massive civilian casualties. But Hezbollah would pay a significant price internally, particularly with its war-weary Shia constituency.

AT Hurts Privacy

The program itself is incredibly reasonable and has built in safeguards to prevent widespread paranoia and civil liberties violations

USDA, 2014, (“USDA Insider Threat Program,” Office of Homeland Security and Emergency Coordination (OHSEC), U.S. DEPARTMENT OF AGRICULTURE, June 30, 2014, [//erg](http://www.ocio.usda.gov/sites/default/files/docs/2012/DR%204600-003%20Insider%20Threat.htm)

The purpose of this directive is to set forth the U.S. Department of Agriculture’s (USDA) roles and responsibilities for an Insider Threat Program, as directed by Executive Order (EO) 13587 dated October 7, 2011, titled, Structural Reforms to Improve the Security of Classified Networks and Responsible Sharing and Safeguarding of Classified Information and the National Insider Threat Policy and the Minimum Standards issued in November 2012. 2.

BACKGROUND The Secretary of Agriculture, under EO 13587, is mandated to develop and implement an Insider Threat Program with the primary mission to prevent, deter and detect compromises of classified information by malicious insiders. Although **EO 13587 applies only to the safeguarding and sharing of classified national security information**, the National Insider Threat Task Force (NITTF) recognizes that an agency may possess information that it considers sensitive but that is not classified. As stated in the NITTF’s Guide to Accompany the National Insider Threat Policy and Minimum Standards, issued in November 2013, the policies and standards under EO 13587 can be applied generally to protect the sensitive but unclassified environment. The National Insider Threat Policy and Minimum Standards require that the USDA addresses key components to be implemented: a. Establish a program for deterring, detecting, and mitigating insider threat; security, information assurance, and other relevant functions and resources to identify and counter the insider threat; b. Establish an integrated capability to monitor and audit information for insider threat detection and mitigation.

Critical program requirements include but are not limited to: (1) monitoring user activity on classified computer networks controlled by the Federal Government; (2) evaluation of personnel security information; (3) employee awareness training of the insider threat and employees' reporting responsibilities; and (4) gathering information for a centralized analysis, reporting, and response capability. c. Develop and implement sharing policies and procedures whereby the organization's insider threat program accesses, shares, and integrates information and data derived from offices across the organization, including security, information assurance, and human resources offices. d. Designate a senior official(s) with authority to provide management, accountability, and oversight of the organization's insider threat program and make resource recommendations to the appropriate agency official. e. **Consult with records management, legal counsel, and civil liberties** and privacy **officials to ensure any legal, privacy, civil rights**, or civil liberties issues (including use of personally identifiable information) are appropriately addressed. f. Promulgate additional department and agency guidance, if needed, to reflect unique mission requirements, but not inhibit meeting the minimum standards issued by the NITTF pursuant to this policy. g. Perform self-assessments of compliance with insider threat policies and standards; the results of which shall be reported to the Senior Information Sharing and Safeguarding Steering Committee (hereinafter Steering Committee). h. Enable independent assessments, in accordance with Section 2.1 (d) of Executive Order 13587, of compliance with established insider threat policy and standards by providing information and access to personnel of the NITTF.

They exaggerate—the program itself protects liberties

FAS No Date, (“National Insider Threat Policy,” [//erg](http://www.fas.org/sgp/obama/insider.pdf)

Executive Order 13587 directs United States Government executive branch departments and agencies (departments and agencies) to establish, implement, monitor, and report on the effectiveness of insider threat programs to protect classified national security information (as defined

in Executive Order 13526; hereinafter classified information), and requires the development of an executive branch program for the deterrence, detection, and mitigation of insider threats, including the safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure. Executive Order 12968 promulgates classified information access eligibility policy and establishes a uniform Federal personnel security program for employees considered for initial or continued access to classified information. Consistent with Executive Orders 13587 and 12968, this policy is applicable to all executive branch departments and agencies with access to classified information, or that operate or access classified computer networks; **all employees with access to classified information, including classified computer networks** (and including contractors and others who access classified information, or operate or access classified computer networks controlled by the federal government); and all classified information on those networks. **This policy leverages existing federal laws, statutes, authorities, policies, programs, systems, architectures and resources in order to counter the threat of those insiders who may use their authorized access to compromise classified information.** Insider threat programs shall employ **risk management principles, tailored to meet the distinct needs, mission, and systems of individual agencies, and shall include appropriate protections for privacy, civil rights, and civil liberties.**

The Insider Threat Program has checks built into it to balance b/w preserving civil liberties and national security—protects whistleblowers, privacy and rights

NCSC, '14, ("National Insider Threat Task Force Mission Fact Sheet," NCSC, Aug 15, 2014, http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf)/erg

Is this insider threat emphasis going to infringe on anyone's civil rights? **Insider threat programs are developed and operated in coordination with** an agency's records management office, legal counsel, and **civil liberties and privacy officials to build in protections against infringing upon employees' civil liberties/civil rights, privacy or whistleblower protections.** Departments and agencies are **required to provide training in these areas to program personnel, as well as the general workforce.** Department and agency heads also have a responsibility to ensure these protections are maintained through oversight of their insider threat programs. **Insider threat programs target anomalous activities, not individuals.** Additionally, government employees who handle classified information understand that, **to hold a security clearance, they accept additional oversight of their workplace activities.** **Employees sign authorizations for the conduct of investigations** to obtain and retain security clearances and there are warning banners on computers and **in certain areas of facilities that alert people that they have less expectation of privacy.** What harm can someone do to our government based on the unauthorized release of classified information? When classified information is divulged in an unauthorized manner outside the confines of the U.S. Government (USG) national security structure, **that information can create situations that are harmful to U.S. interests and, in some cases, could be life-threatening.** Classified information in the wrong hands **can provide a unique and potentially dangerous advantage to those states and non-state actors whose interests are opposed to those of the United States.** For example, the unauthorized release of classified information **could: provide details about weapons systems we rely on to defend our country; expose our overseas intelligence operations and personnel; and identify critical vulnerabilities in the U.S. national infrastructure which, if exploited, could damage internal U.S. defense, transportation, health, financial, and/or communications capabilities.**

The Insider Threat programs protects employees' best interests

NCSC, '14, ("National Insider Threat Task Force Mission Fact Sheet," NCSC, Aug 15, 2014, http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf)/erg

Do all insider threats involve malicious individuals? It is critically important to recognize that an individual may have no malicious intent, but is in need of help. We have invested a tremendous amount in our national security workforce and it is in everyone's best interests to help someone who may wrongly feel he or she has no other option than to commit an egregious act – such as espionage, unauthorized disclosure, suicide, workplace violence, or sabotage. Intervention prior to the act can save an employee's career, save lives and protect national security information. There are also unwitting insiders who can be exploited by others. Our adversaries have become increasingly sophisticated in targeting U.S. interests, and an individual may be deceived into advancing our adversaries' objectives without knowingly doing so. Is every agency required to implement the new minimum standards? Yes, taken together, the E.O. and the national policy mandate that every executive branch agency with access to classified information establish an insider threat program in line with standards and guidance from the NITTF. However, there is a recognition of differing levels of risk—and, therefore, differing levels of protection required—based on such things as size of cleared population, extent of access to classified computer systems, and amount of classified information maintained by the D/A. The national insider threat policy directs heads of D/As to develop their programs using risk management principles. The NITTF is working with D/As, as well as the Classified Information Sharing and Safeguarding Office in the office of the Program Manager--Information Sharing Executive, to assess the extent of applicability of the minimum standards to each of the 70+ executive branch D/As with access to classified information based on associated risk.

Observation and behavioral analysis don't produce modern day Salem

Winkler and Manke, '14, (Ira, Irari Report, Secure Mentem, Internet Security Advisors Group and Samantha, Executive Vice President of Secure Mentem, "How to create awareness of the insider threat," CSO, Apr 15, 2014, <http://www.csoonline.com/article/2142603/security-leadership/how-to-create-awareness-of-the-insider-threat.html>)//erg

You must however avoid manifesting a modern day Salem. The focus of your guidance should be telling employees to look for behaviors that are clear violations of policies and procedures. Examples include observing people looking through other people's desks, asking for passwords, being in areas that they do not belong, and attempting to access other people's computer accounts. There are also financial and other wrongdoings related to job roles and industry sector. A more delicate, but just as important, aspect of awareness is for people to be comfortable reporting uncomfortable feelings. This is admittedly vague, but uncomfortable feelings have resulted in catching malicious insiders in a variety of incidents. In one case we are personally familiar with, an employee felt uncomfortable that one of her coworkers was speaking Chinese a lot on the telephone at work, and they did not work with any Chinese people. The woman reported the incident and an FBI investigation uncovered that the employee in question was funneling information to Chinese intelligence operatives. Everyone violates policies and procedures at some point in time, without malicious intent. However, people need to know that some of the most harmful incidents were stopped because of observant employees. Again though, the focus is on reporting of incidents, and not of the individuals committing the violations. This is important for a wide variety of reasons. The action that employees need to take is to simply report the questionable incidents to Human Resources, their management or the security team. However, you need to remember to allow for anonymous reporting and have strong measures in place to protect the identity of the employee reporting the incident. Reporting another employee can clearly result in negative consequences for all involved. The anonymity is critical even if it potentially means that it is impossible to gather criminal evidence. The goal is to detect incidents and stop the loss. Most organizations should already have an established incident reporting structure. Those that do not should consult with the legal and human resources departments to create one. Clearly, when trying to motivate employees to inform the organization about the violations of other employees, you should get the Human Resources and Legal departments involved in at least approving the awareness materials that are distributed. They very likely will be able to provide guidance on how to best implement other aspects of the program as well. [Insider threats and how they can be mitigated] Snowden's activities triggered an interest in organizations to examine what technological controls that they can put in place to stop their own Snowden. Yet much like NSA realized that Snowden's coworkers should have detected his crimes, all organizations must proactively strengthen their non-technical security measures, including especially awareness. Snowden's coworkers

should have been able to more effectively detect his actions than any technical countermeasure could have. Therefore, **companies that are truly interested in preventing the insider threat should focus on making their employees the primary detectors of insider abuse.** The insider threat is too important a subject to shy away from, no matter how sensitive the implications may be. Unfortunately, **history has shown us that the risk is too great.**

Agencies are focusing on collecting electronic data—no “workplace” impact/overwhelmed filers

Davenport, ’14, (Christian, has served as an editor on the Metro desk and as a reporter covering military affairs, Post author, “Federal agencies embrace new technology and strategies to find the enemy within,” Washington Post, March 7, 2014,

http://www.washingtonpost.com/business/economy/federal-agencies-embrace-new-technology-and-strategies-to-find-the-enemy-within/2014/03/07/22ce335e-9d87-11e3-9ba6-800d1192d08b_story.html)//erg

After years of focusing on outside threats, **the federal government and its contractors are turning inward, aiming a range of new technologies and counterintelligence strategies at their own employees to root out spies, terrorists or leakers. Agencies are now monitoring their computer networks with unprecedented scrutiny,** in some cases down to the keystroke, and **tracking employee behavior for signs of deviation from routine.** At the Pentagon, new rules are being written requiring contractors to institute programs against “insider threats,” a remarkable cultural change in which even workers with the highest security clearances face increased surveillance. The “if you see something, say something” mind-set of the post-9/11 world has fully arrived in the workplace, with new urgency following high-profile leaks such as the revelations of former National Security Agency contractor Edward Snowden. “People’s sensitivity to this has changed substantially,” said Lynn Dugle, president of a Raytheon business unit that markets an insider threat detection system called SureView. “I can tell you five years ago, when we were talking to agencies or companies about insider threat, we would normally be talking to (chief information officers) who were under budget stress. . . . And that was a very tough sell. Now we see boards of directors and CEOs really understanding what the threat can mean to them, and the risk it poses to them.” **In response to the breach by former Army intelligence analyst Pfc. Bradley Manning, President Obama in 2011 issued an executive order that established a National Insider Threat Task Force** and required all federal agencies that handle classified material to institute programs designed to seek out saboteurs and spies. While corporate security has long been part of Beltway culture, the heightened focus and the emergence of new monitoring technology touched off a burgeoning industry. In addition to Raytheon, Lockheed Martin has developed an insider-threat detection service, as have several start-ups in the Washington area. Even Booz Allen Hamilton, which faced national embarrassment when Snowden, one of its employees, walked off with some of the country’s most guarded secrets, counsels its clients on how to detect rogue employees. A recent job posting said the company was looking for an “insider threat analyst,” which required a security clearance and more than five years of experience in counterintelligence. The posting spread on the Web and sparked ridicule over the notion that the company that employed Snowden was now looking to help turn the historic breach into a profitable lesson learned. Raytheon’s SureView program allows agencies to create all sorts of internal alerts indicating when something may be amiss. A company could, for example, program the software to detect whenever a file containing the words “top secret” or “proprietary” is downloaded, e-mailed or moved from one location on the system to another. **Once that wire is tripped, an alert almost immediately pops up on a security analyst’s monitor, along with a digital recording of the employee’s screen.** All the employee’s actions — the cursor scrolling over to open the secure file, the file being copied and renamed — can be watched and replayed, even in slow motion. It’s the cyber equivalent of the security camera that records robbers sticking up a convenience store. Lockheed Martin provides a service called Wisdom, which acts as “your eyes and ears on the Web,” according to a company official. At its broadest use, **the service can monitor mountains of data on the Web** — Facebook, Twitter, news sites or blogs — **to help predict everything** from a foreign coup or riot to political elections. But **it can also be turned inward, at employees’ online habits, to predict who within the organization might go rogue.** Counterintelligence officials **use Wisdom to “evaluate employee behavior patterns, flagging individuals who exhibit high risk characteristics.”** the company says in a brochure. **“I like to think of it as a digital intuition that is being developed.”** said Jason O’Connor, Lockheed’s vice president for analysis and mission solutions. A trade-off for companies The market is much broader than the defense and intelligence industries. It extends to hospitals, which need to protect patients’ information; retailers, which hold customers’ credit card numbers; and financial institutions. Some worry that the programs are an overreaction to a relatively rare threat that will do more to hinder the free flow of information than to deter crime, while creating repressive working environments. Despite the soon-to-come federal mandate, many defense contractors have “already

implemented fairly imposing controls to minimize the unauthorized use of data,” said Loren Thompson, a defense industry consultant who has worked with Lockheed Martin and other contractors. But he warned that this “clearly is a trade-off in which values like efficiency and collaboration will be sacrificed in order to reduce the likelihood of internal wrongdoers from succeeding.” After Sept. 11, many agencies were criticized for not sharing sensitive information that could have prevented the attacks, so steps were taken to consolidate data within the government. Thompson fears the current climate of worry about Snowden-like leaks could lead to a return to the old habits, with key information once again compartmentalized. “Insider threats are a real problem, but mandating a particular standard for all contractors will cost huge amounts of money and quite possibly result in the wrong steps being taken,” he said. In addition to the cases that have made headlines worldwide, there are an untold number of incidents in the broader corporate world where insiders wreak havoc — from the systems administrator at what was then UBS Paine Webber who planted a “logic bomb” on the company’s network, to the Chinese national who was convicted of stealing trade secrets from Ford Motor Co.

Tech systems protect against privacy violations while monitoring sensitive databases

Davenport, '14, (Christian, has served as an editor on the Metro desk and as a reporter covering military affairs, Post author, “Federal agencies embrace new technology and strategies to find the enemy within,” Washington Post, March 7, 2014, http://www.washingtonpost.com/business/economy/federal-agencies-embrace-new-technology-and-strategies-to-find-the-enemy-within/2014/03/07/22ce335e-9d87-11e3-9ba6-800d1192d08b_story.html)//erg

‘Looking at the patterns’ Chris Kauffman, the founder and chief executive of Personam, a McLean company that focuses entirely on insider threats, said programs can “assess insider threatening behaviors without breaching the employee’s privacy.” “There’s always the concern of the Orwellian overseers watching everything we’re doing. But we’re very sensitive to that.” he said. “We evaluate the activities and the transactions over the networks. Which Web sites they go to, which file servers they go to. But what we don’t do is absorb the content of that data. We don’t read e-mails or chats or texts. Or even the content of the Web sites they go to. We’re looking at the patterns they use.” MITRE, a not-for-profit research and development company, did a study in 2009 where it asked some of its own employees to try to access sensitive information on its own network. In addition to assessing the network’s strength, the company wanted to “study evasiveness,” said Deanna Caputo, MITRE’s principal behavioral psychologist. “We wanted to see what good guys gone bad would look like.” Working under a grant from the Defense Advanced Research Projects Agency, the Pentagon’s research arm, Georgia Tech computer scientists have worked to develop software that can detect a rogue employee even before he or she has broken bad. “When a soldier in good mental health becomes homicidal or a government employee abuses access privileges to share classified information, we often wonder why no one saw it coming,” said a Georgia Tech news release. All this corporate scrutiny doesn’t necessarily bother groups that advocate for privacy protections. When it comes to using a government or corporate network, employees often do not have expectations of privacy, especially if they are dealing with classified information, said Ginger McCall, an associate director at the Electronic Privacy Information Center. “I think there is an important distinction between monitoring a person’s personal e-mails and monitoring access to sensitive databases,” she said. And since so much information about ordinary Americans is contained on government and corporate databases, there are benefits to making sure they are protected and under constant surveillance. “We would want to know if someone at the FBI is accessing a database on a person when they shouldn’t be,” she said. Michael Crouse, Raytheon’s director of insider threat strategies, said such programs help agencies “trust but verify.” “We trust our privileged users,” he said. “But what we’re seeing is that you can verify that they are doing the work that is assigned to their role.” It’s sort of like a big factory, he said, “where the foreman is looking down on the factory floor making sure everyone is doing their job.”

Groupthink Advantage

1NC — Groupthink Advantage

No nuclear war

Shukla 15 - Vikas is a reporter and value investor. He has an MBA in finance and a deep interest in tech, science and politics (Vikas, “Russia-US Tension Over Ukraine Won’t Lead To Nuclear War”, [valuewalk.com](http://www.valuewalk.com), May 15, 2015, <http://www.valuewalk.com/2015/05/russia-us-tension-nuclear-war/>) JC

In February, Russia was rated among the most unfavorable countries by Americans in a Gallup poll. Tensions between the U.S. and Russia have escalated over the Ukraine crisis. The United States has accused Russia of backing separatists in eastern Ukraine. But there is **no threat of a nuclear war** between Moscow and Washington, says a senior U.S. State Department official.

In an interview with Russia’s Kommersant newspaper, Rose Gottemoeller, the Under Secretary of State for Arms Control and International Security for the US State Department, said that the White House did not believe the Ukrainian conflict would trigger a nuclear crisis. Though the two countries have different opinions regarding the Ukraine crisis, **neither Russia nor the U.S. desire to use nuclear weapons** to back up their arguments.

Gottemoeller told the Russian newspaper that the two countries have a "**stable relationship**" on nuclear issues. The State Department official added that the two countries have taken a series of steps over the past few decades to reduce their nuclear arsenal. Gottemoeller's statement comes as many other security experts have proclaimed that Russia and the U.S. are heading towards a nuclear war.

Obama resists groupthink

Hughes 14 [Brian Hughes, “Obama warns against 'groupthink' in government,” Washington Examiner, 9/24/14 6:26 PM, pg. <http://tinyurl.com/oq3q6mm>

President Obama at a government transparency meeting at the United Nations General Assembly Wednesday advised fellow world leaders to heed the criticisms of their citizens to **avoid “groupthink”** in government.

“All governments think they’re doing what’s right and don’t like criticism,” Obama said at the Open Government Partnership Event in New York City. “It’s shocking to say that all not criticism from civil society is always fair. **But, as leaders, making our governments more open does mean that as a consequence of that criticism, there’s self-reflection.** It means that questions were asked that might not have otherwise been answered, and that groupthink doesn’t develop inside a government.”

Turn: Political resolve key to deterring Russia

Stephens 14 - Columnist on politics, global affairs and economics @ Financial Times [Philip Stephens, "Europe needs a cold war lesson in deterrence," *Financial Times*, July 24, 2014 5:51 pm, pg. <http://tinyurl.com/nr69amw>

There is nothing to be gained from another cold war, even if it is evident that Vladimir Putin wants to tear up the post-communist settlement in Europe. There are, however, lessons to be rescued from the decades-long confrontation with the Soviet Union. One of them is about **deterrence**. Politicians sedated by hopes of a world organised around international collaboration will have to wake up again to the dynamics of great power rivalry.

Francis Fukuyama was half right in declaring the end of history. Capitalism reigns supreme, but rising states such as China and declining ones such as Russia have found a new political model. Authoritarian capitalism, as the Harvard scholar Michael Ignatieff called it in this summer's Ditchley Foundation annual lecture, presents them with an alternative to liberal democracy. As for a rules-based global system, these states prefer to dine à la carte. They take what they like and reject what is inconvenient.

Europeans have been slow to recognise the world as it is rather than as they imagined. The reaction to Russia's march into Ukraine has made this painfully obvious. The reflex has been to seek to defuse the crisis. On one level this is admirable – war did not solve much in Iraq and Afghanistan. The snag is that **ceding ground** to Mr Putin does not amount to de-escalation. To the contrary, **weakness stokes the Russian president's expansionism.**

The west's priority – and the downing by Russian-backed insurgents of Malaysia Airlines flight MH17 provides an opportunity – should be to recover the concept of **deterrence**. Not the nuclear deterrence of mutually assured destruction but the traditional **understanding that political resolve and a readiness** to deploy force can apply a brake. The mistake many Europeans have made – and, to a lesser degree, Barack Obama's White House has done the same – is to confuse **deterrence with escalation.** I cannot count the times I have heard politicians and policy makers say they must tread carefully for fear of provoking Mr Putin.

Some of these protestations are self-serving – what these people really mean is that they do not want to jeopardise economic relationships. But **there seems** also **to be a genuine misunderstanding about the purpose of deterrence.** Imposing sanctions on Moscow will not of itself persuade Mr Putin to pull out of Ukraine. It might persuade him to think twice before marching his army into other Russian-speaking territories.

To be effective, deterrence has above all to be credible. The potential adversary has to believe that aggression will provoke proportionate retaliation, whether economic or, as a last resort, military. The sanctions imposed on Moscow by the EU have been anything but credible. Washington has gone further, but not far enough to signal serious intent. What Mr Putin has seen of a divided west tells him it is bluffing. He will take sanctions seriously when he sees that those threatening them are ready to bear the costs.

Turn: Perceived decline in our readiness to fight encourages Russian aggression and escalation

Olson 14 – Reporter for Stars and Stripes [Wyatt Olson, “Military’s reduced readiness seen as emboldening China, Russia,” *Stars and Stripes*, Published: May 20, 2014, pg.

<http://tinyurl.com/n6vq7zr>

“The U.S. certainly retains an ability to project an awful lot of air and sea power for more limited contingencies — and do so very quickly,” said Anthony Cordesman, a defense expert at the bipartisan Center for Strategic and International Studies in Washington, D.C.

And even if U.S. forces did become embroiled in Pacific confrontations such as those unfolding in Vietnam and the Philippines, they aren’t the kind of interventions that demand huge follow-up forces, he said.

Cordesman cautioned against equating these kinds of skirmishes with a potential outbreak of hostilities on the Korean peninsula because the U.S. is prepared and willing to match escalation there, he said.

“You’re not going to go to general war over an [exclusive economic zone] or a reef somewhere in the Pacific,” he said.

Still, Cordesman admitted, irrational behavior and miscalculations by adversaries can quickly lead to escalation and “the need for putting many more follow-on forces in the field over time.”

Some experts say that flagging readiness — real or perceived — actually invites escalation by weakening America’s “deterrent effect” as China and Russia continue beefing up their Pacific forces.

In congressional testimony, top-ranking military chiefs have already warned that readiness is deteriorating, partly because of cuts from last year’s sequester at a time the military is struggling to refit and retrain after a decade of wars in Iraq and Afghanistan.

Gen. Curtis Scaparrotti, commander of U.S. forces in South Korea, testified before a Senate subcommittee in March that he was concerned about the readiness of “follow-on forces” that would be required should the peninsula enter crisis.

Marine Corps Commandant Gen. John Amos told the same committee last fall that budget cuts leave “fewer forces, arriving less-trained, arriving later in the fight.”

Reduced readiness cuts two ways, said Todd Harrison, a defense expert with the nonpartisan Center for Strategic and Budgetary Assessments in Washington, D.C.

“I think this reduction in readiness that we’re looking at will reduce our confidence in the ability of our military to intervene successfully if called upon,” he said. “That may weaken the deterrent effect on potential adversaries, but it could also create a situation where we self-deter.”

Dakota Wood, a defense expert at the conservative Heritage Foundation in Washington, D.C., said that America’s current budget and readiness woes do not go unnoticed by China and Russia.

“There’s this deterrent value in being strongly forward, being strongly postured and having the perception that not only are your forces ready for action, but that the government in the U.S. is willing to press that case if it comes to it.”

“When it comes to China, we are seeing increasing aggressiveness in trying to push forward their territorial claims in the **East and South China Seas**.

“China is likely viewing this as a window of opportunity to aggressively press its claims in these waters, and the U.S. is not well postured to come to the assistance of friends and allies in the region.”

Wood described this “pattern of conduct” as “**taking small bites of an apple**,” which over time will consume it.

“So each one of these little actions is below the threshold that would invite a large-scale conventional military response,” he said. “But they’re willing and able to take these small bites because they know the U.S., by this series of incidents, is unwilling to press the case.”

Terrence K. Kelly director of the Strategy and Resources Program at the RAND Corporation, said that individual skirmishes such as these might seem insignificant. But over time countries such as **China and Russia** can achieve their goals by “**nibbling away**” with “subresponse-level” aggression, Kelly said.

“It’s probably calculated to slowly over time achieve an effect that won’t elicit a military response from the U.S. or its allies,” he said.

Cordesman said, however, that even a modest U.S. intervention could lead to **unintended escalation**.

“The problem is that the United States responding — even if it solves one small, short-term problem — may lead to the other side responding in ways that again produce a **steady pattern of escalation**,” Cordesman said.

Ext Shukla – No US Russia war

No war over Ukraine – expert consensus proves

Koplowitz 15 - graduated from the SUNY-Albany, where he received a bachelor's degree in political science and minored in journalism. And he reports on crime and breaking news events for International Business Times (Howard, “US And Russia Going To War? Ukraine Crisis May Lead To Military Conflict, Mikhail Gorbachev Warns, Others Not So Sure”, [ibtimes.com](http://www.ibtimes.com/us-russia-going-war-ukraine-crisis-may-lead-military-conflict-mikhail-gorbachev-warns-1798992), January 29, 2015, <http://www.ibtimes.com/us-russia-going-war-ukraine-crisis-may-lead-military-conflict-mikhail-gorbachev-warns-1798992>) JC

While Gorbachev, the Soviet Union's head of state from 1988 until its dissolution in 1991, warned of war, most academics surveyed in a snap poll released Sunday don’t envision the U.S. and Russia going to war in the next decade. On a scale of zero to 10, with zero meaning no likelihood of going to war and 10 meaning high likelihood, a plurality of scholars -- 23 percent -- rated the chance at 2. Nearly 20 percent rated the chances as a 3, another 20 percent as a 1 and about 12 percent said there was zero chance, according to the poll conducted by the Teaching, Research and International Policy Project at the Institute for the Theory and Practice of

International Relations at the College of William & Mary in Virginia. Only .14 percent of scholars rated the chances of war at a 10.

A plurality of scholars also disagreed that the U.S. and Russia were heading back toward a new cold war. More than 48 percent, or 273 scholars, said that was the case, while 38 percent said the two countries are heading back toward a cold war and about 13 percent weren't sure.

The U.S won't go to war over Ukraine – multiple warrants prove

Peck 14 - contributing editor for Foreign Policy Magazine, a writer for the War is Boring defense blog and of course a contributor at Forbes (Michael, “7 Reasons Why America Will Never Go To War Over Ukraine”, forbes.com, March 5, 2014, <http://www.forbes.com/sites/michaelpeck/2014/03/05/7-reasons-why-america-will-never-go-to-war-over-ukraine/>) JC

America is the mightiest military power in the world. And that fact means absolutely nothing for the Ukraine crisis. Regardless of whether Russia continues to occupy the Crimea region of Ukraine, or decides to occupy all of Ukraine, the U.S. is not going to get into a shooting war with Russia.

This has nothing to do with whether Obama is strong or weak. Jimmy Carter or Ronald Reagan would face the same constraints. The U.S. may threaten to impose economic sanctions, but here is why America will never smack Russia with a big stick:

Russia is a nuclear superpower. Russia has an estimated 4,500 active nuclear warheads, according to the Federation of American Scientists. Unlike North Korea or perhaps Iran, whose nuclear arsenals couldn't inflict substantial damage, Russia could totally devastate the U.S. as well as the rest of the planet. U.S. missile defenses, assuming they even work, are not designed to stop a massive Russian strike.

For the 46 years of the Cold War, America and Russia were deadly rivals. But they never fought. Their proxies fought: Koreans, Vietnamese, Central Americans, Israelis and Arabs. The one time that U.S. and Soviet forces almost went to war was during the Cuban Missile Crisis. Neither Obama nor Putin is crazy enough to want to repeat that.

Russia has a powerful army. While the Russian military is a shadow of its Soviet glory days, it is still a formidable force. The Russian army has about 300,000 men and 2,500 tanks (with another 18,000 tanks in storage), according to the “Military Balance 2014” from the International Institute for Strategic Studies. Its air force has almost 1,400 aircraft, and its navy 171 ships, including 25 in the Black Sea Fleet off Ukraine's coast.

U.S. forces are more capable than Russian forces, which did not perform impressively during the 2008 Russo-Georgia War. American troops would enjoy better training, communications, drones, sensors and possibly better weapons (though the latest Russian fighter jets, such as the T-50, could be trouble for U.S. pilots). However, better is not good enough. The Russian military is not composed of lightly armed insurgents like the Taliban, or a hapless army like the Iraqis in 2003. With advanced weapons like T-80 tanks, supersonic AT-15 Springer anti-tank missiles, BM-30 Smerch multiple rocket launchers and S-400 Growler anti-aircraft missiles, Russian forces pack enough firepower to inflict significant American losses.

Ukraine is closer to Russia. The distance between Kiev and Moscow is 500 miles. The distance between Kiev and New York is 5,000 miles. It's much easier for Russia to send troops and supplies by land than for the U.S. to send them by sea or air.

The U.S. military is tired. After nearly 13 years of war, America's armed forces need a breather. Equipment is worn out from long service in Iraq and Afghanistan, personnel are worn out from repeated deployments overseas, and there are still about 40,000 troops still fighting in Afghanistan.

The U.S. doesn't have many troops to send. The U.S. could easily dispatch air power to Ukraine if its NATO allies allow use of their airbases, and the aircraft carrier George H. W. Bush and its hundred aircraft are patrolling the Mediterranean. But for a ground war to liberate Crimea or defend Ukraine, there is just the 173rd Airborne Brigade in Italy, the 22nd Marine Expeditionary Unit sailing off Spain, the 2nd Stryker Cavalry Regiment in Germany and the 82nd Airborne Division at Fort Bragg, North Carolina.

While the paratroopers could drop into the combat zone, the Marines would have sail past Russian defenses in the Black Sea, and the Stryker brigade would probably have to travel overland through Poland into Ukraine. Otherwise, bringing in mechanized combat brigades from the U.S. would be logistically difficult, and more important, could take months to organize.

The American people are tired. Pity the poor politician who tries to sell the American public on yet another war, especially some complex conflict in a distant Eastern Europe nation. Neville Chamberlain's words during the 1938 Czechoslovakia crisis come to mind: "How horrible, fantastic, incredible it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a far away country between people of whom we know nothing."

America's allies are tired. NATO sent troops to support the American campaign in Afghanistan, and has little to show for it. Britain sent troops to Iraq and Afghanistan, and has little to show for it. It is almost inconceivable to imagine the Western European public marching in the streets to demand the liberation of Crimea, especially considering the region's sputtering economy, which might be snuffed out should Russia stop exporting natural gas. As for military capabilities, the Europeans couldn't evict Libyan dictator Muammar Gaddafi without American help. And Germans fighting Russians again? Let's not even go there.

Ext Hughes 14 – No Obama groupthink

Their internal link is theoretically flawed

Badie 10 — Dina Badie, Assistant Professor of Politics and International Studies at Centre College KY and Ph.D. at the University of Connecticut, expert in international relations and security and American foreign policy in the Middle East and Asia, 2010 ("Groupthink, Iraq, and the War on Terror: Explaining US Policy Shift toward Iraq," Foreign Policy Analysis Journal p.277-296, 2010, Available online at <http://onlinelibrary.wiley.com/doi/10.1111/j.1743-8594.2010.00113.x/pdf> , accessed 7/7/15, J.L.)

Janis's work on groupthink incited much interest and criticism. The original formulation failed to position groupthink within the socio-psychological literature, resulting in an incomplete

explanation of its emergence and its mechanism. Longley and G Pruitt (1980) recognized this lack of determinacy. They argue that some of Janis's "symptoms" were in fact antecedents and that a causal link could not be established between groupthink and its preconditions. Longley and Pruitt recognized that groups eventually bring an end to the deliberative process in order to make a decision; a lack of deliberation does not in itself indicate the presence of groupthink. They instead argue that the timing of the end to deliberation depends on the nature of the decision, whether a major foreign policy or a routine task. Other critics of groupthink sought to offer alternative explanations to small group dynamics that extended "beyond groupthink." Hoyt and Garrison (1997) recognize that within the context of small groups, individuals can "manipulate" the decision-making process on several levels. Manipulation can take place in the traditional sense whereby individuals can alter procedural norms, but can also take the form of structural manipulation through deliberate inclusion and exclusion of individuals (1997:252). Additionally, individuals can manipulate the deliberative process through direct influence; the success of individual manipulation is determined by the individual's likeability, acceptance of his/her authority, perception of expertise, or recognition of the efficacy of the strategy (1997:258). As Hoyt and Garrison propose, the effects of manipulation may, in some cases, offer an alternative to groupthink.

Group think theory is flawed — lack of studies

Griffin 91 — Em Griffin, professor in the Communication department at Wheaton College, author of "A First Look," 1991 ("CRITIQUE: AVOIDING UNCRITICAL ACCEPTANCE OF GROUPTHINK," A First Look at Communication Theory First Edition, McGraw-Hill, 1991, available online at <http://higher.ed.mheducation.com/sites/dl/free/0073010189/228359/groupthink2.html> , accessed 7/10/15) JL

Janis calls for greater critical assessment of proposals lest they be adopted for reasons other than merit. Since his description of groupthink has received great popular approval—perhaps because we're fascinated with colossal failure, it seems only fair to note that efforts to validate the theory have been sparse and not particularly successful.

Most students of groupthink pick a high-profile case of decision making where things went terribly wrong and then use Janis's model as a cookie cutter to analyze the disaster—much as I've done with the Challenger and New Era. They seem to take the existence of groupthink for granted and employ the theory to warn against future folly or suggest ways to avoid it. This kind of retrospective analysis is great for theory construction, but provides no comparative basis for accepting or rejecting the theory. For example, is the lack of evidence that NASA managers formed a cohesive in-group when they approved the Challenger launch a good reason to drop or revise the theory? Or does my report of extensive "due diligence" of New Era invalidate the claim that groupthink was a reason so many people fell for the fraud?

Janis thought it made sense to test the groupthink hypothesis in the laboratory prior to trying to prove it in the field.¹⁹ His suggestion is curious, however, because a minimal test of his theory that controls for the antecedent conditions shown on the left side of Figure 18.2 would require over 7000 willing participants.²⁰ As it is, the few reported groupthink experiments have tended to focus on cohesiveness—a quality that's hard to create in the laboratory. The results are mixed at best. Janis's quantitative study of nineteen international crises is problematic as well. When he

and two co-authors linked positive outcomes with high-quality decision-making procedures during international crises, they never assessed the cohesiveness of the groups in charge.²¹

Ext Olson 14 – Readiness prevents war

US readiness is key to halt Russian attacks on Ukraine. The entire architecture of European security is at risk

Stephens 14 – Associate editor of the Financial Times [Philip Stephens (Fulbright Fellow and winner of the 2002 David Watt Prize for outstanding political journalism), “Europe needs a cold war lesson in deterrence,” *Financial Times*, July 24, 2014 5:51 pm, pg. <http://tinyurl.com/prfj6kq>

Europeans have been slow to recognise the world as it is rather than as they imagined. The reaction to Russia’s march into Ukraine has made this painfully obvious. The reflex has been to seek to defuse the crisis. On one level this is admirable – war did not solve much in Iraq and Afghanistan. The snag is that ceding ground to Mr Putin does not amount to de-escalation. To the contrary, weakness stokes the Russian president’s expansionism.

The west’s priority – and the downing by Russian-backed insurgents of Malaysia Airlines flight MH17 provides an opportunity – should be to recover the concept of deterrence. Not the nuclear deterrence of mutually assured destruction but the traditional understanding that political resolve and a **readiness to deploy force can apply a brake.** The mistake many Europeans have made – and, to a lesser degree, Barack Obama’s White House has done the same – is to confuse deterrence with escalation. I cannot count the times I have heard politicians and policy makers say they must tread carefully for fear of provoking Mr Putin.

Some of these protestations are self-serving – what these people really mean is that they do not want to jeopardise economic relationships. But there seems also to be a genuine misunderstanding about the purpose of deterrence. Imposing sanctions on Moscow will not of itself persuade Mr Putin to pull out of Ukraine. It might persuade him to think twice before marching his army into other Russian-speaking territories.

To be effective, deterrence has above all to be credible. The potential adversary has to believe that aggression will provoke proportionate retaliation, whether economic or, as a last resort, military. The sanctions imposed on Moscow by the EU have been anything but credible. Washington has gone further, but not far enough to signal serious intent. What Mr Putin has seen of a divided west tells him it is bluffing. He will take sanctions seriously when he sees that those threatening them are ready to bear the costs.

European hesitation has ceded to the Kremlin control of the public debate. The annexation of Crimea overturned the cardinal pillar of European security since 1945: states cannot extend their territory by force of arms. As such, Russia’s action represents a profound threat to the security of the continent. Yet to listen to the discussion in some European capitals is to wonder if Mr Putin is not among the victims.

Nato has a chance to remedy this when its leaders hold a summit in Newport, Wales, in September. The gathering had been intended as a stocktaking exercise after the alliance’s planned withdrawal from Afghanistan. The imperative now is to restore NATO as a solid guardian of the post-1945 security order.

Many of the things the alliance needs to do are practical. They are set out persuasively in a report published this week by the think-tank Chatham House. Nato needs to find ways of working in groupings smaller than the full membership of 28. The alliance should extend the interoperability of forces and improve planning and burden-sharing. Governments badly need to re-explain to their electorates why Nato is vital for their security. Jihadis are not the only threat.

The big danger, though, lies in the credibility deficit. Seen from Moscow, Nato looks like two-tier alliance. No one doubts its resolve to defend, say, Germany, but does the Article 5 guarantee of collective security apply equally to the states that joined after the collapse of communism? Would the US – or Britain, France, or Italy – really resist if Mr Putin turned his attention to “protecting” the Russian-speaking people of the Baltics? If the answer is no, the alliance is worthless.

The best way to make sure the commitment is never tested is to make it credible. That can be done by stationing sufficient “tripwire” forces in the east to persuade Mr Putin that a robust response to aggression would be unavoidable.

The heavy lifting, as ever, will have to be done by the US. Europe has depended since 1945 on Washington’s security guarantee and events in Ukraine suggest that is not about to change. But Europeans cannot forever be reluctant partners in their own defence. **The way to avoid war is to deter aggressors.**

No Groupthink

Organization electronic detection protocols check and prevent groupthink

Lewellen et al ’13, (Todd Lewellen, George J. Silowash, Daniel Costa, “Insider Threat Control: Using Plagiarism Detection Algorithms to Prevent Data Exfiltration in Near Real Time,” Software Engineering Institute, October 2013, [//erg">http://resources.sei.cmu.edu/asset_files/TechnicalNote/2013_004_001_64688.pdf//erg](http://resources.sei.cmu.edu/asset_files/TechnicalNote/2013_004_001_64688.pdf)

We define a malicious insider as a current or former employee, contractor, or business partner with all three of the following attributes: • has or had authorized access to an organization’s network, system, or data • intentionally exceeded or misused that access • negatively affected the confidentiality, integrity, or availability of the organization’s information or information systems Malicious insiders are able to act within an organization by taking advantage of weaknesses they find in systems. Organizations must be aware of such weaknesses and how an insider may exploit them. Organizations must also be aware of the many ways in which weaknesses are introduced. For example, an organization may have relaxed or nonexistent acceptable-use policies for internet access. In other cases, a lack of situational awareness introduces weaknesses that malicious insiders can exploit. Additionally, an organization that allows its employees to use web-based services, such as email, increases the potential for data leakage. Establishing proper auditing policies and technical controls, as discussed in this technical note, mitigates some of these risks. Our research has revealed that most malicious insider crimes fit into one of three categories: information technology sabotage, theft of intellectual property (IP), and fraud. This technical note focuses on the theft of information using web-based services, in particular, email accessed through a web browser using the HTTP protocol and encrypted with SSL. The tools and techniques presented in this technical note represent only a subset of practices an organization could implement to mitigate insider threats. For example, organizations may wish to deploy commercially available software to prevent data loss. These tools and methods can be used by organizations of any size. We intentionally selected open source and public-domain tools since they are freely available to the public. 2.1 TheMan-in-The-

Middle(MiTM)Proxy This report builds on the previously published technical note, Detecting and Preventing Data Exfiltration Through Encrypted Web Sessions via Traffic Inspection [Silowash 2012]. Those wishing to implement the capabilities discussed in this report will need to be familiar with the prior technical note and will need to have configured their environment accordingly. This technical note will leverage the existing work by implementing an additional ICAP server to perform additional content scanning of attachments and text entered into web pages to determine if IP is being exfiltrated. 2.2

TheInspectionProcess In the prior technical note, Detecting and Preventing Data Exfiltration Through Encrypted Web Sessions via Traffic Inspection, a Squid proxy server, C-ICAP, and ClamAV are used to inspect CMU/SEI-2013-TN-008 | 2 both clear text and encrypted web sessions for the presence of documents that may contain keywords or are tagged with hidden metadata [Silowash 2012]. Expanding on this, the CERT@ Insider Threat Center developed an additional tool for inspecting documents. This tool leverages the GreasySpoon ICAP server1 and Apache Lucene2. According to the Apache Software Foundation, “Apache Lucene™ is a high-performance, full-featured text search engine library written entirely in Java. It is a technology suitable for nearly any application that requires full-text search, especially cross-platform” [Apache 2012]. The CERT Insider Threat Center developed an agent that resides on the GreasySpoon ICAP server. This agent is written in Java and monitors a given directory of IP. When a new file is created, updated, or deleted, the agent reads the file and updates Lucene’s index. When a user uploads a document to a web-based service such as Gmail, Yahoo Mail, or Facebook, or pastes text into an online form, the document or text is compared to the indexed library of IP. If the document or text matches any of the IP above an organizationally defined threshold, the connection is blocked. Because Squid allows for the simultaneous use of multiple ICAP servers, this approach can be used with the document tagging and keyword detection capabilities discussed in the prior technical note.

AT Russia Scenario

The US is gearing up to fight Russia now – the aff cant resolve this

Bandow 6/24 (Doug, Senior Fellow at the Cato Institute and a former Special Assistant to President Ronald Reagan, “Washington Confronts Russia over Ukraine: Yet Europeans Won’t Protect Themselves from Vladimir Putin,” <http://www.cato.org/publications/commentary/washington-confronts-russia-over-ukraine-yet-europeans-wont-protect//RTF>

Europe is at risk, we are told. Russia’s assault on Ukraine threatens the post-Cold War order. Moscow may follow up with similar attacks on Moldova and even such NATO members as Estonia, Latvia, and Lithuania. But no one in Europe seems to care. Even the countries supposedly in Vladimir Putin’s gun sites aren’t much concerned. No one is bolstering their military. And the European people oppose taking any military risks to help their neighbors. Unfortunately, the Ukraine crisis is likely to continue for some time. The allies hope sanctions will bring Moscow to heel, but the Pew Research Center found that 88 percent of Russians backed Vladimir Putin’s foreign policy, the highest number since Pew started polling in 2003. At least Putin, though no friend of the West, is no fool. He recently opined: “only an insane person and only in a dream can imagine that Russia would suddenly attack NATO.” But if Putin changes his mind, the Europeans don’t plan on defending themselves. Instead, virtually everyone expects America to save them, if necessary. Washington is being played for a sucker as usual. Defense Secretary Ashton Carter is visiting Europe this week. On Monday while observing exercises by NATO’s new rapid response force he announced that the U.S. will contribute aircraft, weapons, and personnel to the “Very High Readiness Joint Task Force.” Americans will provide intelligence, logistics, reconnaissance, and surveillance support. That’s not all. Separately, the Obama administration plans to pre-position tanks and other equipment for a combat brigade in seven nations in Eastern Europe. James Stavdis, a former NATO commander, now dean of the Fletcher School at Tufts, said this “provides a reasonable level of reassurance to jittery allies.” Carter explained that Washington was acting “because the United States is deeply committed to the defense of Europe, as we have for decades.” America is more committed to Europe than are Europeans. “We are moving forward together, with new capabilities,” he said. What does he mean by “we”? Washington again will do the heavy lifting. “You can nearly hear the sigh of relief in Europe,” said Heather Conley of the Center for Strategic and International Studies, in learning that the U.S. again would bail out its allies. The Europeans scrimp on the military while funding their generous welfare state. They promise Washington whatever it desires—to increase outlays, hit the two percent of GDP level, improve international coordination, and more. Then they will go back to doing what they do best, depend on America. “Washington is being played for a sucker as usual.” NATO always stood for North America and the Others. During the Cold War the allied states shamelessly took a very cheap ride on the U.S. That made sense in the immediate aftermath of World War II, but by the 1960s Europe had recovered and should have spent amounts commensurate with the Soviet threat. However, Europeans correctly gauged that Washington wouldn’t leave, despite periodically upbraiding them for their

meager efforts. Cato Institute forum on future of NATO The problem has gotten worse in recent years. The U.S. accounts for three-quarters of NATO outlays even though Europe has a larger GDP than America. Because of European cutbacks, overall outlays are down 1.5 percent this year. Of 28 members only the U.S., Britain, and Greece—mostly because of its confrontation with fellow alliance member Turkey—typically broke the officially recommended level of two percent of GDP. Estonia has become a member of that exclusive club, but not Latvia and Lithuania, despite being on the front line. After frenetically demanding that the U.S. do more, Poland only hit that mark this year. But several members have been cutting outlays, despite the continent's embarrassing showing against Libya (running out of missiles, for instance) and limited capacity to aid the Baltics (little more than nil) let alone defend a nation like Ukraine. Of the five largest European defense budgets, only France's will increase. Those of Canada, Germany, Great Britain, and Italy will continue to decline. None of these countries will hit the recommended two percent of GDP level in 2015. Only Britain and France exceed 1.5 percent. Canada barely makes one percent. (At the G-7 Summit President Barack Obama essentially begged the British to spend more; London has responded by considering whether reclassifying intelligence and foreign aid outlays as "military" would allow Britain to technically meet the standard.) Those NATO members spending more this year—Estonia, Latvia, Lithuania, Poland, Netherlands, Norway, and Romania—collectively have outlays only half that of Britain. Cooperation is poor even among those most at risk. Add Poland to the three Baltic and five Nordic states and the group enjoys a GDP about a third larger than that of Russia. However, their military outlays are only about 40 percent of Moscow's. Moreover, complains Edward Lucas of the Center for European Policy Analysis, they "are divided" and suffer from "strategic incoherence." Never mind the events of the last year. Ukraine has not served as Thomas Jefferson's famed "fire bell in the night," despite the supposedly terrible threat posed to the peace and stability of Europe. "It is much more business as usual," said British defense analyst Ian Kearns. As of 2013 the Europeans devoted just 3.6 percent of their governments' budgets to the military, compared to a fifth of U.S. government spending. America's per capita military outlays are five times that of the alliance's Cold War members and eight times that of those states which joined later. "Total military spending by NATO's European members was less in real terms in 2014 than in 1997—and there are 12 more member states in NATO today," observed my Cato Institute colleague Chris Preble. The issue is more than just money. From the onset of the crisis with Russia a number of American analysts have proposed deploying U.S. forces to Ukraine, treating the latter as if it was a NATO ally. No Europeans have volunteered to follow. The U.S. House has approved legislation to arm Kiev's forces, and a similar measure is being pushed by ever warlike Senate Armed Services Committee Chairman John McCain. Most European governments have resisted the idea. "Make no mistake: we will defend our allies," declared Carter. But will the Europeans defend anyone, even themselves? A new poll suggests not. The Pew Foundation recently surveyed eight leading NATO countries: If Russia got into a conflict with another member of NATO, should your country use military force in the victim's defense? A majority of French, Germans, and Italians said no. (The Germans were particularly emphatic, with 58 percent rejecting war. German support for NATO has dropped by 18 percent in just six years.) Only pluralities said yes in Poland, Spain, and the United Kingdom. (Yet Poland is insisting that everyone else defend it!) The highest European support level was in Britain, at 49 percent. Only in America, naturally, and Canada did a majority say yes (56 and 53 percent, respectively). Ivo Daalder, a former U.S. ambassador to NATO, said "it will take a serious effort by the alliance to convince its public of the need to prepare for, deter and, if necessary, respond to a Russian attack." Yet why should they take action as long as they believe they can count on Washington to save them? According to Pew, two-thirds of Europeans were convinced the Americans would come rushing over to do what they would not do for themselves. It's time to change that. Judy Dempsey of Carnegie Europe asked why Washington allowed itself to be used in this way: "Europe is prosperous. It should be confident enough both to take care of its own security and to contribute to a greater role in burden sharing." It will not do so as long as U.S. policymakers insist that Americans do the job instead. The Cold War is over. Moscow is an unpleasant regional actor, not a global threat. Europe has a much larger GDP and population than Russia and even with its current anemic level of military outlays devotes more to defense. The U.S. government is essentially bankrupt, with far greater unfunded liabilities than the Europeans, despite Greece's travails. Instead of pouring more resources into NATO, Washington should be disengaging militarily, turning leadership of the alliance and responsibility for defending the continent over to Europe. Americans shouldn't be expected to protect their rich cousins even if the latter were devoted to protecting each other. That the Europeans expect the U.S. to do their job is yet another reason for Americans to say no more.

The impact's inevitable- congress already wants to arm Ukraine

Wong 15 (Kristina, 2/5/15, The Hill, "Lawmakers to Obama: Arm Ukraine now," <http://thehill.com/policy/defense/231874-senators-to-obama-arm-ukraine-now>)/RTF

The White House came under bipartisan pressure from both sides of the Capitol to provide weapons to Ukraine Thursday. Republicans and Democrats on the Senate Armed Services Committee made a big push on the issue, while a bipartisan group of House members called for the same course of action in a letter. "The United States must act with urgency to provide defensive lethal assistance to Ukraine," said Sen. John McCain (R-Ariz.), the chairman of the Armed Services Committee. "Russia's invasion of sovereign territory of Ukraine, which has continued unabated in the face of political and economic sanctions, is the gravest threat to European security in decades," he

said. In an unusual display of bipartisan agreement, McCain was joined at the press conference by the committee's ranking member, Sen. Jack Reed (D-R.I.), and Sens. James Inhofe (R-Okla.), Bill Nelson (D-Fla.), Lindsey Graham (R-S.C.), Richard Blumenthal (D-Conn.), Kelly Ayotte (R-N.H.), Joe Donnelly (D-Ind.), Joni Ernst (R-Iowa), Mike Rounds (R-S.D.), Tom Cotton (R-Ark.) and Dan Sullivan (R-Alaska). Meanwhile, the group of House lawmakers said that the administration needed to provide weapons to Ukraine to deter further Russian aggression. "We are calling on the Administration to increase its support for Ukraine. Tighter sanctions and greater humanitarian assistance should be part of that support, but now, more than ever, the U.S. must supply Ukraine with the means to defend itself," they said in their letter. Rep. Adam Schiff (D-Calif.), ranking member on the House Intelligence committee, was the lead signatory on the letter. He was joined by more than 30 Republicans and Democrats. The U.S. and Western allies slapped economic sanctions on Moscow after it invaded Ukraine and annexed its peninsula of Crimea last March, but the country has continued to arm and train pro-Russian rebels in Eastern Ukraine. Secretary of State John Kerry said while visiting Ukraine on Thursday that President Obama is "reviewing all his options." "Among those options obviously is the possibility of providing defensive systems to Ukraine," he said, according to the Associated Press. However, he added, "We are not interested in a proxy war. Our objective is to change Russia's behavior." The White House has so far turned down Ukraine's requests for weapons out of fear it would further provoke Russia, but has provided nearly \$122 million in non-lethal military equipment to Ukrainian forces, such as blankets, body armor and meal packets. The senators said the time has come to provide weapons as well, given gains by rebels in recent weeks and Russian President Vladimir Putin's violation of a ceasefire agreement. "Blankets don't do very well against tanks," said McCain. Providing arms "will raise the risk and costs Russia must incur to continue its offensive," he said. McCain said that since April, Russian-backed separatists in Ukraine have killed 5,358 Ukrainian forces, wounded 12,235 others and killed 224 civilians. Reed said Ukrainian forces have fought courageously. "We must help Ukraine to defend itself against Russian aggression," he said. "We cannot let Vladimir Putin get away with invading another sovereign country. ... This is what we should do, lethal assistance," Nelson added. "We should always be on the side of struggling democracies," Graham said. "Helping a friend somewhere makes friends of America everywhere feel better." Blumenthal called Putin "a thug." "He has not responded to sanctions. Sanctions are not working," he said. "He is the schoolyard bully," added Ayotte. "I am so glad we've come together on a bipartisan basis to do this." Donnelly called Ukraine a "friend" of the United States and said providing arms "is the least that we can do." Meanwhile, the letter from the House members urged the administration to provide "a substantial amount of military assistance as soon as possible in 2015," and in the following years. That assistance should include non-lethal aid such as counterbattery radars, drones, electronic counter-measures against Russian drones, secure communications capabilities, armored Humvees and medical equipment, they said. Lethal aid should include light anti-armor missiles, "given the large numbers of armored vehicles that the Russians have deployed in Donetsk and Luhansk and the abysmal condition of the Ukrainian military's light anti-armor weapons," the letter said. The letter was also signed by Reps. Steny Hoyer (D-Md), Michael Burgess (R-Texas), Gerry Connolly (D-Va), Steve Chabot (R-Ohio), Rosa DeLauro (D-Conn.), Eliot Engel (D-N.Y.), Michael Fitzpatrick (R-Penn.), Alcee Hastings (D-Fla.), Steve Israel (D-N.Y.), David Jolly (R-Fla.), Marcy Kaptur (D-Ohio), Mike Kelly (R-Penn.), John Larson (D-Conn.), Sander Levin (D-Mich.), Daniel Lipinsky (D-Ill.), Thomas Marino (R-Penn.), Michael McCaul (R-Texas), Tom McClintock (R-Calif.), Tim Murphy (R-Penn.), Mike Quigley (D-Ill.), Bill Pascrell (D-N.J.), Robert Pittenger (R-N.C.), Ted Poe (R-Texas), Reid Ribble (R-Wisc.), Thomas Rooney (R-Fla.), Peter Roskam (R-Ill.), David Schweikert (R-Ariz.), John Shimkus (R-Ill.), Adam Smith (D-Wash.), Steve Stivers (R-Ohio), and Michael Turner (R-Ohio). The non-voting member from Guam, Del. Madeleine Bordallo (D), also signed. "We know that a resolution to the Ukrainian crisis will ultimately require a diplomatic, not military, solution," the letter said. "But Russia is feeling emboldened, and Ukraine is economically stretched to its breaking point. It is time to provide the Ukrainian government with the tools to keep the separatists at bay and to make the conflict too costly for their Russian patrons to continue." Separately, Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.) urged President Obama in a letter Thursday to fully implement a law passed last year, which requires him to report to Congress by Feb. 15 on plans to provide weapons to Ukraine. "We hope the administration will submit a report to the Senate Foreign Relations Committee later this month that clearly states your readiness to supply appropriate lethal assistance to the Ukrainian government and provides details of the specific weapons to be delivered," said Corker, a co-author of the bill.

Republican Congress makes the impact inevitable

Jensen 14 (Donald, November 18th, resident fellow at the Center for Transatlantic Relations in the Nitze School of International Studies at Johns Hopkins University, "Republican Congress to Push Harder Russia Line," <http://imrussia.org/en/analysis/world/2085-republican-congress-to-push-harder-russia-line>)/RTF

The United States' recent midterm elections tipped the balance of power away from president Barack Obama and will greatly complicate his remaining two years in office, not just in terms of domestic policy, but foreign policy as well. Riding a wave of popular discontent, the Republican Party gained eight seats (which could increase by one after Louisiana holds a runoff in December). The GOP also increased its majority in the House of Representatives and performed well in state races. The Republican capture of the Senate will force Obama to scale back his legislative agenda and limit his ambitions to either executive actions that do not require legislative approval, or issues that have bipartisan support. But the Republicans, hoping to win the White House in 2016, will also be under pressure to show the electorate that they are capable of governing after drawing scorn for shutting down the government last year and allegedly demonizing the president. The president's supporters and the national media, in turn, are also guilty of exaggeration: they are fond of caricaturing the GOP as being held hostage to an "extremist" Tea Party base. Many of these critics expect (and hope) that Republican unity will be difficult to achieve. The day after the midterm elections, President Obama promised to work with Republicans, but warned that he was also prepared to make more use of his executive powers. Foreign policy is rarely a primary concern of U.S. voters. Indeed, surveys suggest that those who went to the polls this November were primarily concerned with the state of the economy, partisan gridlock in Washington, and Obama's leadership. In September, according to a Pew Research Center poll, 64 percent of respondents said foreign policy would be an important factor in their midterm election vote. In an October poll, by a margin of 43 to 37 percent, voters believed Republicans would do a better job of handling foreign affairs than Democrats. It appears such sentiments have much to do with the public's view that Obama has demonstrated poor leadership on international issues. "Setting aside individual debates about individual policy choices," David Rothkopf recently wrote for Foreign Policy, "the public wants America and its leaders to appear strong." In recent weeks, the opinions of the Washington elite on how to deal with Russia, like public sentiment more generally, have been marked by an uneasy balance. Earlier this year, views were divided. One point of view maintained that Russia's meddling in Ukraine was mostly a defensive action against the threat of NATO enlargement and Ukraine's disintegration; the other accused Russian president Vladimir Putin of directly challenging Europe's political and security structures and Western values, and argued that he needed to be countered. The shoot-down of Malaysian Flight MH17 in July and subsequent abundant evidence of Russia's extensive military involvement in the incident yielded a consensus behind the latter view. Yet there remained disagreements over how far Putin would go and how the U.S. should push back. The Obama Administration expressed warm words of support for Ukraine, but was strongly against arming Kiev. It argued that doing so would provoke Russia into greater intervention; that Ukraine's armed forces could not "absorb" high-tech equipment; that there exists no military solution to the crisis; and that Ukraine would be better able to withstand Russian aggression if it focused on political and economic reform. In Congress, however, where sympathy for Ukraine was strong (and bipartisan), there was firm support for providing arms. This debate took place, as Standard Bank analyst Tim Ash wrote in October, amid widespread uncertainty about what Putin would do next and general agreement that Western sanctions on Russia are working. Although they may have done little to directly discourage Russian military activity, sanctions have extracted a heavy price from Russia and the elites around Putin. Two bills that would provide Ukraine with defensive but lethal weapons are likely to be taken up by the new Republican Senate majority, despite the president's wishes. With a GOP majority in both houses of Congress—including in the crucial Senate Armed Services and Foreign Affairs Committees—Republican leaders are now likely to step up the pressure on the weakened president, already a lame duck, to be tougher on Russia and provide weapons to Ukraine. Senator John McCain, the incoming chairman of the Senate Armed Service Committee, said in an interview on November 5 that he has already discussed a new national security agenda with fellow Republicans Bob Corker and Richard Burr, who are likely to be chairmen of the Senate Foreign Relations Committee and Senate Select Committee on Intelligence, respectively. McCain promised to raise the issue of military assistance. Two bills that would provide Ukraine with defensive but lethal weapons are likely to be taken up by the new Republican Senate majority, despite the president's wishes. The first of these bills, the Ukraine Security Assistance Act of 2014, would help Ukraine "neutralize the military-support advantage that separatist rebels are using to target civilian and military aircraft in eastern Ukraine" and would authorize President Obama to "provide adequate and necessary assistance to protect Ukrainian democracy and sovereignty." The second, the Ukraine Freedom Support Act of 2014, calls for military and security assistance to Ukraine, designates it as a "major non-NATO ally" (MNNA), and imposes further sanctions on the Russian Federation. MNNA is a designation given by the United States government to close allies (including Australia, Egypt, Israel, Japan, and South Korea) who have strategic working relationships with U.S. armed forces but are not members of NATO. While the MNNA status does not automatically establish a mutual defense pact with the United States, it does confer a variety of military and financial advantages that otherwise are not obtainable by non-NATO countries. Moreover, codifying U.S. sanctions against Russia into legislation would make it far more difficult to end them than is currently the case, thereby immunizing the sanctions against actions by the White House. It is unclear whether Obama will veto either bill should they pass. The White House's rationale that arming Kiev would provoke Moscow grows ever weaker, as Russia has stepped up its military support of the eastern breakaway republics in recent days. An Obama veto would also put him at odds with powerful congressional leaders in both parties, now emboldened by the elections to take a tougher line on an issue that appears

secondary to the rest of the president's agenda. In the past, Obama has stood his ground in the face of congressional opposition when he believed he was right, but according to sources in Congress, he has not yet indicated what he would do if a Ukraine bill were to reach his desk. Putin's intentions, as ever, remain uncertain. On the one hand, the Kremlin has little incentive to escalate its military presence in Ukraine, regardless of any military assistance the U.S. might provide Ukraine (though such aid would certainly give Putin pause). Russian public opinion does not support an invasion: Kremlin authorities made great efforts during the fighting of August and September to restrict media coverage of Russian military casualties. The economic costs of rebuilding the Ukrainian east or funding additional sustained major military operations are likely prohibitive, given the downturn in the Russian economy. On the other hand, Putin's current stepped-up support for separatist forces, in violation of the Minsk agreement and despite Western threats, suggests that he could go further no matter the economic cost or Western reaction. For example, he could carry out a quick strike to establish a land bridge to Crimea. The Obama Administration also continues to seek Russian cooperation on Iran and the Middle East, showing Putin there are limits to Washington's willingness to push back over Ukraine. In the end, therefore, the dispute in Washington over military assistance to Ukraine may have more to do with the power struggle between Congress and the administration than the realities of the military situation on the ground.

Republicans are pushing for it

Coca 6/24 (Onan, 2015, writing for Eagles Rising, "John McCain says It's "Shameful" Not to Send Arms to Ukraine!," <http://eaglerising.com/2010/john-mccain-says-its-shameful-not-to-send-arms-to-ukraine/#TKxhbSzXdKLiQ4d.99>)//RTF

GOP Sen. John McCain spoke at a Saturday press conference during his trip to Ukraine and lambasted the U.S. for refusing to provide weapons to Ukrainian forces. According to McCain, Ukraine has shown repeatedly that it's willing to fight for freedom, making it shameful to deny the country much-needed military assistance against well-armed separatists in the eastern region. The Associated Press reports. For McCain, the 300 paratroopers sent as advisers in April aren't sufficient. A lack of weapons only cedes more ground to Russian President Vladimir Putin's designs to pull Ukraine away from NATO and other western countries, he says. Observers allege that the reason separatists in Luhansk and Donetsk are able to keep fighting is because Russian support lurks behind the scenes. Putin steadfastly denies any and all such accusations. "This is shameful that we will not provide [the Ukrainians] with weapons to defend themselves. They are fighting with 20th-century weapons against Russia's 21st-century weapons. That's not a fair fight," McCain said, after meeting with Ukrainian President Petro Poroshenko and other officials. Since Russia annexed Crimea last year, McCain has been one of the most vocal proponents of shipping military gear to Ukraine. "We need to give long-term military assistance... because God knows what Vladimir Putin will do next," McCain said in March 2014. Accompanying McCain was Republican Sen. Tom Cotton, who argued that sending weapons is a necessity, as Putin has repeatedly refused de-escalation attempts. The National Defense Authorization Act includes \$300 million for military assistance to Ukraine, but the defense budget bill still needs to make it through Congress and the White House first. Recent back-and-forth disputes between the Republican-dominated legislature and the Obama administration threaten the bill's passage. Russia meanwhile opposes any attempt from the U.S. to send military assistance, saying that any military aid will only increase instability. Putin has also warned Israel in April not to sell weapons. Shortly after the press conference, Lithuania's ambassador to Ukraine, Marius Yanukonis, said that Lithuania is preparing to ship arms to Ukrainian forces, in an effort to persuade other NATO member countries to follow suit.

A bill providing military support's already passed the senate

AP 6/20 (Associated Press, 2015, "US Senator McCain slams European stance on Ukraine," <http://news.yahoo.com/us-senator-mccain-slams-european-stance-ukraine-172844262.html>)//RTF

KIEV, Ukraine (AP) — U.S. Sen. John McCain has said during a visit to Ukraine that it is shameful that Washington's European allies have not done more to assist Ukrainian forces in their quest to defeat Russian-backed separatists in the east. McCain was part of a delegation of U.S. senators that met Saturday with senior Ukrainian officials, including President Petro Poroshenko, after visiting troops and volunteers working on the front line. The U.S. Senate this week approved a bill that includes provisions to supply Ukraine with \$300 million worth of defensive military equipment. Approval

from Congress and the White House is still pending. European countries have favored a diplomatic settlement as a way out of the conflict. Russia condemns U.S. military aid to Ukraine and says it will foment instability.

Solvency

Noncompliance

The Navy needs their ITP program – they wont stop

Lombardo 13

(Tony -Staff writer, SECNAV launches plan to battle 'insider threats', Sep. 7, 2013, <http://archive.navytimes.com/article/20130907/NEWS/309070005/SECNAV-launches-plan-battle-insider-threats->, JZG)

The Navy has a new plan to confront “insider threats” in the Navy and Marine Corps, and it will involve more scrutiny, better training and a team of top leaders to oversee its implementation.

Navy Secretary Ray Mabus issued an instruction in August that creates the Department of the Navy Insider Threat Program. The goal is to prevent cases like the data leaks by Army Pfc. Bradley Manning and former National Security Agency contractor Edward Snowden, and violence like Army Maj. Nidal Hasan’s shooting rampage at Fort Hood, Texas. “With this instruction, Secretary Mabus has given the Department of the Navy its marching orders.” said Vice Adm. Michael Rogers, head of Fleet Cyber Command. “We need to do all we can to be aware of the threat, and take those actions necessary to reduce that threat.” As head of the Navy’s cybersecurity arm, Rogers’ team of cyber warriors plays a critical role in fighting insider threats. But Rogers insists the threat is an “all hands” issue. “All who serve within the Navy — active, reserve, officer, enlisted, civilian employees and contract support personnel — are put at risk by this threat, and all can help diminish that threat,” said Rogers, who responded to Navy Times’ questions via email.

Counterplans

Reform ITP CP

1NC

CP Text: The United States federal government should update the ITP program to include a common definition of what an insider threat is and realign insider threat training to focus toward preventing threats.

Common definitions solves cohesion

Porter 14 -Master in Security Studies

(Michael Lawrence, COMBATING INSIDER THREATS: AN ANALYSIS OF CURRENT UNITED STATES INSIDER THREAT POLICIES AND NECESSARY IMPROVEMENTS, May 2014, <http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y>, JZG)

The first improvement that is needed is the establishment of a common definition of an insider threat. Currently, there are over 15 different definitions as outlined in the NCIX's Official Terms & Definitions of Interest List¹²². Such a broad list of definitions leaves many questions in the minds of the different IC agencies as to what an insider threat is, and who has jurisdiction regarding collection, analysis, and apprehension. Most importantly, the definition in the 2012 National Policy lacks any sort of tie to a foreign nexus¹²³. This vague language creates confusion as to who has jurisdiction over potential insiders. According to the policy definition, CI would have been responsible for identifying and handling any threat, to include domestic law enforcement cases. The problem is that if these threats are American citizens, not working for extremist organizations or foreign nations, then CI does not have jurisdiction as assigned in EO 12333. This current lack of specificity can cause confusion when it comes to handling insider threats, because over utilization of CI and LE on areas outside of their jurisdiction leaves them both over-exerted and stretched thin¹²⁵. Furthermore, establishing a definition will be difficult with as many different and divergent definitions as we already have throughout the government. As was mentioned, consensus is important and right now there is none. Changing this will require the NITTF to build common ground and push past the differences. The important thing to remember is that words have meanings and, as the 2009 NIS states, insider threats are the priority for CII²⁶. An open-ended definition will tax a stressed organization. Specificity allows work to be spread across the spectrum of CI and Law Enforcement cases and thus increase the amount of success. Chapter 1 of this paper outlined the author's definition of an insider threat as "an individual with placement and access to critical infrastructures, military units, and the government and their supporting agencies who have allegedly turned against and targeted their parent organization, thus aiding a foreign power or international terrorist organization." This definition is based on a conglomeration of multiple different definitions used across the IC. It encompasses all of the critical elements of the threat and leaves no question in the minds of the different agencies as to who has jurisdiction. Simply adopting a new definition does not mean that "jurisdiction battles" will be solved. Inherent to any definition is the constant need for cooperation amongst the different organizations of CI and in the case of uncertainty, to allow for joint investigations and the sharing of potentially valuable information between the different disciplines¹²⁷ Evaluation will be more than just the success or failure of a standard definition. The definition itself will be tied to a broader evaluation of the National Threat Policy. Accordingly, the ITAG and the JITTF would be primarily responsible for the evaluation of current policies. In order to do this, an evaluation of classified and unclassified reporting and investigations, at the national level, will identify increases in reporting, opening of investigations, opening of joint investigations, prosecutions, and operations conducted. An increase in these numbers would be a strong indication that programs are working, at least in the short-term. This data would be compiled and presented by the NCIX to the DNI and policy makers as an indicator of the change that is occurring with new policies. Granted this information would not be shown to all policy makers, but there are representatives in Congress and the White House that would be privy to this information, and that serve as representatives for the broader policy community¹²⁸.

Adding threat prevention training solves

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(Michael Lawrence, COMBATING INSIDER THREATS: AN ANALYSIS OF CURRENT UNITED STATES INSIDER THREAT POLICIES AND NECESSARY IMPROVEMENTS, May 2014, <http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y>, JZG)

The second improvement needed is that the CI Community should realign insider threat training to focus toward preventing threats, not simply identifying them. The National Insider Threat Policy includes a set of “Minimum Standards for Executive Branch Insider Threat Programs.” These minimum standards are the current guidelines promulgated by the executive branch, the NCIX, and the JITTF regarding Insider Threat Programs¹²⁹. The programs’ standards have addressed many of the issues relating to insider threats except one key issue: prevention. The minimum standards read more like a list of training for identification of a current threat, and less like a set of preventative measures. Identifying threats is useful, but the problem with insider threats is that they are often unidentifiable; more is needed in the form of prevention. The major problem with passing changes such as these is, once again, the problem of time. As previously stated, policy makers like to see fast results. Preventative measures will not get nearly the same results as fast as identification. Focusing training on identification can give quantifiable numbers to policy makers about how successful a program has been by catching bad guys. One can hope that politics is not all that is at play when it comes to determining how these programs are organized, but these changes will need to be made quickly because the longer they wait the longer the system goes without preventative measures. Not much needs to be added to current CI training, but an understanding of the basic threat psychology, as addressed in Chapter 2, should be a part of the Minimum Standards. A key element of this “preventative measure” is the provision of information regarding where developing threats can seek assistance, how coworkers can report suspected problems for assistance, and how supervisors can refer to assistance. These insights would be crucial both for impacting the potential downward spiral and the apprehension of an individual. The one major outlet that exists is in Employee Assistance Programs (EAPs). As stated in EO 12968, all individuals working for agencies with access to classified information are eligible to use EAPs for “assistance concerning issues that may affect their eligibility for access to classified information, such as financial matters, mental health, or substance abuse.” Essentially EAPs are counseling services for those in the IC who need an extra support structure to get personal help¹³⁰. The problem is that often there is a stigma placed on anyone for using these services. The proper use of these programs is crucial for serving this preventative measure and should be included in training as a healthy outlet free of judgment or damage to one’s career. One thing that the Spy cycle and the Radicalization cycle both underscored was that in the earliest stages of the development of an insider threat, there was a need for help. The spy found that help in the solace of a foreign intelligence service, while the future violent extremist found it in the support network of an international terrorist organization. By focusing training on identification at the later stages of development, we are skipping an important step in the progression of an insider threat. Ignoring the early stages does nothing to prevent those potential future threats sitting on the edge of right and wrong from making bad choices. By adding to the current training a focus of earlier detection then the potential to remove the future insiders from their support structure and offer them a healthy outlet is possible. Additionally, teaching this training to everyone will turn personnel into sensors for future threats, not just current ones¹³¹

2NC

Reform to the ITP is necessary

Porter 14 -Master in Security Studies

(Michael Lawrence, COMBATING INSIDER THREATS: AN ANALYSIS OF CURRENT UNITED STATES INSIDER THREAT POLICIES AND NECESSARY IMPROVEMENTS, May 2014, <http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y>, JZG)

Chapter 4: The Reform Process Given the many insider threat-related challenges the CI Community faces, the United States has done a great deal to confront this dangerous enemy. Nonetheless, the CI Community must make additional changes due to weaknesses in the current legislative processes, organizational interactions, and other issues involved in this effort⁹⁹. As addressed in Chapter 3, the structure of the CI Community has adapted over the years, but the sad reality is that these changes happened largely as a result of failures in the system and kneejerk reactions designed to address specific instances of failure¹⁰⁰. Even then, the changes that do occur often do not come easily and are the result of extensive reform processes throughout the IC. The ever-present threat posed by insiders means that the US CI Community must routinely evaluate the process it operates under and look to better itself. Our CI specialists must address a range of persistent vulnerabilities to help strengthen the American security apparatus. The problem is that substantive reform is often very difficult to accomplish in the IC, and subsequently the CI Community, for two reasons. First, intelligence reform is usually more politically motivated than it is focused on, and motivated by, the need for substantive change¹⁰¹. Second, since the IC is a tool of the policy makers, who ultimately oversee these organizations, this often means that the people making decisions for the IC have little to no real understanding of the Intelligence process¹⁰². As Chapter 3 demonstrated, there were multiple reforms over the past 20 years that have helped mold the CI Community into an organization that could fight the insider threat. These changes however, were not the result of planned reform, they were reactionary movements to larger community failures that allowed insiders like Ames, Hanssen, and Hassan to exist. Politicians do not like huge failures for political reasons, so large high-profile events act as "motivation" for change, and to show their constituents that they are making things better¹⁰³.

DOD CP

1NC

CP Text: The Department of Defense should enact new efficiency standards and guidelines for their insider threat program.

Reform through the GAO standards solves efficiency and insider threats

Pomerleau 15

(Mark, DOD coming up short on insider threat safeguards, GAO says, Jun 04, 2015, <http://defensesystems.com/Articles/2015/06/04/DOD-insider-threat-gaps-GAO.aspx?Page=1>, JZG)

While certain components of DOD's insider-threat implementation program have been incorporated, other major standards have been neglected, according to a Government Accountability Office report. Specifically, the department has not analyzed gaps or incorporated risk assessments into the program. Going back to 2000, DOD issued an integrated process team report to guard against insider threats to information systems. This issue came to a head in 2010 following massive disclosures of classified information by then-Army soldier Bradley (now Chelsea) Manning. (The report refers to leaks by Manning and Edward Snowden, though not by name.) Congress in 2011 called for DOD to establish an insider threat program while the White House issued an executive order establishing an interagency task force, known as the National Insider Threat Task Force. A 2012 presidential memorandum directed agencies to create insider threat programs by May 2013 and identified six minimum standards for the programs: (1) designation of senior official(s); (2) information integration, analysis, and response; (3) insider-threat program personnel; (4) access to information; (5) monitoring user activity on networks; and (6) employee training and awareness. GAO stated that DOD and the six selected DOD components it reviewed have begun incorporating the minimum standards, they have not done so consistently. GAO's report, which was originally issued in a classified setting in April, notes that around that same time, DOD made a particular point to highlight the need to mitigate insider threats in its newly updated Cyber Strategy, which said DOD was pursuing security against insider threats "through continuous network monitoring, improved cybersecurity training for the workforce, and improved methods for identifying, reporting, and tracking suspicious behavior." The report continued: "Mitigating the insider threat requires good leadership and accountability throughout the workforce. Beyond implementing policies and protocols, leaders will strive to create a culture of awareness to anticipate, detect, and respond to insider threats before they have an impact." Although DOD is required to complete a continuing analysis of gaps in security measures,

DOD officials reported in 2014 that this survey had been suspended due to financial and personnel limitations. “This survey would have allowed DOD to define existing insider-threat program capabilities; identify gaps in security measures; and advocate for the technology, policies, and processes necessary to increase capabilities in the future,” GAO wrote. Without that information, “the department will not know whether their capabilities for insider-threat detection and analysis are adequate and fully address the statutory requirements.” GAO starkly pointed out that it found DOD had not incorporated risk assessments into insider threat programs. Risk assessments, GAO pointed out, “provide a basis for establishing appropriate policies and selecting cost-effective techniques to implement these policies. Risk assessments generally include the tasks of identifying threats and vulnerabilities, and determining consequences.” Despite the fact that some DOD officials said insider threats are included in other risk assessments, these assessments are “technical in nature and focus on the vulnerabilities of individual systems” and “do not provide insider-threat program officials with complete information to make informed risk and resource decisions about how to align cybersecurity protections.” Further compounding this issue, GAO continued, is that officials in the Office of the Undersecretary of Defense for Intelligence do not view the results of the National Security Agency assessments or Command Cyber Readiness Inspection reports, meaning a “senior-level official does not know which specific types of risk the department is incurring.” Aside from the two major flaws mentioned at the outset, GAO also picked up on a lack of guidance from the top level of DOD. “DOD officials stated that they would need supplemental planning guidance that helps them identify actions, such as the key elements, beyond the minimum standards that they should take to enhance their insider-threat programs,” according to the report. “The current DOD directive does not contain additional guidance for implementing key elements of an insider-threat program beyond the minimum standards.” A draft implementation plan provides guidance on minimum standards but not recommended elements. DOD was expected to release a supplemental guidance in January 2015.

2NC

The insider threat program has a ton of data now – new guidelines and effectiveness measures are critical to success

Tucker 7-19

(Patrick -Patrick Tucker is technology editor for Defense One. He’s also the author of *The Naked Future: What Happens in a World That Anticipates Your Every Move?* (Current, 2014). Previously, Tucker was deputy editor for *The Futurist* for nine years. Tucker has written about emerging technology in *Slate*, *The Sun*, *MIT Technology Review*, *Wilson Quarterly*, *The American Legion Magazine*, *BBC News Magazine*, *Utne Reader*, and elsewhere, “To Prevent Insider Threats, DOD Must First Define ‘Normal’”, JULY 19, 2015, <http://www.defenseone.com/threats/2015/07/insider-threat-prevention-complicated-automated/118099/>, JZG)

Imagine your job is to anticipate when that sort of thing might occur by using digital data produced by and about soldiers like Hasan. The task before you is enormous. There were around 65,000 people personnel stationed at Fort Hood at the time of Hasan’s rampage. If you were to scan every piece of electronic communication between those soldiers, and their contacts, for hints of future violence, your graph would include 14,950,000 different nodes—people, devices, and other communication points—and up to 4,680,000,000 messages, according to a paper published after the incident by the Defense Advanced Research Projects Agency, or DARPA. Nevertheless, predicting such insider attacks on the basis of digital clues is something the Defense Department is committed to doing. Following the 2011 leak of classified documents by Army Pvt. First Class Bradley (now Chelsea) Manning, President Obama signed Executive Order 13587, establishing the National Insider Threat Task Force. The Defense Department and the Task Force have since taken various steps to predict and prevent insider attacks. But the ultimate goal — a continuous and automated understanding of every potential threat posed by everyone with any connection to the defense establishment — remains elusive. DOD is working to meet one of the Task Force’s key recommendations: establish a center to coordinate its insider

threat efforts, codify best practices, and monitor the most important cases. This Defense Insider Threat Management and Analysis Center, or DITMAC, slated to reach initial capability this fall, is meant to be able to analyze and fuse insider threat data that it gets from different components. Full operational capability will come in 2018 or 2019. Insider threat detection, as specified by DOD requirements, will also become standard for any defense contractor with top-secret clearance, according to forthcoming changes in the National Industrial Security Program Operational Manual. Key to DoD's these efforts is what's called continuous evaluation, a method to continuously monitor personnel with important clearances or access for changes that Department believes could make them insider threats, like credit problems, family issues, arrests, etc. But DoD would like to be able to subject all personnel to that sort of examination. A recent quarterly report of the Insider Threat program suggested that 225,000 personnel would be subject to continuous evaluation by one of the CE pilot programs by the end of 2015, and 1 million by 2017. But, as recent GAO reports make clear, progress has been uneven. The DoD CE program will automatically and continuously check records using data from the government, commercial sources to insure to look for warning signs. "As it matures, the CE capability will continuously ingest and filter data as it becomes available and provide ... relevant information to appropriate security entities for action." Mark Nehmer, who is leading that effort as the DITMAC team's deputy chief for implementation, told Defense One in an email. That means developing software to detect threat signals, bad credit, unusual travel, arms purchases, etc. the second that that information becomes available. The usefulness of continuous evaluation will depend on DOD's ability to tell normal behavior from abnormal on a department-wide scale and do so automatically. A few years ago, DARPA funded a program called Anomaly Detection at Multiple Scales, or ADAMS. The goal was to "create, adapt and apply technology to the problem of anomaly characterization and detection in massive data sets... The focus is on malevolent insiders that started out as 'good guys.' The specific goal of ADAMS is to detect anomalous behaviors before or shortly after they turn." That set the stage for many current research efforts. "We're working through a number of different efforts right now, behavioral analytics, to actually try and figure out [for] all of these different known insider threats that we've seen, what the characteristics have been of those individuals, what are the behaviors that they've exhibited," said Nehmer. "Where were they in their work life? Where were they in their social life? We're doing as deep a dive as we can get on individuals that have actually exhibited insider threat behavior," Nehmer said at a recent Defense One event. That seems straightforward enough — but it presents a technical challenge as big as big data. Consider Hasan, on whom the Army had an abundance of data. They knew that he had become withdrawn after receiving abuse from other soldiers and that he wanted out of the military. In the summer of 2009, they knew that Hasan had begun to buy non-issue guns. The military looks for those behaviors among many others, as indicators of potential insider attacks. This 2011 guide to characterizing so-called "indicators of potential insider attackers lists a few of them. "Socially withdraws on some occasions," "strange habits," and "lacks positive identity with unit or country" are Category I indicators that could apply to every American teenager. The Category III indicators include "takes unusual travel," "Exhibits sudden interest in partner nation headquarters or individual living quarters," and "Stores or collects ammunition or other items that could be used to injure or kill multiple personnel." But these clues can present themselves too late. The thing about "normal behavior" is that its definition depends entirely on context. Normal for one person in one job is abnormal for another. "There is no normal across a department," says Nehmer, "There is no normal across a command ... We've been doing some machine learning in the department and they've been looking at what normal behavior looks like by a single position. You go to a particular component, you go to a sub unit in that component, and then you look at a position. We know what that should look like. That's where we've done the homework." "For instance, say you have someone who is an administrative assistant. And this assistant is spending a lot of time looking at foreign military websites. And they're downloading things off the Internet and sending emails to a foreign email address. So someone looks into that and finds that the person is actually putting together travel for one of the flags [flag officers], in that particular country." Nehmer says that that sort of behavior should be automatically flagged by a user activity monitoring, or UAM, system, prompting a closer inspection by a human analyst within the insider's component. It shouldn't necessarily trigger high institutional concern. Developing software to automatically flag and possibly mitigate concerns as they come up will involve training programs on massive amounts of anonymized data related to emails, texts, and messages. As continuous evaluation rolls out, a higher level of surveillance is going to become the norm across the Defense Department. Patricia Larsen, co-director of the National Insider Threat Task Force, said that while continuous evaluation might feel intrusive for DOD employees, it doesn't actually represent a fundamental change from types of screening and vetting procedures that the Department undertakes now. Analysts looking for insider threats today can use a tool called the Automated Continuous Evaluation System, or ACES, to run queries about an individual across different databases. It's Google for instant background checks, not truly automatic. "ACES has been running for 20 years," Larsen said. "So we have been looking at you as a person. But it's been a slow, methodical and sometimes painstaking way of doing it. What we're saying is that there's a lot of information about you that's already out there. We want to put it together in one place so we can short-circuit the information gathering point and get to the analysis of you faster and be able to look at you more proactively." Carrie Wibben, director security policy and oversight division for

the Office of the Under Secretary of Defense (Intelligence) likened the new level of scrutiny to a routine lie-detector test. “I don’t like that,” she said, “but I feel better knowing that everyone alongside me had to go through the same polygraphic examinations that I had.” Of course, continuous evaluation will be a great deal more intrusive than a one-time polygraph session. It will, among other things, collect every DOD worker’s public posts on social media along with all other communication that the Department can legally collect. Such data could be used, as far as possible, to monitor not just credit and life changes but each individual’s current emotional state. “A machine could monitor that and get a contextual feel for a person’s mood. I think that’s in the future. But we have to sift through the volumes that we’re talking about and you have to get a baseline for people,” said Nehmer. Deriving a sense of mood or sentiment from textual clues, perhaps in real time, is a fast-growing area of machine learning research. Consider this paper by Chris Poulin in which he and his fellow researchers tried to use subtle language clues harvested from social media to predict which veterans might attempt suicide. They found indicators that allowed them to predict with better than 65% accuracy. Then there’s another worry: the data that’s left off the table. Asked how her office was looking into deep web or dark web content for insider threat indicators, Wibben answered, “We’re not looking to that at all. We have to stay within the bounds of the [Standard Form 86] consent form, so things that individuals put out there publicly, that’s what we’re looking at right now. If you protect it behind a password, we’re not looking at it... at least not on the background investigation, continuous evaluation side.” All the data that DOD can obtain, legally but at no small inconvenience to those who soldiers who create it, may still not be enough to prevent future insider attacks from taking place.

All Agencies are in ITP

The DOD is part of XO 13587

NCSC.gov No Date

(NATIONAL INSIDER THREAT TASK FORCE MISSION FACT SHEET,
http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf, JZG)

Who runs the task force, and which agencies are involved? Under Executive Order (E.O.) 13587, the National Insider Threat Task Force (NITTF) is co-chaired by the U.S. Attorney General and the Director of National Intelligence (DNI). They, in turn, designated the Federal Bureau of Investigation (FBI) and the National Counterintelligence Executive (NCIX) to co-direct the daily activities of the NITTF. The NITTF comprises employees and contractors from a variety of federal departments and agencies (D/A), and its work impacts more than 70 federal D/As that handle classified material. Currently, the following departments and agencies have representatives on the NITTF: FBI, Office of the National Counterintelligence Executive (ONCIX), Defense Intelligence Agency (DIA), Veterans Administration (VA), and Department of Justice (DOJ). The NITTF responds directly to the Senior Information Sharing and Safeguarding Steering Committee, which was also established under E.O. 13587. The Steering Committee comprises representatives from largely Intelligence Community agencies with extensive access to classified networks and materials, including the Departments of State, Energy, Justice, Defense, and Homeland Security, CIA, FBI, ODNI, ONCIX, NSA, DIA, the Program Manager--Information Sharing Environment, Office of Management and Budget, the National Security Council Staff, and the Information Security Oversight Office.

All agencies are included

NCSC.gov No Date

(NATIONAL INSIDER THREAT TASK FORCE MISSION FACT SHEET,
http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf, JZG)

Is every agency required to implement the new minimum standards? Yes, taken together, the E.O. and the national policy mandate that every executive branch agency with access to classified information establish an insider threat program in line with standards and guidance from the NITTF. However, there is a recognition of differing levels of risk—and, therefore, differing levels of protection required—based on such things as size of cleared population, extent of access to classified computer systems, and amount of classified information maintained by the D/A. The national insider threat policy directs heads of D/As to develop their programs using risk management principles. The NITTF is working with D/As, as well as the Classified Information Sharing and Safeguarding Office in the office of the Program Manager--Information Sharing Executive, to assess the extent of applicability of the minimum standards to each of the 70+ executive branch D/As with access to classified information based on associated risk.

Coast Guard CP

1NC

CP Text: The Coast Guard should implement reforms to its insider threat program.

Coast Guard insider threat prevention needs to be reformed to solve

McDermott 15

(Ryan -Editor in the Government Publishing Group at FierceMarkets, G: Coast Guard taking steps to reduce insider threats, but more needs to be done, April 9, 2015, <http://www.fiercehomelandsecurity.com/story/ig-coast-guard-taking-steps-reduce-insider-threats-more-needs-be-done/2015-04-09>, JZG)

Although the Coast Guard has taken steps to reduce insider threats, there's still more to do, including training Coast Guard employees about insider threat awareness, says a March 27 Homeland Security Department inspector general report. The IG reviewed the efforts of the Coast Guard's progress toward protecting its information technology assets from threats posed by its employees, especially those with trusted or elevated access to sensitive but unclassified information systems or data. Coast Guard has generally been doing a good job, the report (pdf) says. The service established an Insider Threat Working Group designed to implement a program focused on the insider risk and has established the Cyber Security Operations Center to monitor and respond to potential insider threat risks. They also implemented a process to verify that system administrators have the appropriate level of access to information technology systems and networks to perform their assigned duties. But Coast Guard still needs to implement software to protect against the unauthorized removal of sensitive information through the use of removable media devices, such as flash drives, and email accounts. Coast Guard also should implement stronger physical security controls to protect Coast Guard's information technology assets from possible loss, theft, destruction or malicious actions, the IG says. Employees at the Coast Guard all need better threat security awareness training, says the report. Coast Guard agreed with all of the IG's recommendations.

2NC

Coast guard reform is needed – prevents terrorism and allows for an effective coast guard

Kimery 15

(Anthony, Insider Threats Continue To Pose Risks To USCG, IG Audit Found 04/07/2015, <http://www.hstoday.us/briefings/daily-news-analysis/single-article/insider-threats-continue-to-pose-risks-to-uscg-ig-audit-found/b03b06fe2027f79bc68b50d296f5864e.html>, JZG)

The Department of Homeland Security (DHS) Inspector General (IG) concluded in a 29-page audit report that while the US Coast Guard (USCG) has taken steps to address the risk of insider threats to its information systems and data, is still needs to take additional steps to further address the risks posed by so-called "trusted insiders" inside the Coast Guard. "An internal breach by a trusted employee could impact [the Coast Guard's] ability to protect the nation's maritime interests and environment," the IG disclosed. Specifically, the IG said the Coast Guard needs to implement software to protect against the unauthorized removal of sensitive information through the use of removable media devices and email accounts; implementing stronger physical security controls to protect USCG's information technology assets from possible loss, theft, destruction or malicious actions; and providing insider

threat security awareness training for all Coast Guard employees. According to the IG's audit report, the Coast Guard "has taken some steps to address the risk of insider threats to its information systems and data, such as establishing an Insider Threat Working Group that's designed to implement a holistic program focused on the insider risk." "In addition," the IG stated, "USCG implemented a process to verify that system administrators have the appropriate level of access to information technology systems and networks to perform their assigned duties. Further, USCG established the Cyber Security Operations Center to monitor and respond to potential insider threat risks or incidents against USCG information systems and networks." The Coast Guard concurred with all three of the IG's recommendations, which, "if implemented, should strengthen USCG's management of the threat posed by trusted insiders," the IG stated. In its audit of Coast Guard efforts to address the risk posed by trusted insiders, the IG determined the USCG "has taken some steps to address the risk of insider threats," but that it also discovered "additional steps [that] are needed to further reduce the risk of insider threats to information technology assets." The IG said it's testing "revealed potential vulnerabilities in technical and physical security controls that could allow for: The unauthorized data removal from USCG information systems; and The loss, theft or destruction of information technology assets. "In addition," the IG stated, "insider threat security awareness training is needed for USCG employees. The IG's audit report stated, "Trusted insiders could be given elevated access to mission-critical assets, including personnel, facilities, information, equipment, networks or systems. Potential threats can include damage to the United States through espionage, terrorism and unauthorized disclosure of national security information." Continuing, the IG said, "Trusted insiders may also be aware of weaknesses in organizational policies and procedures, as well as physical and technical vulnerabilities in computer networks and information systems." And "this institutional knowledge poses a continual risk to the organization," the IG's audit said, emphasizing that, "In the wrong hands, insiders use this knowledge to facilitate malicious attacks on their own or collude with external attackers to carry out such attacks." According to Coast Guard officials interviewed at length by the IG, "a malicious insider could do the most harm to the USCG mission by: Compromising sensitive and classified information; Damaging operational infrastructure and resources; and Causing loss of life through workplace violence.

ADAMS CP

1NC - Solvency

The Defense Advanced Research Projects Agency should substantially increase its funding for the Anomaly Detection at Multiple Scales program.

ADAMS is still in its infancy—but success makes the ITP more effective—destroys false positives

Keating 13 Joshua E. Keating is an associate editor at Foreign Policy. JUNE 13, 2013, "Type 'S' for Suspicious," <http://foreignpolicy.com/2013/06/13/type-s-for-suspicious/>

Government-funded trolls. Decoy documents. Software that identifies you by how you type. Those are just a few of the methods the Pentagon has pursued in order to find the next Edward Snowden before he leaks. The small problem, military-backed researchers tell Foreign Policy, is that every spot-the-leaker solution creates almost as many headaches as it's supposed to resolve. With more than 1.4 million Americans holding top-secret clearance throughout a complex network of military, government, and private agencies, rooting out the next Snowden or Bradley Manning is a daunting task. But even before last week's National Security Agency (NSA) revelations, the government was funding research to see whether there are telltale signs in the mountains of data that can help detect internal threats in advance. In the months following the WikiLeaks revelations, the Defense Advanced Research Projects Agency (DARPA) — the U.S. military's far-out tech arm — put out a number of requests for research on methods to detect suspicious behavior in large datasets as a way to root out rogue actors like Manning (or in more extreme cases, ones like Fort Hood shooter Nidal Malik Hasan.) The most ambitious of these is known as Anomaly Detection at Multiple Scales (ADAMS), a program that as an October 2010 research request put it, is meant "to create, adapt and apply technology to the problem of anomaly characterization and detection in massive data sets." The hope is that ADAMS would develop computers that could analyze a large set of user-generated data — the emails and data requests passing through an NSA office in Honolulu for instance — and learn to detect abnormal behavior in the system. The tricky part of this kind of analysis is not so much training a computer to detect aberrant behavior — there's plenty of that going around on any large network — it's training a computer what to ignore. "I like to

use the example of learning to recognize the difference between reindeer and elk," wrote Oregon State University computer scientist Tom Dieterich, who worked on developing anomaly detection methods for ADAMS, in an email to Foreign Policy. "If all I need to do is tell these species apart, I can focus on the size [of] their antlers and whether the antlers have velvety fur, and I don't need to consider color. But if I only focus on these features, I won't notice that Rudolph the Red-Nosed Reindeer is anomalous, because I'm ignoring color (and noses, for that matter). So in an anomaly detection system, it is important to consider any attribute (or behavior) that might possibly be relevant rather than trying to focus on a very few specific characteristics." Over the past three years, DARPA has shelled out millions of dollars on efforts to learn how to root out Rudolfs from the rest of the reindeer and find out exactly what these red noses look like. This includes a \$9 million award to Georgia Tech to coordinate research on developing anomaly detection algorithms. You can peruse much of the research funded through ADAMS online. For instance, a proposal by the New York-based firm Allure Security Technology, founded by a Columbia University computer science professor, calls for seeding government systems with "honeypot servers" and decoy documents meant to entice potential leakers to subversives. The files would alert administrators when accessed and allow the system to develop models for suspicious behavior. The company cheekily refers to this technique as "fog computing." Another ADAMS-funded paper by Carnegie Mellon University computer scientist Kevin Killourhy looks at systems to "distinguish people based on their typing." For instance, Killourhy explains, when three typists are asked to type the password ".tie5Roanl," the three users can be easily identified by how long they hold down the "t" key. The paper suggests such technologies "could revolutionize insider-threat detection," though unfortunately even the best systems can have an error rate of up to 63 percent, and detection can apparently be thrown off if the person just isn't a very good typist. (Note to prospective whistle-blowers: Try two-finger typing.) Under the fairly obtuse title "Non-Negative Residual Matrix Factorization with Application to Graph Anomaly Detection," two DARPA-supported IBM researchers attempted to identify the kind of behaviors that might indicate suspicious behavior in a large network. These included "a connection between two nodes which belong to two remotely connected communities," such as an author publishing a paper on a topic not normally associated with his or her research; "port-scanning like behavior," which is when a particular IP address is receiving information from an unusually high number of other addresses; and "collusion," such as a "group of users who always give good ratings to another group of users in order to artificially boost the reputation of the target group." The thinking has gone somewhat beyond the theoretical level. At a conference in May, researchers from defense firm SAIC presented results from the PRODIGAL (Proactive Discovery of Insider Threats Using Graph Analysis and Learning) research team — part of the overall ADAMS initiative — which tested a series of anomaly detection methods on an organization of approximately 5,500 users over the course of two months. "Red teams" were inserted into the data simulating characters such as a "saboteur," an intellectual property thief, and a "rager" — someone prone to "strong, vociferous, abusive, and threatening language in email/Webmail/instant messages." The detection methods varied widely in effectiveness. Such systems are clearly not yet up to the task of identifying a leaker before he or she strikes, and Dieterich, the Oregon State computer scientist, was cautious when asked whether they ever would be. "Anything I would say here would just be speculation, and artificial intelligence researchers have learned the painful lesson that we are very bad at predicting when, if, or how the methods we develop will be useful," he stated. ADAMS may still be in the trial stage, but "insider threat" detection was clearly a major priority for the U.S. government even before last week. In October 2011, for instance, President Barack Obama signed an executive order calling for the creation of an interagency Insider Threat Task Force charged with the "safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure."

1NC – PTX Net Benefit

Black budget means no link to politics

Wired 12 02.15.12, "SEE FOR YOURSELF: THE PENTAGON'S \$51 BILLION 'BLACK' BUDGET" <http://www.wired.com/2012/02/pentagons-black-budget/>

Because it's not easy saying we have the complete number. The Pentagon likes to play a little hide and seek with its black budget. Projects with code names like the Navy's "RETRACT JUNIPER" and "LINK PLUMERIA" are simple enough to find in the research development, testing and evaluation budget (.pdf). As are many of the Army's "TRACTOR" projects: "TRACTOR NAIL," "TRACTOR CAGE," and so on. But then comes along a project like "TRACTOR DESK" hiding in one of the Army's eight research budget documents, while others find their way to the operations and maintenance and procurement budgets. These projects are also where to go when searching for what's getting cut. Something called the "Classified Program USD(P)," formerly valued around a respectable \$100 million, had its budget reduced to zero. "TRACTOR JUTE" is on life support and "COBRA JUDY" had the sting taken out of it. Most other projects saw lesser cuts, however, and others like "RETRACT MAPLE" even saw minor gains. This is also while the researcher at Darpa only received a slight trim. The Pentagon budget also sheds light on the shadowy world of special operations forces and their "new normal" requirements in Afghanistan "and other locations" like the Horn of Africa. According to SOCOM's operation and maintenance budget, an estimated 11,500 special forces personnel are expected to be in Afghanistan next year, a drop from the 12,321 (or so) commandos financed for this year. SOCOM is also getting a \$796 million shave, but some budget wizardry should make up the difference. According to the budget, \$889 million was shuffled from SOCOM's overseas spending to "baseline" budgets with titles like "contract services" and "contractor logistics support." Yet, "The overall amount of troops and missions within [Afghanistan] are projected to increase," it says. This means the special forces will

“require additional resources to reposition personnel and equipment as well as increase the number of missions executed,” says the report (.pdf). Though to put it in perspective, the Pentagon is still spending more on classified projects than most nations spend on their entire military forces in year. And that’s just the beginning. The budget for the Military Intelligence Program was released this week, adding another \$19.2 billion — down from a record \$27 billion in 2010. That also doesn’t include the budget for the National Intelligence Program, which oversees spy agencies like the CIA. Their budget hasn’t been released yet but prior budgets have shown it to hover in the \$50 billion range. So we could be talking about \$120 billion or more in black accounts. There’s also a slight problem. The Pentagon has another “classified” budget line with the money to show for it, but the dollar-amounts don’t match the individual projects. In other words, the exact amount the Pentagon spends on its black projects may, in fact, be a mystery even to itself.

2NC - Solvency

ADAMS key to effective data analysis

Hemsoth 12 Nicole Hemsoth, Co-Editor at The Platform, August 15, 2012, “How DARPA Does Big Data,” http://www.datanami.com/2012/08/15/how_darpa_does_big_data/

DARPA, like other government agencies worldwide, is struggling to keep up with its lava flow of hot military intelligence data. Research and public sector organizations have become experts at finding new ways to create data, so the challenge has been keeping up with it—effectively running fast enough to stay just ahead of the heat with the hopes of being able to understand its source before the stream hardens and becomes static, useless. As many are already aware, these challenges were at the heart of the U.S. government’s recent big data drive, where funding was doled out to address barriers to making use of the flood of intelligence, research and military data. This week we wanted to take a step back and look at how a defense-oriented intelligence and research organization is trying to capture, handle and make the best use of its data flows by highlighting select projects. Without further delay, let’s begin with the first big intel data project—NEXT — Who Needs Precogs When You Have ADAMS? >> Who Needs Precogs When You Have ADAMS? It’s a sad but relatively commonplace surprise when a soldier or government agent whom others might have thought to be in good mental health suddenly begins making bad decisions—either to the detriment of national security or those around him. When this happens, the first reaction is often one of awe, “how could something like this happen—how couldn’t someone know that there was a problem before it got to such a point?” In other words, in the case of a government that has some of the most sophisticated intelligence-gathering and analysis capabilities, how could anything slip through the cracks? DARPA is seeking to snag this problem by understanding operative and soldier patterns via network activity and large volumes of data with a \$35 million project that has been underway since late 2010. According to DARPA, the Anomaly Detection at Multiple Scales (ADAMS) program has been designed to “create, adapt and apply technology to anomaly characterization and detection in massive data sets.” The agency says that triggers in the large data would tip them off to possible “insider threats” in which “malevolent (or possibly inadvertent) actions by a trusted individual are detected against a background of everyday network activity.” DARPA says that the importance of anomaly detection is cemented in the “fact that anomalies in data translate to significant, and often critical actionable information.” They claim that operators in the counter-intelligence community are the target end users for ADAMS insider threat detection technology. While there are not many details about the actual algorithms or systems used to handle this information, when the project was first announced the agency was seeking an “automated and integrated modeling, correlation, exploitation, prediction, and resource management” system to handle the needs. Researchers from Georgia Tech are among those who are helping DARPA with its insider threat detection project. Under the leadership of computer scientist Dr. David Bader, the team has been in the midst of a \$9 million, 2-year project to create a suite of algorithms that can scan for such anomalies across a diverse pool of data, including email, text messages, file transfers and other forms of data. To develop new approaches for identifying “insider threats” before an incident occurs, Georgia Tech researchers will have access to massive data sets collected from operational environments where individuals have explicitly agreed to be monitored. The information will include electronically recorded activities, such as computer logins, emails, instant messages and file transfers. The ADAMS system will be capable of pulling these terabytes of data together and using novel algorithms to quickly analyze the information to discover anomalies. “We need to bring together high-performance computing, algorithms and systems on an unprecedented scale because we’re collecting a massive amount of information in real time for a long period of time,” explained Bader. “We are further challenged because we are capturing the information at different rates — keystroke information is collected at very rapid rates and other information, such as file transfers, is collected at slower rates.”

2NC – S False Positives

CP solves false positives—that's the internal link to Intel—perception solves groupthink

Defense Systems 11 Henry Kenyon, contributing writer for Defense Systems, Nov 17, 2011, "DARPA program seeks early detection of insider threats,"

<http://defensesystems.com/articles/2011/11/17/darpa-anomaly-detection-at-multiple-scales.aspx>

Usually the pattern of events that leads to a person becoming an insider threat is only discovered after the fact. Now a team of researchers funded by the Defense Advanced Research Projects Agency (DARPA) and the Army Research Office is developing a set of algorithms to detect anomalous activity before the damage is done. DARPA's Anomaly Detection at Multiple Scales (ADAMS) program seeks to create a software-based approach to track a person's online work activity — everything from e-mail messages to instant messages, file access, and Web traffic — to detect anomalous behavior, explained David Bader, the project's co-principal investigator and a professor at the Georgia Tech School of Computational Science and Engineering and the Georgia Tech Research Institute. The project is led by Science Applications International Corporation (SAIC) and includes researchers from Oregon State University, the University of Massachusetts, and Carnegie Mellon University. The project also seeks to determine how trusted insiders become radicalized; but doing so requires sifting through terabytes of data. This is a big challenge, one that requires powerful algorithms running on high performance computers, Bader said. One of the ADAMS program's predictive aspects will be to find and flag suspicious behavior before a security breach occurs. "Our system tries to find these individuals who have gone down that slippery slope, but before they've done any crime or anything illegal," he said. ADAMS will collect data and put the pieces together for analysts by highlighting potential threats. Researchers want the system to boil down the number of anomalies to a short list for an analyst to investigate. "Today an analyst is overwhelmed with thousands of anomalies per day," said Bader. The team is taking a different approach from traditional methods that use pattern matching and profiling by working on algorithms to identify suspicious user activities through change detection. Because an anomaly is an unexplained event in the context of a person's work routine, the algorithms being developed for ADAMS will allow analysts to understand a user's behavior. "Unlike pattern matching, which has many false positives, we're using a different approach to understand humans within an organization," he said.

2NC – No Link PTX

DARPA is getting a lot more money—it can shift it to ADAMS

UPI 14 "Proposed 2015 budget means more funding for DARPA," March 6, 2014,

http://www.upi.com/Business_News/Security-Industry/2014/03/06/Proposed-2015-budget-means-more-funding-for-DARPA/36881394141291/

WASHINGTON, March 6 (UPI) -- The U.S. Defense Advanced Research Projects Agency says the Defense Department's proposed 2015 budget will restore more of its financial resources. Those resources, it said, will allow promising "investments in new technology-driven ideas for the United States." "We (the United States) are faced with huge uncertainties and shifting threats, but we also have unparalleled opportunities to advance technologies in a way that can provide the nation with dramatic new capabilities," said DARPA Director Arati Prabhakar. The proposed Defense Department budget is part of President Barack Obama's budget request to Congress. DARPA will receive \$2.915 billion in funding for 2015 if the current budget request is passed. The fiscal year 2014 appropriation was \$2.779 billion, which restored \$199 million in previously cut funding. DARPA said it lost 20 percent in real terms between fiscal 2009-2013. The new amount would "enable DARPA to invest more in vital areas that will improve U.S. national security by rethinking complex military systems, capitalizing on information at scale, and advancing biology as technology." Prabhakar said in a release. It also would allow DARPA to restore funding for its basic research portfolio so that we can continue to create new technologies in support of future capabilities."

Disadvantages

Terrorism

1NC — Terrorism

Leaks risk terrorism

Clapper 15 - Director of National Intelligence [James R. Clapper, *Worldwide Threat Assessment of the US Intelligence Community*, Senate Armed Services Committee, February 26, 2015

COUNTERINTELLIGENCE

We assess that the leading state intelligence threats to US interests in 2015 will continue to be **Russia and China**, based on their capabilities, intent, and broad operational scopes. Other states in South Asia, the Near East, and East Asia will pose increasingly sophisticated local and regional intelligence threats to US interests. For example, Iran's intelligence and security services continue to view the United States as a primary threat and have stated publicly that they monitor and counter US activities in the region.

Penetrating the US national decisionmaking apparatus and Intelligence Community will remain primary objectives for foreign intelligence entities. Additionally, the targeting of national security information and proprietary information from US companies and research institutions dealing with defense, energy, finance, dual-use technology, and other areas will be a **persistent threat** to US interests.

Non-state entities, including transnational **organized criminals and terrorists**, will continue to employ human, technical, and cyber intelligence capabilities that present a significant counterintelligence challenge. Like state intelligence services, these non-state entities **recruit sources** and perform physical and technical surveillance to facilitate their illegal activities and avoid detection and capture.

The internationalization of critical US supply chains and service infrastructure, including for the ICT, civil infrastructure, and national security sectors, increases the potential for subversion. This threat includes individuals, small groups of "hacktivists," commercial firms, and state intelligence services.

Trusted insiders who **disclose sensitive** US Government information without authorization will remain a significant threat in 2015. The technical sophistication and availability of information technology that can be used for nefarious purposes exacerbates this threat. Pg. 2

Politics

1NC — Politics Link

Massive congressional opposition to eliminating the Insider Threat Program. National Defense Authorization Act proves

Aftergood 14 - Directs the FAS Project on Government Secrecy. [Steven Aftergood, "Congress Tells DoD to Report on Leaks, Insider Threats," *Federation of American Scientist*, Posted on Dec.08, 2014, pg. <http://tinyurl.com/o4tq4y9>

For the next two years, Congress wants to receive quarterly reports from the Department of Defense on how the Pentagon is responding to leaks of classified information. The reporting requirement was included in the pending National Defense Authorization Act for FY 2015 (Sec. 1052).

"Compromises of classified information cause indiscriminate and long-lasting damage to United States national security and often have a direct impact on the safety of warfighters," the Act states.

"In 2010, hundreds of thousands of classified documents were illegally copied and disclosed across the Internet," it says, presumably referring to the WikiLeaks disclosures of that year.

"In 2013, nearly 1,700,000 files were downloaded from United States Government information systems, threatening the national security of the United States and placing the lives of United States personnel at extreme risk," the Act states, in a presumed reference to the Snowden disclosures. "The majority of the information compromised relates to the capabilities, operations, tactics, techniques, and procedures of the Armed Forces of the United States, and is the single greatest quantitative compromise in the history of the United States."

The Secretary of Defense will be required to report on changes in policy and resource allocations that are adopted in response to significant compromises of classified information.

The defense authorization act does not address irregularities in the classification system, such as overclassification or failure to timely declassify information.

It does call for additional reporting on the Department of Defense "insider threat" program (Sec. 1628), and on "the adoption of an interim capability to continuously evaluate the security status of the employees and contractors of the Department who have been determined eligible for and granted access to classified information."

By definition, this continuous evaluation approach does not focus on suspicious individuals or activities, but rather is designed to monitor all security-cleared personnel.

2NC/1NR — Politics Links

Bipartisan support for the insider threat program

Sasso 13

(Brendan, Senators back NSA bill, target 'insider threats', 11/06/13,
<http://thehill.com/policy/technology/189416-senate-panel-advances-surveillance-funding>, JZG)

The Senate Intelligence Committee has advanced legislation to reauthorize funding for the National Security Agency and surveillance programs. The bill includes new funding for technology to combat "insider threats" and leaks of classified information. The committee approved the legislation in a 13-2 vote late Tuesday. The approval of the annual funding measure comes after leaks by former NSA contractor Edward Snowden earlier this year revealed controversial details about the scope of the government's secret surveillance programs. The bill would empower the director of national intelligence to make improvements to the government's process for investigating people with security clearances, such as Snowden. Intelligence officials say the Snowden leaks have damaged the ability of the U.S. to spy on terrorists and thwart attacks. The bill would create new protections for "legitimate" whistle-blowers to bring their concerns to Congress or agency leaders, the committee said. The measure would also make the NSA director and inspector general subject to Senate confirmation. "We recognize that budget reductions and sequestration are impacting our intelligence agencies, and Congress has a responsibility to ensure the [director of national intelligence] and other intelligence leaders have the resources and flexibility they need to protect the nation," committee Chairwoman Dianne Feinstein (D-Calif.) said in a statement. The exact level of funding for the surveillance programs is classified. According to documents leaked by Snowden to The Washington Post, the "black budget" for intelligence operations in 2013 was \$52.6 billion, including \$10.8 billion for the NSA alone. The funding reauthorization bill now heads to the Senate floor. The House Intelligence Committee has yet to move companion legislation.

Both houses support the ITP

Abbott 13

(Maxwell, PR Watch, Bills in Congress Crack Down on Whistleblowers, 21 December 2013,
<http://www.truth-out.org/opinion/item/20777-bills-in-congress-crackdown-on-whistleblowers#>, JZG)

President Obama was elected on a platform that included promises for increased transparency and openness in government. Despite this rhetoric, Obama has prosecuted more whistleblowers than any administration in history and overseen the massive growth of the NSA's surveillance apparatus. In November, the Senate (S. 1681) and House (H.R. 3381) Intelligence Committees each released their own version of the "Intelligence Authorization Act for Fiscal Year 2014." This was an opportunity for Congressional leadership to address one of the defining issues of our time and either take a stand for increased transparency or continue down an Orwellian path of pervasive secrecy. A review of each chamber's proposed legislation demonstrates that "1984" is the future. Stopping "Insider Threats" The bills contain provisions which will intensify efforts to stop whistleblowers or "insider threats," no doubt inspired by Edward Snowden and his release of sensitive NSA documents. The House version of the funding bill provides \$75 million of increased funding specifically for classified information protection. According to Tom Devine, Legal Director of the Government Accountability Project, "the 'insider threat' program is a cover for a witch hunt of whistleblowers."

The media and both parties support being tough on whistleblowers

Hanrahan 15 —John Hanrahan is a former executive director of The Fund for Investigative Journalism and reporter for The Washington Post, The Washington Star, UPI and other news organizations. He also has extensive experience as a legal investigator. Hanrahan is the author of Government by Contract and co-author of Lost Frontier: The Marketing of Alaska. 6-25-2015 ("War on Whistleblowers, After Obama," consortium news, 6-25-2015, Available Online at <https://consortiumnews.com/2015/06/25/war-on-whistleblowers-after-obama/>, Accessed 7-14-2015)

And here's another thing: With leaders of both political parties having either kept silent or cheered on the Obama administration's unprecedented crackdown on whistleblowers, who in high

position in Congress would have one shred of moral authority or credibility to challenge a future president's excesses under the Espionage Act? On the question of keeping American citizens in the dark and of punishing whistleblowers who dare to enlighten them, we truly have bipartisan authoritarianism.

NSA whistleblower Edward Snowden speaking in Moscow on Oct. 9, 2013. (From a video posted by WikiLeaks)

NSA whistleblower Edward Snowden speaking in Moscow on Oct. 9, 2013. (From a video posted by WikiLeaks)

And then a third thing: Don't count much on major U.S. news media for any meaningful oversight of, and opposition to, the treatment of whistleblowers under future presidents. The mainstream press and big-name journalists — with some intermittent, notable exceptions such as these two New York Times editorials and this Newark Star-Ledger editorial — have largely ignored the jail-the-whistleblowers policies of the Obama administration.

Or, worse, as we've reported before, some of the most prominent names in the media joined elected and appointed government officials in calling for harsh penalties for Edward Snowden, Chelsea Manning, Julian Assange and Wikileaks, and others whom they claim (without proof) to have endangered U.S. national security by providing classified information to the news media.

With his Justice Department having produced three times as many Espionage Act indictments for classified document disclosure as all other administrations combined since the passage of that legislation back in 1917, Obama has opened the door for his successors to continue — and even expand — the assault on national security state whistleblowers who act in the public interest.

Would any of the announced presidential candidates close that door after Obama leaves office in January 2017? Again, as with leading journalists and members of Congress, don't count on it.

It's an open question as to whether any future president could be more aggressive than Obama in going after whistleblowers. But based on the vengeful views of many of the large crop of Republican candidates and on Democratic front-runner Hillary Clinton's tough statements on Edward Snowden's NSA spying disclosures, prospects are not good for a sharp departure from the whistleblower crackdown of the last six years. Clinton and leading Republican candidates take the hard line that Snowden committed a serious crime and must be punished for it, with no chance of leniency.

Obama is all in on the war on whistleblowers [then some flip flop link in the other ptx file]

Chapman 15 —Chapman is president and founder of the American Small Business League, 4-30-2015 ("Congress should investigate the war on government whistleblowers," 4-30-2015, Available Online at <http://thehill.com/blogs/congress-blog/the-administration/240592-congress-should-investigate-the-war-on-government>, Accessed 7-14-2015)

I searched the phrase "Obama's war on whistleblowers" the other day and was stunned at the number of stories that popped up on the Internet. The Obama administration's unprecedented war on whistleblowers and the administration's historic lack of transparency has been reported all around the world.

Academy award winning director Robert Greenwald's documentary, *The War on Whistleblowers*, chronicles the nightmare four individuals endured to expose unsafe weapons systems at the Pentagon and illegal activities by federal agencies.

Congress should hold hearings on why federal employees and private citizens that have exposed blatant wrong doing by federal contractors and illegal behavior by federal agencies continue to be harassed and persecuted.

Individuals that report fraud and illegal activities by federal agencies are still having their careers ruined and in some cases facing federal prosecution and even harassment by the IRS.

If you uncover a government contractor that has cheated the federal government you can receive millions in rewards under the False Claims Act. I think the same principal should apply for uncovering fraud within the federal government. If a federal employee or private citizen exposes fraud within the federal government they should be assisted and protected not persecuted and prosecuted.

have won dozens of legal battles with the federal government under the Freedom of Information Act. My research prompted the first GAO investigation into fraud in federal small business contracting programs. Now the House Small Business Committee has unanimously adopted an amendment to request yet another GAO investigation into fraud in federal small business contracting programs based on my research. Rep. Janice Hahn (D-Calif.) drafted the amendment to uncover why Fortune 500 firms continue to land billions in federal small business contracts year after year. The federal government should support and protect private citizens like myself that expose fraud and abuse within the government, but unfortunately that has not been my experience.

I recently won a major Freedom of Information Act case against the Pentagon. Federal District Court Judge William Alsup described me as being in a "David and Goliath" battle with "big government." In talking about the Pentagon's efforts to withhold information Judge Alsup stated, "and here is the United States covering it up." In a subsequent hearing he accused the Pentagon of "trying to suppress the evidence." Is the United States Department of Justice helping me to uncover abuse and mismanagement at the Pentagon? No, the Department of Justice is representing the Pentagon and essentially helping them withhold evidence of possible fraud and abuse in the Pentagon's Comprehensive Subcontracting Plan Test Program (CSPTP).

It seems like I'm doing the job the Justice Department and the SBA Office of Inspector General should be doing. Shouldn't they be doing all the work I have done to expose fraud and abuse in federal small business contracting and subcontracting programs?

Looking at the way whistleblowers have been treated recently I'm concerned that I'm more likely to get a retaliatory IRS audit and/or prosecution by the Department of Justice than any kind of protection or assistance from the federal government.

Flip flopping when it comes to Executive Orders drains Political Capital — immigration proves
Brown 14 —Carrie Budoff Brown is the editor of POLITICO Europe. , 7-25-2014 ("Obama's immigration flip flop," POLITICO, 7-25-2014, Available Online at

<http://www.politico.com/story/2014/07/barack-obama-immigration-rhetoric-then-vs-now-109352.html>, Accessed 7-14-2015)

Obama's pledge to use his executive powers by the end of the summer marked both a dramatic reversal in rhetoric and a major strategic shift on immigration. The president is no longer emphasizing his own powerlessness but rather his determination "to fix as much of our immigration system as I can on my own, without Congress."

The administration is examining how far it can go, legally and politically, to protect millions of undocumented immigrants from deportation. Despite the flow of young Central American children across the southwestern border, Obama remains committed to taking significant action, according to senior advisers and advocates who have attended recent meetings with White House officials.

In other words, Obama has signaled that he intends to do exactly what he's long said he's unable to do.

"I take executive action only when we have a serious problem, a serious issue, and Congress chooses to do nothing," Obama said last month in his Rose Garden announcement. "And in this situation, the failure of House Republicans to pass a darn bill is bad for our security, it's bad for our economy, and it's bad for our future."

Even immigrant rights advocates, who were on the receiving end of the White House denials for years, were surprised by his abrupt and enthusiastic move toward executive action in June after House Speaker John Boehner (R-Ohio) ruled out a legislative overhaul of immigration this year. Activists had gotten so fed up in recent months that some tagged the president as the "deporter-in-chief" and demanded that he shift immediately from a legislative strategy to an administrative one.

"The way they talked about it was, 'There's nothing we can do, only Congress can solve it, we don't have the authority,'" said Lorella Praeli, director of advocacy and policy for United We Dream. "That is very different from what they are saying today. It is completely different."

The shift could be used by critics as an example of Obama saying one thing and doing something else, another "evolution," in White House parlance, on a hot-button social issue. Some Republicans see it as fertile ground for advancing their midterm election strategy, which focuses on raising questions about the president's credibility and competence.

"It brings into question, when he commits to other things, whether he will keep that commitment," said Sen. John McCain (R-Ariz.), who worked closely with Obama on passing a Senate immigration overhaul bill last year. "Things in this town, to a large degree, are done on people's commitments."

Executive Orders divide Democrats and unite the GOP against Obama.

Kraushaar 14 —Josh Kraushaar is the political editor for National Journal, and pens the weekly "Against the Grain" column. Kraushaar has been managing editor for politics at National Journal, and as executive editor and editor-in-chief of The Hotline. In addition to his management of The Hotline, Kraushaar plays a critical role in shaping National Journal's overall political coverage. He was a political correspondent for Politico. Kraushaar has also served as the editor of

House Race Hotline. Kraushaar has appeared as a political analyst on television and radio, including FOX News, MSNBC, CNN, National Public Radio and C-SPAN., 11-18-2014 ("Obama's Agenda Threatens to Divide the Democratic Party," nationaljournal, 11-18-2014, Available Online at <http://www.nationaljournal.com/against-the-grain/obama-s-agenda-threatens-to-divide-the-democratic-party-20141118>, Accessed 7-14-2015)

President Obama's biggest problem over the next two years may not be coming from recalcitrant Republicans, but from members of his own party blanching at his activist agenda over the final two years of his presidency. While the midterm election results suggested widespread dissatisfaction with the president's policies, Obama nonetheless is planning to press forward on several polarizing decisions in his final two years. It could help advance his legacy, but come at the expense of the Democratic Party's long-term health.

Three of the administration's biggest agenda items—threatening a veto of bipartisan legislation authorizing construction of the Keystone XL pipeline, reaching a nuclear deal with Iran, and issuing an executive order legalizing millions of illegal immigrants—divide Democrats, and unite Republicans. If the president moves forward with all of them, it would aggravate fissures in an increasingly-divided Democratic Party. And it would put Hillary Clinton, his party's expected 2016 standard-bearer, in an uncomfortable position even before she announces her candidacy. She's already avoided taking stances, if not outright rejecting the direction Obama is heading during his final two years in office.

The dirty secret in Washington is that while Obama (rightly) blamed Republicans for holding positions to the right of the American electorate, the president is pursuing policies that are equally as far to the left.

Approving construction of the long-delayed Keystone XL pipeline may not be the most consequential legislation, but it is symbolic of the lengths the administration has gone to avoid a postelection bipartisan accomplishment. Embattled Sen. Mary Landrieu, on the ballot next month in a Louisiana Senate runoff, has been furiously lobbying colleagues to approve the pipeline, and won support from 14 Democrats in an unsuccessful vote Tuesday. A new USA Today poll of adults, conducted last week, found strong support for it—60 percent backing construction of the Keystone pipeline, with only 25 percent opposed. This month, the Pew Research Center found even 44 percent of Democrats supporting it, with 46 percent opposed. When Republicans take control of the Senate in January, it's expected to pass with at least 63 votes.

A president looking to change the tone in Washington would be well-served to find common ground on an issue that members of both parties agree on. But instead, he dismissed its job-creating benefits and left his spokesman, Josh Earnest, to hint at a veto last week. The project has now been delayed for six years. Given that energy issues played a consequential role in Senate contests from Colorado to Kentucky—and are dooming the prospects of an otherwise-reliable ally in Landrieu—the administration's stubbornness on the issue is baffling. If it's only a symbolic issue, why not use it to build some confidence-building capital with Republicans on other more significant goals?

Blame environmental activists, who make up a small slice of the Democratic electorate but an outsize share of influence, for the gridlock. The president is either being held hostage by his base, or is in sync ideologically with their interests. Either way, it's remarkably similar to the problems Republican congressional leaders faced with their rank-and-file—a conflict that led to the deeply unpopular government shutdown. (And as I wrote in last week's column, there are clear signs that

the incoming Republican-controlled House and Senate are more pragmatic than their predecessors, making the president's leftward lurch before the next Congress is even sworn in a case of awful timing.)

Public opinion is more closely divided on immigration reform. Majorities sympathize with the ends but not the means of the administration's intent to issue an executive order legalizing millions of undocumented immigrants. There's a reason that the president avoided intervening in the middle of the midterm campaign, a telltale acknowledgement that a unilateral decision was a major political loser. The latest round of polling backs that up. Among all adults surveyed in a new USA Today poll, a 46 percent plurality want the president to wait for the GOP Congress to act on immigration, while 42 percent support the president's desire to act now. If the sample was of registered voters, the margin would be even greater.

Within the White House, the prevailing political support for the sweeping executive action is twofold: Win back enthusiasm from Hispanic voters, and bait Republicans into opposing the move in the most self-defeating way possible. It's a risky political decision, one that downplays the fact that the White House is running against public opinion on the issue and spending the little political capital Obama has left in doing so. There's hardly a guarantee that Hispanics would respond to the executive order by turning out for Hillary Clinton, and it could spark a backlash from blue-collar voters migrating away from the party. Over one-quarter of Democrats oppose unilateral action on immigration, a significant enough minority to cause the party future problems. In the meantime, it risks foreclosing other opportunities for working with the GOP Congress on trade, tax reform, or even a scaled-back version of immigration reform in the future. Again, Obama is playing to the base over reaching out to the middle.

Unknown cost of Executive Orders cause fights and drain PC

Gregory Korte, 15 —Gregory Korte is a White House reporter for USA TODAY, focusing on executive power and the presidency, 3-21-2015 ("How much do executive orders cost? No one knows," USA TODAY, 3-21-2015, Available Online at <http://www.usatoday.com/story/news/politics/2015/03/21/cost-of-obama-executive-orders/25024489/>, Accessed 7-14-2015)

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When President Obama issued an executive order granting civilian federal employees a 1% pay raise last December, the White House did not tell Congress how much those raises would cost.

Instead, White House Office of Management and Budget Director Shaun Donovan said in a report that the order "is not anticipated to increase discretionary obligations and outlays overall."

To Rep. Ander Crenshaw, R-Fla., that statement is "ludicrous."

As Congress and the White House battle over whether Obama has the executive authority to halt deportation, delay implementation of the Affordable Care Act or negotiate a nuclear deal with Iran, another skirmish has opened up over the question of how much Obama's executive orders cost.

The answer: No one knows.

Crenshaw, the chairman of a House appropriations subcommittee that controls the White House budget, is trying to fix that. He inserted a provision into the spending bill passed by Congress last year, requiring OMB to issue a statement on the budgetary impact of each executive order.

But 10 executive orders later, Congress has no more insight into their cost. OMB has declared six to have a "de minimus," or trivial, effect on costs or revenues, and four are expected to increase spending by an unknown amount.

For example, an executive order signed Thursday, requiring agencies to cut their greenhouse gas emissions by 40%, contains the same boilerplate language as the pay raise. "This executive order is not anticipated to increase discretionary obligations and outlays overall." But it also suggests long-term cost savings through decreased energy and water use.

Congress continues to support Insider Threat

Aftergood 14 — Steven Aftergood directs the FAS Project on Government Secrecy. ("Congress Tells DoD to Report on Leaks, Insider Threats," Federation Of American Scientists, 12-8-2014, Available Online at <https://fas.org/blogs/secrecy/2014/12/dod-leaks-report/>, Accessed 7-16-2015)

For the next two years, Congress wants to receive quarterly reports from the Department of Defense on how the Pentagon is responding to leaks of classified information. The reporting requirement was included in the pending National Defense Authorization Act for FY 2015 (Sec. 1052).

"Compromises of classified information cause indiscriminate and long-lasting damage to United States national security and often have a direct impact on the safety of warfighters," the Act states.

“In 2010, hundreds of thousands of classified documents were illegally copied and disclosed across the Internet,” it says, presumably referring to the WikiLeaks disclosures of that year.

“In 2013, nearly 1,700,000 files were downloaded from United States Government information systems, threatening the national security of the United States and placing the lives of United States personnel at extreme risk,” the Act states, in a presumed reference to the Snowden disclosures. “The majority of the information compromised relates to the capabilities, operations, tactics, techniques, and procedures of the Armed Forces of the United States, and is the single greatest quantitative compromise in the history of the United States.”

The Secretary of Defense will be required to report on changes in policy and resource allocations that are adopted in response to significant compromises of classified information.

The defense authorization act does not address irregularities in the classification system, such as overclassification or failure to timely declassify information.

It does call for additional reporting on the Department of Defense “insider threat” program (Sec. 1628), and on “the adoption of an interim capability to continuously evaluate the security status of the employees and contractors of the Department who have been determined eligible for and granted access to classified information.”

Insider Threat DA

UQ/Links

The NITTF is vital for national security but still preserves an environment of productivity and trust
NCSC, '14, (“National Insider Threat Task Force Mission Fact Sheet,” NCSC, Aug 15, 2014, http://www.ncsc.gov/nitff/docs/National_Insider_Threat_Task_Force_Fact_Sheet.pdf)//erg

Why was the NITTF established? The National Insider Threat Task Force was established after the WikiLeaks release of thousands of classified documents through the global media and internet. Its mission is to deter, detect and mitigate actions by employees who may represent a threat to national security by developing a national insider threat program with supporting policy, standards, guidance and training. Who runs the task force, and which agencies are involved? Under Executive Order (E.O.) 13587, the National Insider Threat Task Force (NITTF) is co-chaired by the U.S. Attorney General and the Director of National Intelligence (DNI). They, in turn, designated the Federal Bureau of Investigation (FBI) and the National Counterintelligence Executive (NCIX) to co-direct the daily activities of the NITTF. The NITTF comprises employees and contractors from a variety of federal departments and agencies (D/A), and its work impacts more than 70 federal D/As that handle classified material. Currently, the following departments and agencies have representatives on the NITTF: FBI, Office of the National Counterintelligence Executive (ONCIX), Defense Intelligence Agency (DIA), Veterans Administration (VA), and Department of Justice (DOJ). The NITTF responds directly to the Senior Information Sharing and Safeguarding Steering Committee, which was also established under E.O. 13587. The Steering Committee comprises representatives from largely Intelligence Community agencies with extensive access to classified networks and materials, including the Departments of State, Energy, Justice, Defense, and Homeland Security, CIA, FBI, ODNI, ONCIX, NSA, DIA, the Program Manager--Information Sharing Environment, Office of Management and Budget, the National Security Council Staff, and the Information Security Oversight Office. What is an insider threat? It is a threat posed to U.S. national security by someone who misuses or betrays, wittingly or unwittingly, his or her authorized access to any U.S. Government resource. This threat can include damage through espionage, terrorism, sabotage, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or

capabilities. ⁽⁶⁶⁾ How does the task force operate? The NITTF has drawn together expertise from across the government in the areas of security, counterintelligence, and information assurance to develop the policies and standards necessary for individual D/As to implement insider threat programs. Part of the NITTF **effort involves** hosting training and providing D/As with **assistance to better educate their workforce to recognize potential insider threat activity, without creating an atmosphere of distrust.** The NITTF conducts assessments of the adequacy of insider threat programs within individual D/As. Through its interface with individual D/As, the NITTF identifies and circulates best practices for detecting, deterring and mitigating emerging threats, and continues to assist D/As in troubleshooting issues. How do you detect an insider threat? Detection of potentially malicious behavior involves authorized insider threat personnel gathering information from many sources and analyzing that information for clues or behavior of concern. A single indicator may say little; however, if taken together with other indicators, a pattern of concerning behavior may arise that can add up to someone who could pose a threat. It is important to consider relevant information from multiple sources to determine if an employee's behavior deserves closer scrutiny, or whether a matter should be formally brought to the attention of an investigative or administrative entity, such as the FBI or an agency's Inspector General. It is also possible that the individual has no malicious intent, but is in need of help. In either case, the individual may pose a threat to national security, and the situation requires further inquiry.

DOD insider threat prevention is getting better now- new tech and behavioral analysis solve threats

Pomerleau 15

(Mark, Jul 16, 2015, DOD trying behavioral analytics as a way to thwart insider threats, <http://defensesystems.com/Articles/2015/07/16/DOD-IC-behavioral-analytics-insider-threats.aspx?Page=3>, JZG)

The thought of a data breach such as the one that hit the Office of Personnel Management is truly frightening to government officials and the public at large. The sensitive personal data of tens of millions of federal employees that has been lifted recently not only puts individuals at risk, but compromises certain operational practices of the U.S. military/intelligence complex. But while these incidents are disturbing, they are also to be expected. "To grab the equivalent in the Chinese system, I would not have thought twice," former CIA and NSA chief Gen. Michael Hayden (ret.) said recently about the OPM hacks thought to be perpetrated by China. "I would not have asked permission...This is not 'shame on China.' This is 'shame on us' for not protecting that kind of information." And while the U.S. works to exploit intelligence gaps and deficiencies of adversaries and protect its own data from similar attacks, one other trend that has blindsided the defense and intelligence communities can't be overlooked—leaks from the inside. The insider threat has posed significant challenges, from the trove of millions of documents unearthed by former contractor Edward Snowden to the documents released by former Army Pvt. Chelsea Manning. "The insider threat is not new. But what is changing is that threat landscape," Patricia Larsen, co-director of the National Insider Threat Task Force of the Office of the Director of National Intelligence, said this week during a panel discussion in Arlington, Va., hosted by Defense One. Larsen noted that in the not-so-distant past, these types of breaches were much harder to pull off. One had to stand at a copier, copy several pages, and meet someone somewhere. "Now, somebody sitting at the comfort of their desk can go to a website...and find their secure drop page and upload a classified document or something sensitive, still be anonymous and have that published in tomorrow's Washington Post...That is a whole different paradigm," she warned. For Larsen, however, the part of the solution for mitigating potential threats also poses a risk if one is capable of getting into the system. "In the past, it was very hard to get a lot of information about you as a person in one place," she said. "Now, it is so much easier to pull the entire 360 of an individual using technology and using all the data we've collected on you. That is a great, great asset for any insider threat program. It's also a liability because that same individual can access a ton of information sitting from the comfort of their own workstation as well." The Defense Department is trying a few different technological approaches to mitigating the insider threat, through various

beta programs and behavioral analytics. One such effort is the creation of the DOD Insider Threat Management and Analysis Center, or DITMAC, which would “enable information sharing collaboration analysis and risk management across the Department of Defense components to address current and emerging threats to DOD personnel and missions,” said Mark Nehmer, deputy chief of implementation for DITMAC. In 2013, then-Secretary of Defense Chuck Hagel outlined the establishment of DITMAC as one of four key recommendations following the Navy Yard shooting. Over the past year, DITMAC has worked “to really gather and fuse relative information from different data sources within the department,” said Carrie Wibben, director of Security Policy Operations Directorate at the Office of the Undersecretary of Defense. Information Management Enterprise System Application, or IMESA, is another approach being used to vet individuals with regard to workplace violence, Wibben said. IMESA is also useful for evaluating the identity of individuals by comparing Common Access Cards with information in internal and external databases to ensure that individuals are who they say they are. DOD also is working with behavioral analytics, Nehmer said, to compile the indicators, characteristics and behaviors associated with insider threats, including “how they’ve written, where were they in social media, where were they in their work life, where were they in their personal life that we know of that we can find – as deep a dive as we can get on the individuals that we know have actually committed insider threat behaviors.” But despite the push of what Nehmer called this “human science,” he said he’s not sure when DOD will be able to establish verifiable metrics for identifying insider threats. The other component to the behavioral issue is tying it to authorizing users within the network. “Authentication goes back to identity. It says you’re credentialed to get in. But what if you steal the credentials? Well now you’re authorized, you have the authority to be there but you still shouldn’t,” Christine Heckart, CMO of Brocade, a data storage and networking solutions firm, said in an interview in June. “So, we’ve got to look beyond identity, beyond the normal sources of authentication to behavior. The network can understand and take a benchmark on all kinds of behavioral based analytics. What is the norm? And the minute you start deviating from that norm, you can say ‘alright, there might be a problem.’” Heckart explained that in real time, the network can respond by either stopping traffic and calling for more analytics or shutting down operations until a human authorizes the activity. “Once we add behavioral-based analytics and tools to the identity and credentialed based system, you’ve got additional layers,” of security protection, she said. Expanded use of multi-factor authentication is something that many security experts and Federal CIO Tony Scott have called for, especially after recent high-profile security breaches. Going forward, one challenge regarding analyzing online behavior, however, is context. Computers and humans have not figured out a way to determine context of social media postings to determine the tone, be it serious or sarcastic, though, this is only one component of a multi-pronged risk assessment.

Litany of reasons the program is good

Amjad and Gelles, ’15, (Adnan, partner, Cyber Risk Services, Deloitte & Touche LLP and Michael, director, Deloitte Consulting LLP, “9 Building Blocks of Insider Threat Mitigation Programs,” CIO Journal, March 23, 2015, <http://deloitte.wsj.com/cio/2015/03/23/9-building-blocks-of-insider-threat-mitigation-programs/>)/erg

A definition of insider threats. Few organizations have a specific internal working definition of insider threats because they’ve traditionally paid more attention to preventing external attacks. Yet defining what constitutes an insider threat is an essential first step in formulating a mitigation program; it helps to inform the program’s size, structure, scope, and alignment with business risk priorities. Broadly speaking, an insider threat can be defined as an employee, contractor, or vendor that either maliciously or due to complacency or ignorance uses privileged access in a way that results in malfeasance, whether fraud, espionage, sabotage, data theft, or workplace violence. A risk assessment. It’s important to prioritize the critical assets requiring extra protection—for example, facilities, source code, and customer information—and determine the organization’s tolerance for loss of or damage to those assets. Identify the top threats that could affect your business and consider vulnerabilities from a technology and process perspective: What weaknesses or loopholes could an insider abuse? How could an employee exploit or damage a facility, product, process, or fellow employees without ever using a computer system? Tailor the development of the insider threat mitigation program to address those specific needs and threats, and take into account the organization’s culture—in other words, the specific measures it may or may not be willing to take (such as monitoring employees, blocking Web mail, or restricting the use of USB drives) to protect critical assets while sustaining the way it has traditionally operated and done business. Broad-based support. An insider threat mitigation program should have one owner but comprise a broad set of invested stakeholders. It should also have top leadership support. Consider establishing a cross-disciplinary insider threat working group with stakeholders from a variety of functions that may include HR, risk, legal, finance, IT, and research and development (R&D). These stakeholders can serve as change agents and cement buy-in from their respective functions. The working group should assist in addressing common concerns, such as privacy and legal issues, and support

the development of messaging tailored to executives, managers, and the broader employee population. Technology. Identity and access management systems, compliant provision systems, data loss prevention systems, digital rights management systems, and encryption are just a few of the technologies companies can implement to help monitor and prevent unauthorized access and restrict employees' ability to download, print, or transmit certain data assets. People-centric policies and training. While technology is an essential component of detecting and preventing insider threats, insider threats are fundamentally a people issue that involves a peoplecentric solution. Consequently, an insider threat mitigation program should define the behavioral expectations of the workforce through clear and consistently enforced policies that also articulate the consequences for violating them. Policy areas might include segregation of duties, social media, processes for reporting incidents, and bring your own device. The program should also include customized security training based on employees' physical and network access levels, privilege rights, and job responsibilities. Audits and verification. Establishing routine and random reviews of privileged and critical functions such as IT, finance, and R&D can also help identify potential insider threats. Continually monitor systems that employees in those functions access and the data they download. Organizations should trust their workforce, but balance that trust with verification to avoid unfettered access and single points of failure. Behavioral analysis. Case studies analyzed by the CERT Division of the Software Engineering Institute at Carnegie Mellon University³ have shown that insider threats are seldom impulsive acts. Instead, the analyses indicate that insiders move on a continuum from idea to action. Along the way, they often display observable behaviors that can serve as risk indicators or otherwise signal malicious intent: They may begin coming in late to work, staying at the office after hours, violating policies, or trying to access systems or facilities they don't typically use. Therefore, effective detection of insider threats should include behavioral-based techniques that consider how people operate in the office and on the network, and build baselines of normal behavior to help identify anomalies. Analytics. Correlating precursors or potential risk indicators can give organizations insights into micro and macro trends regarding the high-risk behaviors exhibited across the organization. An advanced analytics platform that correlates data from a variety of tools can help organizations identify potential insider threats to investigate. Analytics can also shed light on processes and policies that the organization should either strengthen or implement; these processes can often enhance efficiency and productivity.

Status quo solves—the program is becoming more targeted and effective—it's necessary for security

Dillard, '14, (John, President of Big Sky, application of evidence-based management science to security and insider threats, “Changes To National Insider Threat Policy: Is Your Agency Prepared?” Big Sky, 2014, [//erg](http://www.bigskyassociates.com/blog/bid/370857/Changes-To-National-Insider-Threat-Policy-Is-Your-Agency-Prepared)

Until recently, national insider threat policy wasn't measuring if your agency's insider threat detection program actually identified insider threats. The only measure was that you had a program that met certain standards. However, all of that is changing fast, especially for agencies under the Department of Defense. (Other agencies likely need to follow suit, more below.) Because of major insider threat incidents like THE WASHINGTON NAVY YARD SHOOTING and Edward Snowden's information leaks, federal law now mandates that your agency not only have an insider threat detection program, but that your internal organizational security meet specific functioning standards. In order to understand what action steps your agency needs to take today, we need to take a step back to review the evolving story of national insider threat policy. Memorandum For National Insider Threat Policy In November 2012, President Obama issued a MEMORANDUM FOR ALL AGENCIES UNDER HIS JURISDICTION entitled, “The National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.” The policy requires all executive departments and agencies that access classified information to establish insider threat detection programs. The required programs must adhere to minimum standards for personnel security, threat and risk

analysis, law enforcement, information sharing, network monitoring and training and awareness.

Each agency and department must conduct quarterly self-assessments on insider threat compliance and report the results to the National Insider Threat Task Force, which oversees the policy implementation. Memorandum Failure Points As with most far-reaching national policies, many of the memorandum's requirements aren't specific in expressing what insider threat compliance involves. Usually, it is up to the agencies themselves to determine compliance. For example, the mandatory self-assessments use metrics known as Key Information Sharing and Safeguarding Indicators (KISSI). These are essentially "yes or no" questions that assess whether an agency has an insider threat detection program. There are about fifty of these questions in the assessment, including: Do we have an implemented insider threat program? Do we have an insider threat policy? Do we monitor user activities for insider threat indicators? Do we conduct briefings for travel to countries with high-risk security threats and vulnerabilities? KISSI assessments are useful for a high-level view of an agency's insider threat compliance, but they don't measure the effectiveness of the program. Instead, metrics should CALCULATE THE VALUE OF DIFFERENT EFFORTS IN PREVENTING INSIDER THREATS and should require nuanced discussion in their answers. For example, after noting that your agency employs network monitoring tools, you should also ask: What kinds of network monitoring tools are employed? How much do they cost? What aspects of user behavior do they monitor? How effectively do they detect anomalous or suspicious behavior? With the Snowden affair and Navy Yard shooting occurring after the November 2012 memorandum was issued, the failure points of the policy became clearer. As a result, federal policy focused more intently on the effectiveness of insider threat detection programs. A Shift Toward Effectiveness: The 2014 NDA Act The best example this shift toward insider threat detection effectiveness is the 2014 National Defense Authorization (NDA) Act. This law mandates the Secretary of Defense, Director of National Intelligence and the Director of the Office of Management and Budget develop a strategy to modernize personnel security for the Department of Defense and reduce insider threats and espionage. The President and Congress also demanded that these updated processes be evaluated with specific metrics. By assessing the effectiveness of the Defense Department's insider threat detection program, the new law could be much more applicable in deterring and detecting potential threats. Implications For Other Federal Agencies While the NDA Act focuses primarily on Defense Department personnel, the law also emphasizes the importance of sharing information between different agencies – including those not under the Department of Defense. Specifically, it calls for the electronic integration of information systems between every agency deemed necessary for complete insider threat assessment and deterrence. If your agency is included in that information sharing or system integration, then you need to prepare your agency for full compliance with the NDA Act and its insider threat detection implications. The NDA Act shows that Congress and the President aren't satisfied with agency self-built and self-assessed insider threat programs – instead, they're raising the bar. While that might initially only include the Department of Defense and a handful of connected groups, every agency should plan for the NDA's jurisdiction to widen if its initial requirements are successful. Even if your agency doesn't fall under the initial jurisdiction of the new law, start preparing today for more accountable insider threat detection metrics. And since NDA requirements don't come with an explicit budget increase, plan to COMPLETE YOUR UPGRADES WITH LITTLE OR NO BUDGET BOOST.

Insider threat program secures DoD programs that combat terrorism and crime

Work, '14, (Robert O., Deputy Secretary of Defense, "The DoD Insider Threat Program,"

NUMBER 5205.16, September 30, 2014,

<http://www.dtic.mil/whs/directives/corres/pdf/520516p.pdf>//erg

1. PURPOSE. In accordance with sections 113 and 131 through 137 of Title 10, United States Code (U.S.C.) (Reference (a)); Presidential Memorandum (Reference (b)); Executive Orders (E.O.s) 12333, 13526, and 13587 (References (c), (d), and (e)); section 922 of Public Law 112- 81 (Reference (f)); National Security Directive 42 (Reference (g)), and Committee on National Security Systems Directive 504 (Reference (h)), this directive: a. Establishes policy and assigns responsibilities within DoD to develop and maintain an insider threat program to comply with the requirements and minimum standards to prevent, deter, detect, and mitigate actions by malicious insiders who represent a threat to national security or DoD personnel, facilities, operations, and resources. b. Identifies appropriate training, education, and awareness initiatives that may be made available to DoD personnel and contractors in accordance with Reference (b). c. Ensures appropriate DoD policies, including but not limited to counterintelligence (CI), cybersecurity, security, civilian and military

personnel management, workplace violence, emergency management, law enforcement (LE), and antiterrorism (AT) risk management, are evaluated and modified to effectively address insider threats to DoD. d. Cancels Secretary of Defense Memorandum (Reference (i)). e. Incorporates and cancels Deputy Secretary of Defense Memorandum (Reference (j)). 2. APPLICABILITY. This directive: a. Applies to: (1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other ~~(OOO)~~ organizational entities within DoD (referred to collectively in this directive as the “DoD Components”). (2) Contractors and other non-DoD entities that have authorized access to DoD resources as required by their contract or agreement. (3) Individuals who volunteer and donate their services to the DoD Components, including non-appropriated fund instrumentalities, pursuant to DoD Instruction (DoDI) 1100.21 (Reference (k)). b. Will not alter or supersede: (1) The existing authorities and policies of the Director of National Intelligence regarding the protection of sensitive compartmented information and special access programs for intelligence as directed by Reference (c) and other laws and regulations. (2) Existing statutes, E.O.s, and DoD policy issuances governing access to or dissemination of LE, LE sensitive, or classified LE information. (3) Existing suspicious activity reporting and dissemination requirements as outlined in DoDI 2000.26 (Reference (l)). 3. POLICY. It is DoD policy that: a. DoD will implement the National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs in accordance with References (b), (e), (f), and (h). b. The threat that an insider will use their authorized access to do harm to the security of the United States requires the integration and synchronization of programs across the Department. **This threat can include damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of resources or capabilities.**

Insider Threat Program allows for reasonable monitoring in vital national security departments
Work, '14, (Robert O., Deputy Secretary of Defense, “The DoD Insider Threat Program,”
NUMBER 5205.16, September 30, 2014,
[//erg](http://www.dtic.mil/whs/directives/corres/pdf/520516p.pdf)

Through an integrated capability to monitor and audit information for insider threat detection and mitigation, the DoD Insider Threat Program will gather, integrate, review, assess, and respond to information derived from CI, security, cybersecurity, civilian and military personnel management, workplace violence, AT risk management, LE, the monitoring of user activity on DoD information networks, and other sources as necessary and appropriate to identify, mitigate, and counter insider threats. d. Appropriate training, education, and awareness of the insider threat will be provided to DoD military and civilian personnel, DoD contractors, and volunteers who have access to DoD resources. DoDD 5205.16, September 30, 2014 ~~(OOO)~~ e. The collection, use, maintenance, and dissemination of information critical to the success of **DoD efforts to counter insider threats must comply with all applicable laws and DoD policy issuances, including those regarding whistleblower, civil liberties, and privacy protections.** (1) Personally identifiable information (PII) for U.S. persons must be handled in accordance with section 552a of Title 5, U.S.C. (also known as “The Privacy Act of 1974” (Reference (m))), DoD Directive (DoDD) 5400.11 (Reference (n)), and DoD 5400.11-R (Reference (o)). (2) Defense Intelligence Components will handle U.S. persons’ PII in accordance with DoD 5240.1-R (Reference (p)). (3) Activities related to the insider threat program, including information sharing and collection, will comply with DoDI 1000.29 (Reference (q)). (4) **Information on individuals and organizations not affiliated with the DoD will not be collected** unless allowed pursuant to DoDD 5200.27 (Reference (r)). (5) **Personally identifiable health information must be handled in accordance with Public Law 104-191** (Reference (s)), parts 160, 162, and 164 of Title 45, Code of Federal Regulations (Reference (t)), DoDI 6490.04 (Reference (u)), DoDI 6490.08 (Reference (v)), DoD 6025.18-R (Reference (w)), and DoD 8580.02-R (Reference (x)). 4. RESPONSIBILITIES. See Enclosure 2. 5. INFORMATION COLLECTIONS REQUIREMENTS. The DoD Insider Threat Program annual progress report and quarterly Key Information Sharing and Safeguarding Indicators questionnaire self-assessment compliance reports, referred to in paragraphs 1e, 5d, 5e, 6e, 6f, 8g, 11f and 11h of Enclosure 2 of this directive, have been assigned report control symbol DD- CIO(A,Q)2561 in accordance with the procedures in Volume 1 of DoD Manual 8910.01 (Reference (y)).

Shift to more effective board/oversight is key—avoids paranoia and bad work environment

Bunn, '13, (Chris, Manager of IS Decisions, “Insider Threat Program. From Paranoia to Protection,” IS Decisions, 2013, <http://www.isdecisions.com/blog/it-security/insider-threat-program-from-paranoia-to-protetion//erg>)

The Unreported Insider Threat Insider cases are numerous and spin all industries. It's said that 3 out of 4 cases are unreported! As you can see reputation is perhaps the biggest risk of all. Organizations don't want to tell or don't even know. This shouldn't however be about the business of fear. It calls for a Risk Management approach. Understand the risk and balance it. This however, requires top level strategic oversight for any enterprise. Risk Management is and must be, a problem for the board. Are the board always considered when an organization attempts to manage these risks? From our own research involving 500 IT decision makers, the insider threat is not a top security priority, even for IT professionals. This however could be changing. The belief is that the Target Breach could well be a turning point. The breach resulted in the first CEO to lose their job because of an insider security breach and possibly five other directors to follow. This is significant. Every board should now be thinking this is not going to happen to me. we need to address this problem. The latest news however suggests that the retailer's chief executive and board may not get a complete picture on the company's security, if the CISO does not report directly to them. Proactive Steps to Mitigate the Risk Today's reality is there are proactive steps to mitigate the risk. But organizations and individuals are guilty of not having the time, so end up creating bigger gaps. One typical example is when employees who have left the organization still have access to the network. The thinking suggests if your organization is not doing the basics – forget about any more complex behavior analysis to alert high risks or any big data tools. Building an Insider Threat Program Building an Insider Threat Program moves an organization from paranoia to protection. Not only is this a sensible thing to do but a US Mandate means organizations must develop an Insider Threat Program if dealing with a federal government. It also applies to worldwide companies that are dealing with the US government. To help the CERT Insider Threat Centre has been serving as a trusted broker to assist the community in the short term and through ongoing research since 2001. The foundation of their work is a database of more than 1000 insider threat cases, government records and information from criminals themselves, which helps characterize the nature of the insider threat problem and offers dynamic indicators of insider threat risk. They also identify and experiment with administrative and technical controls for insider threat mitigation. The CERT Insider Threat Program helps organizations consider or start making themselves more secure and more immune to reputation and financial damage. In the UK, The CPNI (Centre for the Protection of National Infrastructure) and PA Consulting published new guidance (HoMER) to help organizations reduce employee risk. HoMER (Holistic Management of Employee Risk) offers a range of practical measures to help organizations reduce the risk from their employees. The risk ranges from oversight such as sharing passwords to opportunistic behavior including theft and fraud. Moving from paranoia to protection Moving from paranoia to protection means involving a sophisticated tool set, staff and manager's awareness and an efficient process. At IS Decisions, our solution UserLock is a unique and proven technology tool that helps organizations mitigate the risk of insider threat by securing users access to the shared Windows network. Whether we're dealing with careless or malicious activity both involve authenticated users who have access and rights. Organizations are recognizing the need to better manage and secure network access for authenticated users to reduce the risk of security breaches. FileAudit helps organizations proactively track, alert and report on all access (and access attempts) to files and folders. It helps protect an organizations most sensitive information stored on Windows Servers.

Team methods and co-worker cooperation can detect threats and eliminate dark corners that make attacks possible

Catrantzios, '10, (Nick, Adjunct Professor, Homeland Security & Author of Managing the Insider Threat: No Dark Corners, “Tackling the Insider Threat,” CRISP REPORT, ASIS Foundation, 2010, <http://www.popcenter.org/library/crisp/insider-threat.pdf//erg>)

All a hostile insider needs to carry out an attack are access to a worthy target, an open door, and a dark corner from which to study and strike. Insider threat studies abound, and the malicious insider phenomenon remains statistically rare yet potentially devastating to any institution with critical assets to defend. Accepted wisdom offers conventional

security advice: preemployment background investigations, random audits, tighter access controls, more invasive monitoring through procedural or technological innovations. This report combines a review of the insider threat literature with the findings of a Delphi study to arrive at a new approach to defeating the kind of trust betrayer intent on carrying out an attack that is fatal to the organization. While the Delphi research itself began with substantially the same views and counsel as prevailing wisdom represented in the literature, it ended altogether somewhere else. Certain pivot points in the research revealed that a reasonably prepared infiltrator poses a greater threat than a disgruntled career employee—at least if the focus is on adversaries bent on bringing an institution to its knees, rather than on exacting revenge against bosses or carrying out nuisance-level attacks against the employer. Research findings also highlighted flaws in traditional defenses, including background investigations that identify neither the prepared infiltrator nor the future disgruntled careerist. Findings even suggested random audits are seldom truly random and pose only a surmountable hurdle to a worthy adversary. Moreover, ineffective exercise of employer prerogatives like probationary periods appears underexploited as an insider threat defense. Into this context, **a new approach emerged. This approach is about engaging co-workers on the team level to take a hand in their own protection.** It calls into protective service the vast majority of employees consigned to the sidelines and sometimes referred to as the weakest link in insider defense. Instead, with a shift in emphasis toward more productive countermeasures, the proposed alternative brings these people off the sidelines and onto the front lines, making them the first line of defense. **No Dark Corners** extends to private spaces and institutions the seminal theories of proprietary interest and ownership that “Defensible Space” and “Fixing Broken Windows” demonstrated for public housing and community environments. In defending against insider threats, this approach proposes less emphasis on the laser of specialized monitoring by corporate sentinels. Instead, it promotes using the flashlight of open team engagement as a method of implementing layered defenses, particularly on the front lines of detection and intervention, where critical operations take place.

Snowden could have been detected with the program—insiders are dangerous but detectable

McNamara, '13, (Paul, “Snowden used sys admin role to collect passwords: Reuters,” Network World, Nov 8, 2013, <http://www.networkworld.com/article/2225752/security/snowden-used-sys-admin-role-to-collect-passwords--reuters.html>)//erg

Reuters is reporting this morning that former NSA contractor Edward Snowden "persuaded" some two dozen colleagues at a Hawaii government facility to give him their login credentials by claiming it was necessary for him to do his job as systems administrator. From that Reuters report: A handful of agency employees who gave their login details to Snowden were identified, questioned and removed from their assignments, said a source close to several U.S. government investigations into the damage caused by the leaks. Snowden may have persuaded between 20 and 25 fellow workers at the NSA regional operations center in Hawaii to give him their logins and passwords by telling them they were needed for him to do his job as a computer systems administrator, a second source said. The revelation is the latest to indicate that inadequate security measures at the NSA played a significant role in the worst breach of classified data in the super-secret eavesdropping agency's 61-year history. It's not clear whether "removed from their assignments" means fired or not, but, if true, his damaging the careers of coworkers will add another dimension to the debate about whether Snowden is a whistleblower or a traitor. What is clear has long been understood, though: There is no greater security threat than a "trusted" insider with access.

Behavioral analysis within the program stops attacks

Winkler and Manke, '14, (Ira, Irari Report, Secure Mentem, Internet Security Advisors Group and Samantha, Executive Vice President of Secure Mentem,” How to create awareness of the insider threat,” CSO, Apr 15, 2014, <http://www.csoonline.com/article/2142603/security-leadership/how-to-create-awareness-of-the-insider-threat.html>)//erg

One of the results of Edward Snowden's data leak is that companies are now concerned about the insider threat more than they ever were before. He demonstrates that a single person inside an organization can devastate the organization.

While technology should have caught Snowden, there is also the realization that his coworkers and managers should have noticed indications of unusual activities. The question then becomes how do you train employees to tactfully recognize the signs of a malicious insider, without creating widespread distrust within an organization. Back when I worked at NSA, one of my coworkers pointed out two documents that both describe a fellow employee who was 1) always interested in what their coworkers are doing, 2) volunteers for extra assignments, 3) always works late, and 4) never takes a vacation. One of the documents was from human resources on how to get promoted. The other was from the security department describing how to tell if your coworker is a spy. MORE ON CSO: 10 ways to prep for – and ace – a security job interview Clearly NSA employees failed to determine which side of the spectrum Snowden fell on, while employees at his past employer, the CIA, accurately determined his predisposition to expose classified information. Snowden demonstrates that even within organizations that should know better, detecting a malicious insider is hit or miss. How then is an organization outside of the Intelligence Community supposed to make their employees aware of the concern, especially without inspiring a witchhunt? The problem is real. Malicious insiders have wreaked havoc in organizations of all types. While the IT world focuses on stories of rogue administrators, insiders in all roles carry out thefts and other malicious actions. While some wrongdoers are very clever and are able to cover their actions very well, the reality is that just about all malicious insiders show indications of their intent. This is relevant to awareness programs as their coworkers are in the best position to see those indications. Balancing concerns of tact and awareness is delicate, but it must be done to maintain order. Generally, there are three requirements for awareness to be effective: 1) Understanding of the problem, 2) Knowledge of what actions to take, and 3) Motivation to take the appropriate actions. Generally understanding the problem should create motivation, but an effective awareness program must specifically ensure that it addresses both concerns. You can be aware an issue exists, while not being motivated to do anything about it. The easy part of addressing the insider threat is that there are now many examples to help get the message across. People like Snowden and Chelsea Manning are clear examples that it only takes one person to cause a lot of damage. While these individuals have become household names, it is better to use examples from your own company or industry. While some companies understandably do not like to highlight their own incidents, they can anonymize the cases. The message is actually simple, insiders are a big threat and do not ignore signs of questionable behaviors. The message tagline could be the organizational equivalent of, "If you see something, say something." The message should highlight to be on the lookout for violations of policies and procedures. It is also critical to remind employees that it is people, just like themselves, who have stopped major insider crimes. [Why companies need to check their handling of internal threats]

Insider Threat program utilizes patterns and best data studies

Moore, '14, (Andrew P, CERT Insider Threat Team Research Leader, "Designing Insider Threat Programs," SEI, September 29, 2014, <http://blog.sei.cmu.edu/post.cfm/designing-insider-threat-programs-272//erg>)

Insider threat is the threat to organization's critical assets posed by trusted individuals - including employees, contractors, and business partners - authorized to use the organization's information technology systems. Insider threat programs within an organization help to manage the risks due to these threats through specific prevention, detection, and response practices and technologies. The National Industrial Security Program Operating Manual (NISPOM), which provides baseline standards for the protection of classified information, is considering proposed changes that would require contractors that engage with federal agencies, which process or access classified information, to establish insider threat programs. The proposed changes to the NISPOM were preceded by Executive Order 13587, Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information. Signed by President Obama in September 2011, Executive Order 13587 requires federal agencies that operate or access classified computer networks to implement insider threat detection and prevention programs. Since the passage of Executive Order 13587, the following key resources have been developed: The National Insider Threat Task Force developed minimum standards for implementing insider threat programs. These standards include a set of questions to help organizations conduct insider threat self-assessments. The Intelligence and National Security Alliance conducted research to determine the capabilities of existing insider threat programs The Intelligence Community Analyst-Private Sector Partnership Program developed a roadmap for insider threat programs. CERT's insider threat program training and certificate programs are based on the above resources as well as CERT's own Insider Threat Workshop.

common sense guidelines for mitigating insider threats, and in-depth experience and insights from helping organizations establish computer security incident response teams. As described in this blog post, researchers from the Insider Threat Center at the Carnegie Mellon University Software Engineering Institute are also developing an approach based on organizational patterns to help agencies and contractors systematically improve the capability of insider threat programs to protect against and mitigate attacks. A Pattern-based Approach to Insider Threat This post is the latest installment in an ongoing series describing our research to create and validate an insider threat mitigation pattern language to help organizations prevent, detect, and respond to insider threats. As described in a previous post, our research is based upon our database of more than 700 insider threat cases and interviews with the United States Secret Service, victims' organizations, and convicted felons. From that database, we identified 26 patterns that capture reusable solutions to recurring problems associated with insider threat. Insider threat mitigation patterns are organizational patterns that involve the full scope of enterprise architecture concerns, including people, processes, technology, and facilities. This broad scope is necessary because insiders often have authorized access—both online and physical—to organizational systems. Our approach acknowledges inter-relationships between organizational structures, such as policy, training, and employee and policy agreements, and draws upon those inter-relationships to describe the patterns themselves. The following is a high-level outline of a pattern for disabling access after an insider leaves an organization for other employment, an older version of which was published at the 2013 PLOP Workshop: Title: Eliminate Methods of Access after Departure Intent: To avoid insider theft of information or sabotage of information technology after departure Context: An insider is departing an organization for employment elsewhere and you have a comprehensive record of access paths the insider has for accessing the organization's systems Problem: Insiders who depart an organization under problematic circumstances may become angry to the point of wanting to steal information from the organization or compromise the integrity of the organization's information or information systems. Active access paths into the organization's systems after departure provide the opportunity to do that. Solution: Disable accounts that you know about upon departure, and prepare to monitor suspicious remote access after departure for signs of unauthorized access attempts Related Patterns: Monitor Activity after Departure For organizations and agencies establishing insider threat programs, our approach specifies what processes are important and stresses the need for consistent enforcement what policies are important how those processes and policies are implemented both by humans and technology what technology is needed to support all of that There will undoubtedly be great variation in insider threat programs, depending on the risks faced by individual organizations. We therefore use capability development scenarios to designate paths through the mitigation pattern language with the goal of mitigating a specific insider threat behavior. The mitigation pattern outlined above will be used in a capability development scenario described below. Such capability development scenarios serve to guide insider threat program designers as they try to ensure their programs are resilient against insider threats to their critical assets. An Example Capability Development Scenario In a forthcoming report on this topic, we will outline several capability development scenarios (CDSs). One scenario involves mitigating theft of intellectual property when an employee resigns or is fired from the organization: Through our analysis of our insider threat database, we observed that 70 percent of insiders who stole intellectual property from an employer did so within 60 days of their termination from an organization. This CDS urges that both parties must agree at employee hiring regarding the ownership of intellectual property as well as the consequences if the agreement is breached. Upon termination, whether voluntary or forced, the organization should disable insider's accesses. During the exit interview, the organization must review existing agreements regarding IP. The CDS advocates that an employer monitor insider actions 60 days prior to termination and for 60 days after termination. Suspicious behaviors including uncharacteristically large downloads of intellectual property should be handled either by the human resources or legal departments or a combination of both. As specified by the associated path through the mitigation pattern language, this CDS advocates that organizations Screen Employees Agree on IP Ownership Periodically Raise Security Awareness Log Employee Actions Increase Monitoring Due to an Employee's Pending Departure Reconfirm Employee Agreements on Departure Eliminate Methods of Access after Departure Monitor Activity after Departure In summary, mitigating theft of IP at departure involves ensuring that the organization increases their monitoring of any insider with access to critical assets for specific suspicious behaviors when the insider resigns or is terminated. In addition, the insider must agree to and be reminded that they can't take organization-owned IP with them. Future Work in Insider Threat Continuing our efforts to help federal agencies and contractors develop insider threat programs, per executive order 13587, we are now seeking active government partners to apply and refine our approach. We also are continuing our research into fundamental patterns of insider threat mitigation to make sure that they remain well grounded and validated scientifically. Looking ahead, we plan next to investigate insider social networks and the role they play in contributing to insider threat. In particular, we plan to examine how those social networks change over time to determine whether we can distinguish the social networks of malicious and non-malicious insiders. As part of this research, we are collaborating with Dr. Kathleen Carley, a professor at Carnegie Mellon University's Institute for Software Research in the School of Computer Science.

The insider threat program sets extensive threat mitigation standards—employees could unintentionally aid an external organization—detection and monitoring are key

Amjad and Gelles, '15, (Adnan, partner, Cyber Risk Services, Deloitte & Touche LLP and Michael, director, Deloitte Consulting LLP, “9 Building Blocks of Insider Threat Mitigation

Programs,” CIO Journal, March 23, 2015, <http://deloitte.wsj.com/cio/2015/03/23/9-building-blocks-of-insider-threat-mitigation-programs//erg>

You can't blame organizations that focus their cyber risk mitigation programs primarily, if not exclusively, on external threats. After all, external actors, including hostile nation-states and criminal organizations, are alleged to have been behind some of the most damaging and high-profile cyber attacks of the past two years. But, often enough, those external actors are assisted by an employee or third party associated with the targeted organization. An employee or contractor, either ignorant of or flippant toward company policies or specific security threats, may unwittingly download malware onto a corporate network, giving attackers access to intellectual property (IP), employee social security numbers, patients' protected health information, or customer credit card data. On other occasions, employees and contractors aren't innocent. When they leave a company, some may feel entitled to walk off with IP they helped to develop, even though the IP legally belongs to the organization. And even if they're not stealing sensitive information for personal or financial gain, plenty get a voyeuristic thrill from accessing data and records that literally aren't their business. According to a survey conducted on behalf of Raytheon, 65 percent of respondents indicated curiosity, not job necessity, compels users with privileged access to peek (or worse) at sensitive or confidential data.¹ Given the many ways insiders may threaten their organizations' security, it's no wonder nearly nine out of 10 IT professionals polled on behalf of data security provider Vormetric believe their organizations are vulnerable to insider threats.² And almost as many IT professionals surveyed appear to have trouble addressing the risks insiders can pose. According to the Raytheon survey, 88 percent of respondents are concerned about insider threats but have difficulty identifying specific threatening actions, and 69 percent said their security tools don't provide enough context to determine insiders' intent. A well-designed and executed insider threat mitigation program that considers how individuals conduct themselves in both virtual and physical environments and that includes policies, training, technology, behavioral analysis, and a broad set of stakeholders can help organizations detect, prevent, and respond to insider threats. Here are nine crucial components to consider when implementing a systematic insider threat mitigation program.

They are wrong—they get rid of key detection procedures. Behavioral analysis and awareness is key to catch threats

Garlipp, '14, (Matthew, Associate at Grant Thornton LLP, “HOW CAN YOU COMBAT INSIDER THREATS?” Gov Loop, December 3, 2014, <https://www.govloop.com/can-combat-insider-threats//erg>)

Insider threats can have severe consequences, with victim organizations facing significant costs and damages. According to the FBI, the average cost per incident is \$412,000, with victims losing an average of \$15 million a year. Although most agencies primarily focus on external cyber threats, it is crucial to also prepare and combat insider threats. The U.S. Computer Emergency Response Team (CERT) defines an insider threat as: A current or former employee, contractor, or other business partner who has or had authorized access to an organization's network, system, or data and intentionally exceeded or misused that access in a manner that negatively affected the confidentiality, integrity, or availability of the organization's information or information systems. Insider threats are not necessarily hackers and they often don't start with malicious intent. Usually a trigger event — such as a denied vacation or being bypassed for a raise or promotion — initiates the threat. What's more striking, the CERT Division of the Software Engineering Institute (SEI) at Carnegie Mellon University found that 90 percent of IT saboteurs were system administrators. Despite this, most security tools are designed with hackers in mind, but they're not always the real threat. For a more overarching, office-wide approach, Patrick Reidy, former chief information security officer at the FBI, offers three pieces of advice regarding insider threats: A good insider threat program should focus on deterrence, not detection. An employee's work environment, regardless of job function, should discourage insiders by crowdsourcing security and deploying data-centric, not system-centric, security. By creating a data-centric approach, organizations can monitor how data moves across an agency and block certain actions from occurring. This gives a more holistic view of data, rather than just simply monitoring a workstation or specific network systems. This helps create an environment where it is difficult to become an “insider.” Avoid the data

overload problem. In security efforts, do not get overwhelmed with data. Reidy proposes that only two sources of data are needed: HR data to better understand employees and workplace or personnel issues and system logs to track what is being printed or downloaded via USB, CD or DVD. **Detection of insider threats must use behavior-based techniques**. Detecting insider threats is very hard, like looking for “a needle in a stack of needles,” Reidy said. By using behavioral analytics, **agencies can build a baseline of behavior and look for red flags** — anomalies that differentiate potential insiders from innocuous employees. The CERT Division of SEI also provides 10 best practices to prevent and combat insider threats: **Institute periodic enterprise-wide risk assessments and security awareness training for all employees**. Implement strict password and account management policies and practices. Log, monitor and audit employee online actions, especially unusually large queries, downloads, print jobs or e-mails, or other suspicious behavior. Use extra caution with system administrators and privileged users. Collect and save data for use in investigations. Implement secure backup and recovery processes. Clearly document insider threat controls. Provide an Employee Assistance Program or other recourse for employees experiencing personal problems. Deactivate computer access and change passwords for all accounts upon termination, including external accounts. Train management on the patterns of behavior that could indicate an IT sabotage attack. **Insider threats present potentially catastrophic risks for all organizations**, no matter what sector. **But preparation, awareness, training, periodic assessments and the implementation of security measures and strategies can decrease an organization’s vulnerability**.

The program provides key oversight that gets rid of dark corners—prevents cascading failure of critical infrastructure—peer vigilance key

Catrantzos, ’10, (Nick, Adjunct Professor, Homeland Security & Author of Managing the Insider Threat: No Dark Corners, “Tackling the Insider Threat,” CRISP REPORT, ASIS Foundation, 2010, <http://www.popcenter.org/library/crisp/insider-threat.pdf//erg>)

All a hostile insider needs to carry out an attack are access to a worthy target, an open door, and a dark corner from which to plot and maneuver. Any adversary seeking to strike a devastating blow against any institution need look no further. Public and private sector institutions and critical infrastructures number among the many worthy targets, as would any organization with critical assets to be defended. The potential for loss does not always stop at the door of one target, however. **Not only are some targets like infrastructure irreplaceable, their damage or destruction may lead to cascading failures of other, interdependent components, from banking and finance to emergency responders, from transportation and logistics to food and agriculture.** All depend on electricity or water or communications—the double-edged sword of living in an interconnected world. **The open door comes from a traditional culture of openness and few restrictions to movement or assets in the average workplace.** This openness flourishes because local government agencies and investor-owned organizations alike must answer to demanding stockholders, ratepayers, and various regulatory agencies. Even when these organizations have critical assets to protect, when it comes to their public customers, they cannot be perceived as having something to hide. In this environment, **defenses against infiltrators or any type of insider threat require a cultural shift.** The challenge is to close the door to infiltrators while leaving it open to legitimate workers and business. Even if an infiltrator sets sights on a worthy target and exploits weak defenses, **he or she still needs a dark corner free of oversight in order to gather pre-strike intelligence and then initiate an attack without risk of timely intervention and defeat. The best way to defeat such an attack is to remove the dark corners.** Our society’s reliance on technology and specialists to solve problems can marginalize the average employee, excluding him or her from playing a useful and necessary role in insider defense. Employees should be recognized as the first line of defense, bringing them onto the front lines with a No Dark Corners approach. Consequently, **in addressing the insider threat, we must reconsider our usual efforts to penetrate with the intensity and focus of a laser what we should instead be illuminating with a flashlight.** No matter how deep the laser drills, it points to only a fragment of the entire picture. Caught in the laser’s beam, a clever insider can mask or explain away hostile activities with relative ease. **The same malicious insider, however, cannot deceive alert peers whose combined, wider gaze acts as a flashlight making enemy action visible before it is too late to intervene.** The new approach offers open team and employee engagement as a method of implementing layered defenses, particularly on the

front lines of detection and intervention, where critical operations take place. The insider threat remains as alive as it is statistically rare, despite generations of study. Infiltrators continue to pose a risk to critical infrastructure and other institutions. There are no easy answers. No Dark Corners shows promise, however, as an approach to overcome gaps in traditional defenses. By going beyond corporate sentinels to engage stakeholders in their own protection, this approach offers the victory of ownership over surprise.

Counter measures against insider threats are critical for preventing crime and terrorist attacks

Catrantzos, '10, (Nick, Adjunct Professor, Homeland Security & Author of Managing the Insider Threat: No Dark Corners, "Tackling the Insider Threat," CRISP REPORT, ASIS Foundation, 2010, <http://www.popcenter.org/library/crisp/insider-threat.pdf>)//erg

The insider threat is an Achilles heel for critical infrastructure protection and the protection of any enterprise or institution targeted for destruction by adversaries. While risk and vulnerability assessments skyrocketed in the aftermath of 9/11, as reflected in the federal subsidies promoting them, the security focus centered largely on the vulnerability of large populations to attack (Masse, O'Neil, & Rollins, 2007, pp. 5–7). In this context, adversaries were characterized as traditional attackers working as outsiders who generally approach their targets head on with brute force—precisely in the manner of the 9/11 hijackers. The insider threat, in this context, has been generally relegated to secondary status. One possible reason is that there is a dearth of statistically significant data on hostile insiders. As a review of the current literature indicates, trust betrayal—whether in espionage or other fields—remains statistically rare (Shaw & Fischer, 2005, p. 34; Parker & Wiskoff, 1991, p. 4).¹ When analyzed further, the insider threat has been subordinated to cyber security studies centering on hackers and disgruntled employees, ex-employees, or consultants (Brackney & Anderson, 2004; Cappelli, Moore, Trzeciak, & Shimeall, 2009; Leach, 2009). While such studies have supplied value and drawn attention to the problem, they 1 Shaw and Fischer, looking at espionage as a subset of trust betrayal, argued that such trust betrayal appeared relatively rare, while betrayals by cyber insiders might be poised to be more frequent, hence more amenable to profiling and categorizing by subtype. have offered few solutions other than to advise continuing scrutiny. Data compiled to date suggest that the vast majority of insider cyber attacks have been either fraud-driven or moderate in scope and impact. In other words, such attacks remain less than devastating to the targeted employer—the modern, electronic equivalent of embezzlement or vandalism (Kowalski, Cappelli, & Moore, 2008, pp. 24–26). Similarly, such studies preserve their narrow focus by excluding cases of espionage, while at the same time avowing that the threat remains real and advising ordinary, more-of-the-same solutions like layered defense (Cappelli, Moore, Trzeciak, & Shimeall, pp. 6–8). Consequently, it is difficult for security practitioners to derive new insights from cyber-centric insider threat investigations. The net result is that today's insider threat remains substantially as it did yesterday: often studied retroactively, yet seldom yielding practical tools, tactics, or recommendations that would serve a defender in countering the threat. The overall aim of this study is to identify countermeasures that defenders can use to prevent terrorist attacks via trust betrayers and thereby reduce the vulnerability of critical infrastructure and institutions. The journey to this destination involves applying lessons of experts from other, more mature arenas of defense from insider threats, such as workplace violence, line management, corporate security, and counter-espionage. In the course of following this path, the study also explores one answer to the question, "If current indicators and countermeasures fall short, what should we do differently?"

Insider threats are real—staff awareness is key to detection

Greitzer, et al '08, (Frank L., a chief scientist at the Pacific Northwest National Laboratory, Andrew P. Moore is a senior member of the technical staff of CERT at the Software Engineering Institute at Carnegie Mellon University, Dawn M. Cappelli is senior member of the technical staff, Dee H. Andrews, Lynn A. Carroll, Thomas D. Hull is a graduate fellow with the

Oak Ridge Institute for Science and Education, "Combating the insider Cyber threat," 2008, <http://www.dtic.mil/dtic/tr/fulltext/u2/a498605.pdf>//erg

(Summary.pdf), reveal that current or former employees and contractors are the second greatest cybersecurity threat, exceeded only by hackers, and that the number of security incidents has increased geometrically in recent years. The insider threat is manifested when human behavior departs from compliance with established policies, regardless of whether it results from malice or a disregard for security policies. **The types of crimes and abuse associated with insider threats are significant**; the most serious include espionage, sabotage, terrorism, embezzlement, extortion, bribery, and corruption. **Malicious activities include an even broader range of exploits, such as copyright violations, negligent use of classified data, fraud, unauthorized access to sensitive information, and illicit communications with unauthorized recipients. The "insider" is an individual currently or at one time authorized to access an organization's information system, data, or network; such authorization implies a degree of trust in the individual.** The insider threat refers to harmful acts that trusted insiders might carry out; for example, something that causes harm to the organization, or an unauthorized act that benefits the individual. A 1997 US Department of Defense (DoD) Inspector General report¹ found that 87 percent of identified intruders into DoD information systems were either employees or others internal to the organization. More generally, recent studies of cybercrime (such as the 2004 through 2006 E-Crime Watch Surveys; www.cert.org/archive/) in both government and commercial sectors reveal that although the proportion of insider events is declining (31 percent in 2004 and 27 percent in 2006), the financial impact and operating losses due to insider intrusions are increasing. Of those companies experiencing security events, the majority (55 percent) report at least one insider event (up from 39 percent in 2005). In this article, we'll focus on the need for effective training to raise staff awareness about insider threats and the need for organizations to adopt a more effective approach to identifying potential risks and then taking proactive steps to mitigate them.

Insider threats are real and dangerous—full vigilance is key

Spitzner, '03, (Lance, internationally recognized leader in the field of cyber threat research and security training and awareness, "Honey pots: Catching the Insider Threat," Honey pot Technologies Inc, 2003, <http://craigchamberlain.com/library/insider/Honey pots%20-%20Catching%20the%20Insider%20Threat.pdf>//erg

Before we can discuss how honeypots, specifically Honeynets and honeytokens, can catch the insider threat, we need to first define what our goal is, and the threat we face. **Our goal is to detect, identify, and confirm insider threats. This means leveraging honeypots to not only indicate that we have an insider, but also confirm their actions, and potentially learn their motives and resources. What makes our goal difficult is the threat we face, the sophisticated insider.** What we mean by this is someone who is technically skilled, highly motivated, and has access to extensive resources. For example, this threat may be an employee working for a large corporation, but in reality they are employed by a competitor to engage in corporate espionage. A second example is highly skilled, disgruntled employee motivated to cause a great deal of damage before they are fired. A third example could be a spy working for a foreign country. Regardless of who the insider is, we are dealing with a highly dangerous threat, one that is extremely difficult to detect. They have access to critical information; they know the structure of the organization. They are most likely after information, not systems. As a result, there may be few attacks and their access to information may even be authorized. It is what they do with that information that comprises the threat. It is our goal to detect and capture the activity of this threat. For the purposes of this paper, we will take the lessons learned from the ARDA Cyber Indications and Warning workshop. In this workshop, we focused on past spies in the Intelligence community. Examples of such spies include Aldrich Ames, Robert Hansen, and Anna Montes. These individuals were all highly trusted individuals with extensive and critical knowledge to their respective organizations. However, as insiders they were able to cause extreme harm to their organizations, and over long periods of time without being detected.

Internal Link Turns Groupthink

Combatting the insider threat avoids groupthink

Catrantzos, '10, (Nick, Adjunct Professor, Homeland Security & Author of *Managing the Insider Threat: No Dark Corners*, “Tackling the Insider Threat,” CRISP REPORT, ASIS Foundation, 2010, <http://www.popcenter.org/library/crisp/insider-threat.pdf//erg>)

The Delphi process is iterative yet anonymous, and required a significant commitment on the part of respondents, including responses that took the form of explanatory narratives. In order to obtain meaningful insights rather than just confirming the author's opinions, this study sought out practitioners who each have over 20 years of experience in responsible charge in their respective fields and were willing to voluntarily participate in what would otherwise constitute billable hours. This undertaking required the fullest stretch of the author's network and availing of professional courtesy. Despite 31 years of industry experience and an address book with some 2,024 entries, the author rated himself fortunate to be able to assemble a dozen professionals who contributed their career thoughts throughout the Delphi process. Note that the Delphi method isolates respondents from each other, rather than gathering them together in a focus group. This technique defends against groupthink and offers equal deference to the introverted whose voices might otherwise go unheard in the presence of more vocal and extroverted participants gathered together in the same room. In order to increase respondent numbers, the research would have risked a corresponding lowering of the bar in experience and insight of experts. Neophytes are in greater supply, as are graduate students who would be more receptive to providing iterative responses. However, such a response pool would necessarily rob the process of the kind of wisdom and “deep smarts” that come only through broad, practical experience over time (Leonard & Swap, 2004). In Delphi research, the smallest number of respondents should not fall under 10, hence this study settled on 12—in case of any losses from one round of questions to the next. In practice, informed analysts have gone on record to state that “the sample size varies... from 4 to 171 ‘experts.’ One quickly concludes that there is no ‘typical’ Delphi; rather that the method is modified to suit the circumstances and research question (Skulmoski, G. J., Harman, F. T., & Krahn, J., 2007, p. 5).” Other analysts, applying the Delphi method to policy issues, found useful sample sizes varying from 10 to 50 experts (Linstone, H., & Turoff, M., 2002, p. 82). The Delphi research effort itself extended from January through April 2009 and consisted of three iterative rounds of questions and feedback. Recruitment of experts and gathering of their signed, informed consent forms, in satisfaction of the requirements of the Institutional Review Board of the Naval Postgraduate School, took place between the months of November 2008 to January 2009.

Russia Containment DA

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Deterring Russia in Europe is k2 curb Russian expansionism

O'Hanlon 7/12 (Michael, 2015, senior fellow at The Brookings Institution, “We Need to Get Serious About Russia, Now,” [//RTF">http://www.politico.com/magazine/story/2015/07/we-need-to-get-tough-with-russia-now-120002.html#ixzz3gOxGu49h">//RTF](http://www.politico.com/magazine/story/2015/07/we-need-to-get-tough-with-russia-now-120002.html#ixzz3gOxGu49h))

We are at a crucial juncture in the conflict over Ukraine and the West's relationship with Russia. Obama's restraint has been wise at one level, but Washington's tendency has been to move this issue to the back burner and hope it stays there. Yet there is little reason to think that it will—and also little reason to believe that a new U.S. president in 18 months, who will probably be harder-line in dealing with Vladimir Putin than Barack Obama has been, will be able to fix the situation either. As Gen. Joseph Dunford, the incoming Joint Chiefs chairman, told the Senate Armed Services Committee at his confirmation hearing last week: “If you want to talk about a nation that could pose an existential threat to the United States, I would have to point to Russia. ... If you look at their behavior, it's nothing short of alarming.” Meanwhile the current crisis over Greece and the Eurozone—which is not likely to end soon, if ever—is only likely to further undermine Europe's resolve and induce it to turn inward, allowing Putin to breathe easier. Or at least, the Russian president might get that impression. So the United States and its NATO allies need to get serious about the

situation now, and complement their existing policy approach with new ideas—some of them to show resolve and firmness towards Putin and Russia, others to offer him a way out of this crisis should he wish to take such a path. But this is not a time for drift; the longer the Kremlin senses irresolution in the West, the more it is likely to assume that its new “order” in the east is a fait accompli. There is also a risk it could become yet more aggressive, even towards the NATO-member Baltic states, in some

way. The context of the situation was well summarized in a recent poll, released June 10, that the Pew Research Center conducted over the previous several months. It underscored that the West has a number of strengths in dealing with Putin—but also a number of serious vulnerabilities that will not get better just by ignoring them. The survey, led by Bruce Stokes and Katie Simmons, found that majorities of citizens in a number of key NATO states would not favor the use of force to protect another alliance member in the event of Russian aggression against them. That would seem, on its face, to ignore Article V of the NATO alliance’s founding charter, the Washington Treaty of 1949, which states that an attack on one is an attack on all, and should be treated accordingly. This may appear to some as tantamount to an invitation to renewed Russian aggression. It seems to raise the scenario of Vladimir Putin again employing his patriotic cyber attackers and “little green men,” not just in Crimea but perhaps in Latvia or Estonia—former republics in the Soviet Union turned independent nations and, since 2004, members of NATO. Each also has significant populations of Russian speakers that Putin can claim want to be reunited with the motherland; each is too far east for NATO easily to mount a military defense in any case. Are such parts of the Western alliance, and perhaps other countries like Poland, now vulnerable to Russian aggression? In fact, it would be a mistake to reach this conclusion based on the Pew survey or any other recent polling. While

there are indeed some troubling findings in the Pew results, on balance what emerges is the picture of an alliance that still provides the West with considerable cohesion, and considerable leverage, in addressing the problem of Putin. Before trying to make sense of the poll results, it is important to summarize not just the headline-dominating findings noted above, but several other key results from Pew: The NATO publics have negative views of Russia and Putin. They seem to have little doubt of who is primarily responsible for the crisis in relations of the last two years, dating to the immediate aftermath of the Sochi Olympics when protests in Ukraine forced out the country’s previous leader, President Yanukovich. Five of eight NATO countries surveyed (the UK, France, Spain, Italy and Germany) oppose sending weapons to Ukraine to defend itself in the current crisis. NATO countries remain more than willing to employ sanctions against Russia over its behavior. This was true in every alliance member-state that was polled, including Germany, the most pro-Russia NATO state that was included in the polling. Indeed, although just 38 percent of Germans favored a military response in the event of a hypothetical Russian attack against another NATO member, they remained in favor of sanctions against Russia. Only 29 percent favored a loosening of the current sanctions, unless Russia’s behavior were to change. This helps explain why the EU just reauthorized sanctions against Russia, with even Greece in support. Putin remains extremely popular in Russia, with favorability ratings approaching 90 percent; Russians currently blame the West, and falling oil prices, for their current economic woes, and not their own government or its policies.

Forebodingly, most Russians believe that eastern Ukraine, where the current fighting rages, should not remain part of Ukraine but should either become independent or join their country. Two more key points are crucial to remember. First, the type of hypothetical Russian attack against a NATO country that formed the premise for the Pew question about Article V was not clearly specified. Perhaps respondents were in some sense wondering if a takedown of several Latvian or Estonian computer networks really needed to be met with NATO tanks? For most western publics, the advisability of a major military response might well, understandably enough, depend in detail on the nature of the perceived Russian attack as well as the other options available to the alliance. Second, and relatedly, it is important to remember that Article V does NOT demand an automatic, unconditional military response by each alliance member. It says, rather, that an attack on one should lead to a response by all—involving whatever means the individual states determine. This ambiguity may risk complicating deterrence, to be sure—but it worked during the Cold War and, if NATO leaders are sufficiently clear in their dealings with Putin, it can and should work now.

These results collectively suggest the following path ahead: The United States and other NATO member states should adopt the Pentagon’s recent proposal to station modest amounts of equipment in the easternmost NATO countries—a proposal that is harder to oppose at this juncture given Putin’s continued stirring up of the conflict. Ideally, equipment from NOT ONLY America BUT also other NATO countries would be part of the initiative. The sanctions tool remains powerful and should still be employed. As they pursue Russian compliance with the so-called Minsk accords, which Moscow agreed to this past winter, and which would allow autonomy for Ukraine’s eastern provinces in return for verifiable Russian withdrawal from those same regions and an end to hostility by separatists, western policymakers can and should keep up the economic pressure. A grand solution should also be proposed to Moscow. As a complement to the Minsk concept and the continuation of economic sanctions, the West should offer a proposal for a new Central European security architecture for non-NATO states that Russia would be asked and expected to co-guarantee, if it wishes that countries like Ukraine permanently forgo pursuit of NATO membership. This should not weaken Ukraine’s formal sovereignty; no long-term “Hong Kong handover” solution is needed. But all would understand that Ukraine would not formally join the West in geostrategic terms, though it certainly could accept western help out of its current economic malaise once the right policy foundation was established. So far Putin has managed to convince Russians that their economic predicament is not his fault, but over time, he may not be able to maintain the charade. The Pew poll suggests that Western publics are firmly united behind this sanctions-based approach—and that modern democracies, while wary about the use of force, are a far cry from the paper tigers their critics sometimes purport them to be. But our policies are far from adequate to the task at hand and need to be improved now—before the situation escalates further and reduces our room for maneuver, and before the 2016 U.S. presidential race reduces Washington’s room for maneuver as well.

Expansion risks war and nuclear use

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible,"
[//RTF](http://www.vox.com/2015/6/29/8845913/russia-war)

II. The gamble: Putin's plan to make Russia great again Should the warnings prove right, and a major war break out in Europe between Russia and the West, then the story of that war, if anyone is still around to tell it, will begin with Russian President Vladimir Putin trying to solve a problem. That problem is this: Putin's Russia is weak. It can no longer stand toe to toe with the US. It no longer has Europe divided in a stalemate; rather, it sees the continent as dominated by an ever-encroaching anti-Russian alliance. In the Russian view, the country's weakness leaves it at imminent risk, vulnerable to a hostile West bent on subjugating or outright destroying Russia as it did to Iraq and Libya. This is made more urgent for Putin by his political problems at home. In 2012, during his reelection, popular protests and accusations of fraud weakened his sense of political legitimacy. The problem worsened with Russia's 2014 economic collapse; Putin's implicit bargain with the Russian people had been that he would deliver economic growth and they would let him erode basic rights. Without the economy, what did he have to offer them? Putin's answer has been to assert Russian power beyond its actual strength — and, in the process, to recast himself as a national hero guarding against foreign enemies. Without a world-power-class military or economy at his disposal, he is instead wielding confusion and uncertainty — which Soviet leaders rightly avoided as existential dangers — as weapons against the West. Unable to overtly control Eastern Europe, he has fomented risks and crises in there, sponsoring separatists in Ukraine and conducting dangerous military activity along NATO airspace and coastal borders, giving Russia more leverage there. Reasserting a Russian sphere of influence over Eastern Europe, he apparently believes, will finally give Russia security from the hostile West — and make Russia a great power once more. Knowing his military is outmatched against the Americans, he is blurring the distinction between war and peace, deploying tactics that exist in, and thus widen, the gray between: militia violence, propaganda, cyberattacks, under a new rubric the Russian military sometimes calls "hybrid war." "This was the theory of the Kaiser before World War I: The more threatening you are, the more people will submit to your will. Putin's going to threaten and threaten and hope that NATO bends. But the long run of international relations suggests that it goes the other way." Unable to cross America's red lines, Putin is doing his best to muddy them — and, to deter the Americans, muddying his own. Turning otherwise routine diplomatic and military incidents into games of high-stakes chicken favors Russia, he believes, as the West will ultimately yield to his superior will. To solve the problem of Russia's conventional military weakness, he has dramatically lowered the threshold for when he would use nuclear weapons, hoping to terrify the West such that it will bend to avoid conflict. In public speeches, over and over, he references those weapons and his willingness to use them. He has enshrined, in Russia's official nuclear doctrine, a dangerous idea no Soviet leader ever adopted: that a nuclear war could be winnable. Putin, having recast himself at home as a national hero standing up to foreign enemies, is more popular than ever. Russia has once more become a shadow hanging over Eastern Europe, feared and only rarely bowed to, but always taken seriously. Many Western Europeans, asked in a poll whether they would defend their own Eastern European allies from a Russian invasion, said no. Russia's aggression, born of both a desire to reengineer a European order that it views as hostile and a sense of existential weakness that justifies drastic measures, makes it far more willing to accept the dangers of war. As RAND's F. Stephen Larrabee wrote in one of the increasingly urgent warnings that some analysts are issuing, "The Russia that the United States faces today is more assertive and more unpredictable — and thus, in many ways, more dangerous — than the Russia that the United States confronted during the latter part of the Cold War." Joseph Nye, the dean of Harvard University's school of government and one of America's most respected international relations scholars, pointed out that Russia's weakness-masking aggression was yet another disturbing parallel to the buildup to World War I. "Russia seems doomed to continue its decline — an outcome that should be no cause for celebration in the West," Nye wrote in a recent column. "States in decline — think of the Austro-Hungarian Empire in 1914 — tend to become less risk-averse and thus much more dangerous."

Nuclear war in Europe with Russia is possible and on the brink

Fisher 6/29 (Max, 2015, writing for Vox, “How World War III became possible,”
<http://www.vox.com/2015/6/29/8845913/russia-war//RTF>)

It was in August 2014 that the real danger began, and that we heard the first warnings of war. That month, unmarked Russian troops covertly invaded eastern Ukraine, where the separatist conflict had grown out of its control. The Russian air force began harassing the neighboring Baltic states of Estonia, Latvia, and Lithuania, which are members of NATO. The US pledged that it would uphold its commitment to defend those countries as if they were American soil, and later staged military exercises a few hundred yards from Russia's border. Both sides came to believe that the other had more drastic intentions. Moscow is convinced the West is bent on isolating, subjugating, or outright destroying Russia. One in three Russians now believe the US may invade. Western nations worry, with reason, that Russia could use the threat of war, or provoke an actual conflict, to fracture NATO and its commitment to defend Eastern Europe. This would break the status quo order that has peacefully unified Europe under Western leadership, and kept out Russian influence, for 25 years. Fearing the worst of one another, the US and Russia have pledged to go to war, if necessary, to defend their interests in the Eastern European borderlands. They have positioned military forces and conducted chest-thumping exercises, hoping to scare one another down. Putin, warning repeatedly that he would use nuclear weapons in a conflict, began forward-deploying nuclear-capable missiles and bombers. Europe today looks disturbingly similar to the Europe of just over 100 years ago, on the eve of World War I. It is a tangle of military commitments and defense pledges, some of them unclear and thus easier to trigger. Its leaders have given vague signals for what would and would not lead to war. Its political tensions have become military buildups. Its nations are teetering on an unstable balance of power, barely held together by a Cold War–era alliance that no longer quite applies. If you take a walk around Washington or a Western European capital today, there is no feeling of looming catastrophe. The threats are too complex, with many moving pieces and overlapping layers of risk adding up to a larger danger that is less obvious. People can be forgiven for not seeing the cloud hanging over them, for feeling that all is well — even as in Eastern Europe they are digging in for war. But this complacency is itself part of the problem, making the threat more difficult to foresee, to manage, or, potentially, to avert. There is a growing chorus of political analysts, arms control experts, and government officials who are sounding the alarm, trying to call the world's attention to its drift toward disaster. The prospect of a major war, even a nuclear war, in Europe has become thinkable, they warn, even plausible. What they describe is a threat that combines many of the hair-trigger dangers and world-ending stakes of the Cold War with the volatility and false calm that preceded World War I — a comparison I heard with disturbing frequency. They described a number of ways that an unwanted but nonetheless major war, like that of 1914, could break out in the Eastern European borderlands. The stakes, they say, could not be higher: the post–World War II peace in Europe, the lives of thousands or millions of Eastern Europeans, or even, in a worst-case scenario that is remote but real, the nuclear devastation of the planet.

2NC – Containment Key

Hardline responses to Russia deter expansion

Aleksashenko 5/28 (Sergei, 2015, nonresident senior fellow in Global Economy and Development @ Brookings, Former deputy chairman of the Central Bank of Russia and former chairman of Merrill Lynch Russia, “Stop calling Russia weak,”
<http://www.brookings.edu/blogs/order-from-chaos/posts/2015/05/29-russia-not-weak-aleksashenko//RTF>)

Twelve weeks have passed since the second Minsk agreement was signed, and the military situation in Eastern Ukraine has quieted. While this is a positive development, we cannot declare the crisis over. Unfortunately, it seems most likely that another territory with non-specified status will emerge in Europe, opening the door for yet another frozen conflict in the region. In the short run, the current situation in Ukraine is in some sense understood on all sides: Ukraine is able to concentrate on its reform agenda efforts; Russia can keep Donbass hostage and maintain its ability to destabilize Ukraine at any moment; Europe can relax a bit as the threat

of military spillover subsides; and the United States hopes to just forget about the whole headache. But that approach would be a major strategic mistake for the U.S. and Europe. In the wake of the 2008 Georgian war, the West made the grave error of letting down its guard. Going this direction again means undermining European and American principles. At the same time, it undermines our very global security system, which rejects the use of force as an instrument of conflict resolution and forcible changes of the state borders via military intervention. By accepting the status quo in Ukraine, the West suggests to the world that it will not prevent Putin from imposing his narrative across Russian borders. More broadly, it risks demonstrating that it is the rule of force—not of law—that reigns in the world today. Tacitly supporting a return to business as usual in Ukraine makes life easier for the U.S. and Europe. But the West's reliance on traditional methods of diplomacy is a mistake in dealing with Putin, who has clearly decided to employ nontraditional forms of international relations. The West needs a nontraditional response to Russia's nontraditional foreign policy. If leaders in Europe and the U.S. believe Putin is weak—as Valeriano and Maness propose—they should demonstrate that fact to the world and to the Russian president himself. We have yet to see that kind of clear demonstration.

2NC – Expansionism Bad

Russian expansion into the Baltic states causes war

Fisher 6/29 (Max, 2015, writing for Vox, “How World War III became possible,” <http://www.vox.com/2015/6/29/8845913/russia-war//RTF>)

IV. How it would happen: The Baltics scenario In September of last year, President Obama traveled to Estonia, a nation of 1.3 million people that most Americans have never heard of, and pledged that the United States would if necessary go to war with Russia to defend it. Estonia, along with Latvia and Lithuania — together known as the Baltic states — are at the far edge of Eastern Europe, along Russia's border. They were formerly part of the Soviet Union. And they are where many Western analysts fear World War III is likeliest to start. These small countries are "the most likely front line of any future crisis," according to Stephen Saideman, an international relations professor at Carleton University. Allison and Simes, in their essay warning of war, called the Baltics "the Achilles' heel of the NATO alliance." A full quarter of Estonia's population is ethnically Russian. Clustered on the border with Russia, this minority is served by the same Russian state media that helped stir up separatist violence among Russian speakers in eastern Ukraine. But unlike Ukraine, the Baltic states are all members of NATO, whose charter states that an attack on one member is an attack on them all. Whereas a Russian invasion of Ukraine prompted Western sanctions, a Russian invasion of Estonia would legally obligate the US and most of Europe to declare war on Moscow. “We'll be here for Estonia. We will be here for Latvia. We will be here for Lithuania. You lost your independence once before. With NATO, you will never lose it again,” Obama pledged in his September speech in Estonia. Less than 48 hours after Obama's address, Russian agents blanketed an Estonia-Russia border crossing with tear gas, stormed across, and kidnapped an Estonian state security officer, Eston Kohver, who specialized in counterintelligence. Kohver has been held illegally in a Russian prison for nine months now. It was something like an act of geopolitical trolling: aggressive enough to assert Russian dominion over Estonia, but not so aggressive as to be considered a formal act of war that would trigger a Western counterattack. And it was one of several signs that Putin's Russia is asserting a right to meddle in these former Soviet territories. The Russian military has already begun pressing the Baltic states. Russian warships were spotted in Latvian waters 40 times in 2014. Russian military flights over the Baltics are now routine, often with the planes switching off their transponders, which makes them harder to spot and increases the chances of an accident. Military activity in the region had reached Cold War levels. NATO, fearing the worst, is increasing military exercises in the Baltics. The US is installing heavy equipment. And in February, the US military paraded through the Russian-majority Estonian city of Narva, a few hundred yards from Russia's borders. It's a textbook example of what political scientists call the security dilemma: Each side sees its actions as defensive and the other side's as offensive. Each responds to the other's perceived provocations by escalating further, a self-reinforcing cycle that can all too easily lead to war. It is considered, for example, a major contributor to the outbreak of World War I. That it is entirely foreseeable does little to reduce the risk. Even if Russia in fact has no designs on the Baltics, its bluffing and posturing has already created the conditions for an unwanted war. In early April, for example, a Russian fighter jet crossed into the Baltic Sea and “buzzed” a US military plane, missing it by only 20 feet. It was one of several recent near-misses that, according to a think tank called

the European Leadership Institute, have had a "high probability of causing casualties or a direct military confrontation between Russia and Western states." Meanwhile, Russia has been flying its nuclear-capable strategic bombers along NATO airspace, often with the planes' transponders switched off, making an accident or misperception more likely. As if that weren't dangerous enough, the bombers — hulking, decades-old Tupolev Tu-95 models — have become prone to accidents such as engine fires. What if a Tu-95 went down unexpectedly, say, off the coast of Norway? What if it was carrying nuclear warheads, or it went down during a moment of high tension? Such incidents can lead to misunderstandings, and such misunderstandings can lead to war. By late April, when NATO officials gathered at the security conference in Estonia's capital of Tallinn, the severity of the danger had become unmistakable. As Ahmed Rashid wrote from the conference: Baltic presidents and NATO officials were unusually blunt in describing the extent to which the security architecture in Eastern Europe has collapsed, how Russia poses the gravest threat to peace since World War II, and how the conflict in Ukraine and the loss of the Crimea has left the Baltic states on the front line of an increasingly hostile standoff. Amid these tensions, the thought of a plane crash leading to war seems scarily plausible. It is not just Western officials who fear such an incident could spark war. Fyodor Lukyanov, the prominent Russian analyst who is considered close to the government, worried that the NATO military exercises in the Baltics meant to deter Russia were also contributing to the problem. "Russia reacts to that because Russia perceives it as a hostile approach to the Russian border," he explained. "And it's a vicious circle." It is easy to imagine, Lukyanov said, any number of ways that the powder keg could explode. "Without any intention to create the big conflict, it might happen," he said. "One step, another step, and reciprocity can become very dangerous. Say a Russian aircraft comes very close to an area that NATO believes is prohibited while Russia believes it's not prohibited, and then British aircraft respond. It might be manageable, and in most cases of course it will be, but who knows."

2NC – NATO Scenario

If NATO doesn't intervene, it'll be destroyed

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V. How it would happen: A plot to break NATO It was Andrei Piontkovsky, a Russian political analyst and frequent Kremlin critic, who first suggested the theory, last August, that Putin's plan for the Baltics was more sophisticated, and more calculated, than anybody realized. Piontkovsky was trying to answer a question that Western analysts and policymakers had been puzzling over since Russian provocations began in the Baltics last fall: What does Putin want? Unlike in Ukraine, with which Russia has a long shared history, there is little demand among the Russian public for intervention in the Baltic states. They are of modest strategic value. And the risks of Russia's aggression there are potentially catastrophic. Why bother? His is a theory that is now taken much more seriously by Western policymakers — and appears more plausible all the time. Putin hopes to spark a conflict in the Baltics, Piontkovsky wrote, so as to force Western European leaders into an impossible choice: Fulfill their NATO obligation to defend the Baltics and counterattack, even if it means fighting World War III over a tiny post-Soviet republic most Europeans couldn't care less about — or do nothing. The implications of doing nothing, Piontkovsky pointed out, would extend far beyond the Baltics. It would lay bare NATO's mutual defense provision as a lie, effectively dissolving the military alliance, ending a quarter-century of Europe's security unification under Western leadership, and leaving Eastern Europe once more vulnerable to Russian domination. In this way, Putin could do what Soviet leaders never came close to: defeat NATO. "This is his most cherished objective," Piontkovsky told me when we talked in his kitchen, in a leafy Moscow neighborhood across the river from Gorky Park. "It's an enormous temptation. He may retreat at any stage, but the temptation is enormous, to destroy NATO. ... The risk is big, yes? But the prize is enormous." "To destroy NATO, to demonstrate that Article V does not work, the Baltic republics of Estonia and Latvia are the best place for this," he said. "It's happening now, every day. Intrusions into the airspace, psychological pressure, the propaganda on TV." He suggested that Putin, rather than rolling Russian tanks across the border, would perhaps seed unmarked Russian special forces into, say, the Russian-majority city of Narva in Estonia, where they would organize localized violence or a phony independence referendum. A handful of such unacknowledged forces, whom Putin referred to as "little green men" after they appeared in Crimea, would perhaps be dressed as local volunteers or a far-right gang; they might be joined by vigilantes, as they were in eastern Ukraine.

They would almost certainly be aided by a wave of Russian propaganda, making it harder for outsiders to differentiate unmarked Russian troops from civilian volunteers, to determine who was fighting where and had started what. Such an intervention would force NATO into an impossible choice: Are you really going to open fire on some hoodlums stirring up trouble in Estonia, knowing they might actually be unmarked Russian troops? Would you risk the first major European war since 1945, all to eject some unmarked Russian troops from the Estonian town of Narva? Putin, Piontkovsky believes, is gambling that the answer is no. That NATO would not intervene, thus effectively abandoning its commitment to defend its Eastern European member states. Piontkovsky's scenario, once considered extreme, is now widely seen by Western security experts and policymakers as plausible. At the end of 2014, the military intelligence service of Denmark, a member of NATO, issued a formal paper warning of precisely that: Russia may attempt to test NATO's cohesion by engaging in military intimidation of the Baltic countries, for instance with a threatening military build-up close to the borders of these countries and simultaneous attempts of political pressure, destabilization and possibly infiltration. Russia could launch such an intimidation campaign in connection with a serious crisis in the post-Soviet space or another international crisis in which Russia confronts the United States and NATO. "The concern is that what Putin wants to do is break NATO, and the best way to do that would be to poach on the Baltics," Saideman, the political scientist, told me on a call from a European security conference where he said the scenario was being taken very seriously. "And if Germany doesn't respond to incursions in the Baltics, if France doesn't respond and it's just an American operation, then it will lead to the breaking of NATO, is the theory," he said. "That's the biggest concern." Saideman described a variation on this scenario that I heard from others as well: that Putin might attempt to seize some small sliver of the Baltics quickly and bloodlessly. This would make it politically easier for Western European leaders to do nothing — how to rally your nation to war if hardly anyone has even been killed? — and harder to counterattack, knowing it would require a full-scale invasion. "I think they're very serious about this," Saideman said. "There's a real concern."

Either Russian expansion causes war or it fractures NATO

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible," <http://www.vox.com/2015/6/29/8845913/russia-war//RTF>)

VI. How it would happen: The fog of hybrid war In early 2015, Pew pollsters asked citizens of several NATO states the exact question that analysts and policymakers from Washington to Moscow are gaming out: "If Russia got into a serious military conflict with one of its neighboring countries that is our NATO ally, do you think our country should or should not use military force to defend that country?" The numbers from Western Europe were alarming: Among Germans, only 38 percent said yes; 58 percent said no. If it were up to German voters — and to at least some extent, it is — NATO would effectively surrender the Baltics to Russia in a conflict. This poll is even worse than it looks.

It assumes that Russia would launch an overt military invasion of the Baltics. What would actually happen is something far murkier, and far more likely to leverage European hesitation: the playbook from Ukraine, where Russia deployed its newly developed concepts of postmodern "hybrid war," designed to blur the distinction between war and not-war, to make it as difficult as possible to differentiate grassroots unrest or vigilante cyberattacks from Russian military aggression. Putin may already be laying the groundwork. In March of 2014, shortly after Russia had annexed Crimea, Putin gave a speech there pledging to protect Russians even outside of Russia, which many took as a gesture to the substantial Russian minorities in the Baltics. "That kind of misperception situation is definitely possible, and that's how wars start" Then, in October, Putin warned that "open manifestations of neo-Nazism" had "become commonplace in Latvia and other Baltic states" — repeating the language that he and Russian state media had earlier used to frighten Russian speakers in Ukraine into taking up arms. This April, several Russian outlets issued spurious reports that Latvia was planning to forcibly relocate ethnic Russians into Nazi-style ghettos — an echo of similar scaremongering Russian propaganda broadcast in the runup in Ukraine. Martin Hurt, a former senior official of the country's defense ministry, warned that his country's ethnic Russian minority could be "receptive to Kremlin disinformation." Moscow, he said, could generate unrest "as a

pretext to use military force against the Baltic states." In early 2007, Estonia's parliament voted to relocate a Soviet-era military statue, the Bronze Soldier, that had become a cultural symbol and annual rallying point for the country's ethnic Russians. In response, Russian politicians and state media accused the Estonian government of fascism and Nazi-style discrimination against ethnic Russians; they issued false reports claiming ethnic Russians were being tortured and murdered. Protests broke out and escalated into riots and mass looting. One person was killed in the violence, and the next day hackers took many of the country's major institutions offline. Russia could do it again, only this time gradually escalating further toward a Ukraine-style conflict. NATO is just not built to deal with such a crisis. Its mutual defense pledge, after all, rests on the assumption that war is a black-and-white concept, that a country is either at war or not at war. Its charter is from a time when war was very different than it is today, with its many shades of gray. Russia can exploit this flaw by introducing low-level violence that more hawkish NATO members would consider grounds for war but that war-averse Western European states might not see that way. Disagreement among NATO's member states would be guaranteed as they hesitated over where to declare a moment when Russia had crossed the line into war. Meanwhile, Russian state media, which has shown real influence in Western Europe, would unleash a flurry of propaganda to confuse the issue, make it harder to pin blame on Moscow for the violence, and gin up skepticism of any American calls for war. Germany, which is widely considered the deciding vote on whether Europe would go to war, would be particularly resistant to going to war. The legacy of World War II and the ideology of pacifism and compromise make even the idea of declaring war on Russia unthinkable. German leaders would come under intense political pressure to, if not reject the call to arms, then at least delay and negotiate — a de facto rejection of NATO's collective self-defense. In such a scenario, it is disturbingly easy to imagine how NATO's European member states could split over whether Russia had even crossed their red line for war, much less whether to respond. Under a fog of confusion and doubt, Russia could gradually escalate until a Ukraine-style conflict in the Baltics was foregone, until it had marched far across NATO's red line, exposing that red line as meaningless. But the greatest danger of all is if Putin's plan were to stumble: By overreaching, by underestimating Western resolve to defend the Baltics, or by starting something that escalates beyond his control, it could all too easily lead to full-blown war. "That kind of misperception situation is definitely possible, and that's how wars start." Saideman said, going on to compare Europe today with 1914, just before World War I. "The thing that makes war most thinkable is when other people don't think it's thinkable." In 1963, a few months after the Cuban missile crisis had almost brought the US and Soviet Union to blows, President John F. Kennedy gave a speech drawing on the lessons of the world's brush with nuclear war: "Above all, while defending our vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war." That is the choice that Putin may well force upon NATO.

Russian Expansion fractures NATO

Johnston 6/3 (Ian, 2015, The Guardian, "Nato and EU face collapse if they fail to stop Russian aggression, warn experts," <http://www.independent.co.uk/news/world/politics/nato-and-eu-face-collapse-if-they-fail-to-stop-russian-aggression-experts-warn-10295927.html>)/RTF

Nato and the European Union "could collapse" in the face of increasing aggression from Russia, which has been emboldened by the EU's apparent unwillingness to "defend its principles", an influential think-tank has warned. A major study by Chatham House found the conflict in Ukraine – where Moscow is backing separatist rebels – represented a "defining" moment for the future of Europe. It called for the West to increase the strength of its conventional military forces. It also warned that Russia was prepared to use tactical nuclear weapons in certain circumstances and Nato should make clear that a so-called "limited war" was "impossible". "The conflict in Ukraine is a defining factor for the future of European security," the report said. "Ukraine's failure would deepen instability in Eastern Europe, increase the risk of further Kremlin adventures and diminish the prospects for eventual beneficial change in Russia. Russia may have the greater interest in

Ukraine. But the West has an even bigger interest in preserving the post-Cold War environment. “If that is dismantled, it is conceivable that Nato and the EU could collapse too.” The report, whose authors include two former ambassadors to Moscow, Sir Roderic Lyne and Sir Andrew Wood, said Russian President Vladimir Putin had been encouraged by the “weak and unconvincing responses” from the West to events such as Russia’s seizure of South Ossetia and Abkhazia from Georgia in 2008. “The Kremlin perceives that Europe lacks the will to pay the necessary price to defend its principles,” it said. “Russian ambitions and intentions had been telegraphed for well over a decade, but the West found it easier at the time to disregard them and indulge in the fantasy that Russia was progressing towards a liberal-democratic model with which the West felt comfortable. “The war in Ukraine is, in part, the result of the West’s laissez-faire approach to Russia.” And it warned that if there was a wider conflict in Europe, Russia would be prepared to use tactical nuclear weapons. “Nato must retain its credibility as a deterrent to Russian aggression. In particular, it needs to demonstrate that limited war is impossible and that the response to ‘ambiguous’ or ‘hybrid’ war will be robust.” Hybrid tactics is a term that describes the deployment of unbadged Russian troops and the use of local pro-Moscow forces in eastern Ukraine. The growing threat from Moscow means that “conventional deterrent capability must be restored as a matter of urgency and convincingly conveyed, to avoid presenting Russia with inviting targets”, the think-tank warned. The Treasury has reportedly asked the Ministry of Defence to make spending cuts of £1bn this year. David Lidington, the Europe minister, said: “The UK is working closely with EU and G7 partners in response to Russian actions in Ukraine. “The UK is also playing a leading role in Nato exercises in Eastern Europe and with Baltic partners as part of the assurance measures and collective defence in the region.”

Collapse of NATO causes multiple escalatory nuclear wars

John **Duffield** 1994, Assistant Professor of Government and Foreign Affairs at the University of Virginia,

[Political Science Quarterly 109:5, p. 766-7]

Initial analyses of NATO’s future prospects overlooked at least three **important factors** that have helped to **ensure the alliance’s enduring relevance**. First, they underestimated the extent to which **external threats sufficient to** help **justify the preservation of the alliance** would **continue** to exist. In fact, NATO still serves to secure its members against a number of actual or potential dangers emanating from outside their territory. **These include not only** the residual threat posed by **Russian military power, but** also the relatively new concerns raised by **conflicts in neighboring regions**. Second, the **pessimists failed to consider NATO’s capacity for institutional adaptation**. Since the end of the cold war, the alliance has begun to develop two important new functions. **NATO is increasingly** seen as having a significant role to play in **containing and controlling militarized conflicts in Central and Eastern Europe**. And, at a deeper level, **it works to prevent such conflicts from arising** at all **by** actively **promoting stability** within the former Soviet bloc. Above all, NATO pessimists overlooked the valuable intra-alliance functions that the alliance has always performed and that remain relevant after the cold war. Most importantly, NATO has helped stabilize Western Europe, whose states had often been bitter rivals in the past. By damping the security dilemma and providing an institutional mechanism for the development of common security policies, **NATO has contributed to making the use of force in relations among the countries of the region virtually inconceivable**. In all these ways, NATO clearly serves the interests of its European members. But even the United States has a significant stake in preserving a peaceful and prosperous Europe. In addition to strong transatlantic historical and cultural ties, American economic interests in Europe— as a leading market for U.S. products, as a source of valuable imports, and as the host for considerable direct foreign investment by American companies — remain substantial. If history is any guide, moreover, **the United States could easily be drawn into a future major war in Europe, the consequences of which would likely be even more devastating than those of the past, given the existence of nuclear weapons**.¹¹

2NC – War Goes Nuclear

Russian nuclear doctrine means war in Ukraine escalates

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible,"

<http://www.vox.com/2015/6/29/8845913/russia-war//RTF>

III. The drift: How the unthinkable became possible The Cold War was a dangerous game, but it was a game in which everyone knew and agreed upon the stakes and the rules. That is not the case today. The Western side believes it is playing a game where the rules are clear enough, the stakes relatively modest, and the competition easily winnable. The Russian side, however, sees a game where the rules can be rewritten on the fly, even the definition of war itself altered. For Russia, fearing a threat from the West it sees as imminent and existential, the stakes are unimaginably high, justifying virtually any action or gamble if it could deter defeat and, perhaps, lead to victory. Separately, the ever-paranoid Kremlin believes that the West is playing the same game in Ukraine. Western support for Ukraine's government and efforts to broker a ceasefire to the war there, Moscow believes, are really a plot to encircle Russia with hostile puppet states and to rob Russia of its rightful sphere of influence. Repeated Russian warnings that it would go to war to defend its perceived interests in Ukraine, potentially even nuclear war, are dismissed in most Western capitals as bluffing, mere rhetoric. Western leaders view these threats through Western eyes, in which impoverished Ukraine would never be worth risking a major war. In Russian eyes, Ukraine looks much more important: an extension of Russian heritage that is sacrosanct and, as the final remaining component of the empire, a strategic loss that would unacceptably weaken Russian strength and thus Russian security. Both side are gambling and guessing in the absence of a clear understanding of what the other side truly intends, how it will act, what will and will not trigger the invisible triplines that would send us careening into war. Today's tensions bear far more similarity to the period before World War I. During the Cold War, the comparably matched Western and Soviet blocs prepared for war but also made sure that war never came. They locked Europe in a tense but stable balance of power; that balance is gone. They set clear red lines and vowed to defend them at all costs. Today, those red lines are murky and ill-defined. Neither side is sure where they lie or what really happens if they are crossed. No one can say for sure what would trigger war. That is why, analysts will tell you, today's tensions bear far more similarity to the period before World War I: an unstable power balance, belligerence over peripheral conflicts, entangling military commitments, disputes over the future of the European order, and dangerous uncertainty about what actions will and will not force the other party into conflict. Today's Russia, once more the strongest nation in Europe and yet weaker than its collective enemies, calls to mind the turn-of-the-century German Empire, which Henry Kissinger described as "too big for Europe, but too small for the world." Now, as then, a rising power, propelled by nationalism, is seeking to revise the European order. Now, as then, it believes that through superior cunning, and perhaps even by proving its might, it can force a larger role for itself. Now, as then, the drift toward war is gradual and easy to miss — which is exactly what makes it so dangerous. But there is one way in which today's dangers are less like those before World War I, and more similar to those of the Cold War: the apocalyptic logic of nuclear weapons. Mutual suspicion, fear of an existential threat, armies parked across borders from one another, and hair-trigger nuclear weapons all make any small skirmish a potential armageddon. In some ways, that logic has grown even more dangerous. Russia, hoping to compensate for its conventional military forces' relative weakness, has dramatically relaxed its rules for using nuclear weapons. Whereas Soviet leaders saw their nuclear weapons as pure deterrents, something that existed precisely so they would never be used, Putin's view appears to be radically different. Russia's official nuclear doctrine calls on the country to launch a battlefield nuclear strike in case of a conventional war that could pose an existential threat. These are more than just words: Moscow has repeatedly signaled its willingness and preparations to use nuclear weapons even in a more limited war. This is a terrifyingly low bar for nuclear weapons use, particularly given that any war would likely occur along Russia's borders and thus not far from Moscow. And it suggests Putin has adopted an idea that Cold War leaders considered unthinkable: that a "limited" nuclear war, of small warheads dropped on the battlefield, could be not only survivable but winnable. "It's not just a difference in rhetoric. It's a whole different world," Bruce G. Blair, a nuclear weapons scholar at Princeton, told the Wall Street Journal. He called Putin's decisions more dangerous than those of any Soviet leader since 1962. "There's a low nuclear threshold now that didn't exist during the Cold War." Nuclear theory is complex and disputable; maybe Putin is right. But many theorists would say he is wrong, that the logic of nuclear warfare means a "limited" nuclear strike is in fact likely to trigger a larger nuclear war — a doomsday scenario in which major American, Russian, and European cities would be targets for attacks many times more powerful than the bombs that leveled Hiroshima and Nagasaki. Even if a nuclear war did somehow remain limited and contained, recent studies suggest that

environmental and atmospheric damage would cause a "decade of winter" and mass crop die-outs that could kill up to 1 billion people in a global famine.

Russian nuclear doctrine means even conventional wars escalate

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible," <http://www.vox.com/2015/6/29/8845913/russia-war//RTF>)

VIII. The nuclear dangers: The red line is closer than you think This August, as the Russian military launched its undeclared and unofficial invasion of eastern Ukraine to defend separatist rebels there against defeat, Putin attended an annual youth conference at Lake Seliger, just north of Moscow. During a Q&A session, a teaching student asked an odd question about the "cyclical" nature of history and concerns that Russia could be "drawn into a new, open global conflict." Putin, in his answer, did something that the leaders of major nuclear powers generally avoid doing — he rattled the nuclear saber a bit: Let me remind you that Russia is one of the world's biggest nuclear powers. These are not just words — this is the reality. What's more, we are strengthening our nuclear deterrent capability and developing our armed forces. They have become more compact and effective and are becoming more modern in terms of the weapons at their disposal. There is a certain fear in Russia, never far from the surface, that the only thing preventing the West from realizing its dream of destroying or subjugating Russia is its nuclear arsenal. (Three months later, Putin warned that the West wanted to tame the Russian bear so as to "tear out his fangs and his claws," which he explained meant its nuclear weapons.) "There is a widespread belief that the only guarantee for Russian security, if not sovereignty and existence, is the nuclear deterrent," Lukyanov, the Russian foreign policy expert, explained. "After the Yugoslavia wars, Iraq War, Libyan intervention, it's not an argument anymore, it's conventional wisdom: 'If Russia were not a nuclear superpower, the regime change of an Iraqi or Libyan style would be inevitable here. The Americans are so unhappy with the Russian regime, they would do it. Praise God, we have a nuclear arsenal, and that makes us untouchable.'" But Russia faced a problem: Its conventional military forces are now so much weaker than NATO's, and its capital city so close to NATO's forces in the Baltics, that it feared NATO tank divisions could push all the way to Moscow and quickly win a war without ever using a nuclear weapon. Both the US and Russia had pledged to use nuclear weapons only to deter one another from nuclear attacks. This kept the Cold War cold. But because the US would not need its ICBMs to win a war, that deterrence is no longer enough to keep Russia safe. In response, Russia has been gradually lowering its bar for when it would use nuclear weapons, and in the process upending the decades-old logic of mutually assured destruction, adding tremendous nuclear danger to any conflict in Europe. The possibility that a limited or unintended skirmish could spiral into nuclear war is higher than ever. Russia's nuclear doctrine, a formal document the Kremlin publishes every few years outlining when it will and will not use nuclear weapons, declares that the Russian military can launch nuclear weapons not just in the case of a nuclear attack, but in case of a conventional military attack that poses an existential threat. In other words, if Russia believes that American tanks could be bound for the Kremlin, it has declared it may respond by dropping nuclear bombs. The danger that this adds to any possible confrontation, particularly along the Baltic states, is difficult to overstate. If an accident or miscalculation were to lead to a border skirmish, all it would take is for the Kremlin to misperceive the fighting as the beginning of an assault toward Moscow and its own doctrine would call for using nuclear weapons. Indeed, it would be the only way to avoid total defeat. There is another layer of danger and uncertainty to this; It is not clear what Russia would consider a conventional threat worthy of a nuclear response. A few months after he'd annexed Crimea, Putin revealed that during Russia's undeclared invasion of the territory he had considered putting his country's nuclear forces on alert; his government has signaled it would consider using nuclear force to defend Crimea from an attack, something Russian analysts told me was not just bluster. The United States, of course, has no intention of militarily retaking Crimea, despite surprisingly common fears to the contrary in Russia. But Russian paranoia about such a threat, and a possible willingness to use nuclear weapons to avert it, adds more danger to the already dangerous war in eastern Ukraine and the fears that greater Russian or Western involvement there could spark a broader conflict. And the Crimea revelation raises a disconcerting question: Where exactly does Moscow place the line for a threat severe enough to

use nuclear weapons? Its doctrine says they should be used only against an existential threat, but an attack on Crimea would be far from existentially dangerous. We can only guess where the real red line lays, and hope not to cross it by mistake.

Any war escalates- Russian actions put us on the brink

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible," [//RTF](http://www.vox.com/2015/6/29/8845913/russia-war))

IX. The nuclear dangers: How Putin is pushing us back to the brink There is a specific moment that arms control experts often cite to highlight the dangers of nuclear weapons, how they kept the world poised, for years at a time, mere minutes away from nuclear devastation. That moment was September 26, 1983. That evening, a Russian lieutenant colonel named Stanislav Petrov settled in for his shift overseeing the Soviet Union's missile attack early warning system. Petrov had a top-secret network of satellites, all pointed squarely at the United States and its arsenal of nuclear-armed intercontinental ballistic missiles, which pointed back at him. The US and Soviet Union were ramping up development of ICBMs, which could circle the globe in 30 minutes and reduce an enemy city to ash. Both sides were driven by fear that the other could one day gain the ability to launch a preemptive nuclear strike so devastating and so fast that it would start and win the war within hours. Each sought to develop ever more sensitive warning systems, and ever more rapid mechanisms for retaliation, to deter the threat. Petrov ran one such warning system. If he caught an American attack as soon as it crossed his sensors, it would give the Soviet leadership about 20 minutes of warning time. That was their window to determine how to respond. The space for mistakes was effectively zero. Five hours into Petrov's shift that night, something he had never encountered in his 11-year career happened: The system went into full alarm. The word "LAUNCH" displayed in large red letters. The screen announced a "high reliability" of an American ICBM barreling toward the Soviet Union. Petrov had to make a decision: Would he report an incoming American strike? If he did, Soviet nuclear doctrine called for a full nuclear retaliation; there would be no time to double-check the warning system, much less seek negotiations with the US. If he didn't, and he was wrong, he would have left his country defenseless, an act tantamount to treason. His gut instinct told him the warning was in error, but when he flipped through the incoming imagery and data and he could reach no hard conclusion from it. After a few moments, he called his superiors and stated categorically that it was a false alarm. There was, he insisted, no attack. Petrov waited in agony for 23 minutes — the missile's estimated time to target — before he knew for sure that he'd been right. Only a few people were aware of it at the time, but thanks to Petrov, the world had only barely avoided World War III and, potentially, total nuclear annihilation. The US and Soviet Union, shaken by this and other near-misses, spent the next few years stepping back from the brink. They decommissioned a large number of nuclear warheads and signed treaties to limit their deployment. One of their most important measures was a 1987 agreement called the Intermediate-Range Nuclear Forces (INF) Treaty, which saw both sides conclude that the medium-range, land-based nuclear missiles they'd stuffed across Europe were simply too dangerous and destabilizing to be allowed. Because the missiles could reach Moscow or Berlin or London at lightening speeds, they shortened the "response time" to any crisis — the window in which a Soviet or Western leader would have to decide whether the country was under attack before such an attack would hit — to just a few minutes. They made the danger of an unintended escalation, or of an error like the that one Petrov only barely prevented, far greater. The risk they posed was deemed, in the 1987 INF Treaty, unacceptable to the world. And the weapons were removed. Putin has taken several steps to push Europe back toward the nuclear brink, to the logic of nuclear escalation and hair-trigger weapons that made the early 1980s, by many accounts, the most dangerous time in human history. Perhaps most drastically, he appears to have undone the 1987 INF Treaty, reintroducing the long-banned nuclear weapons. In March, Russia announced it would place nuclear-capable bombers and medium-range, nuclear-capable Iskander missiles in the Russian enclave of Kaliningrad — only an hour, by commercial airliner, from Berlin. Meanwhile, it has been testing medium-range, land-based missiles. The missiles, to the alarm of the United States, appear to violate the INF Treaty. This is far from Putin's only nuclear escalation. He is developing more nuclear weapons, and calling frequent attention to them, as apparent cover for his aggression and adventurism in Europe. There are suspicions, for example, that Russia may have deployed nuclear-armed submarines off of the US Eastern Seaboard. What makes this so dangerous is that Putin appears to believe, as the scholar Edward Lucas outlined in a recent report for the Center for European Policy Analysis, that he has a greater willingness than NATO to use nuclear weapons, and thus that his superior will allows him to bully the otherwise stronger Western powers with games of nuclear chicken. This is a substantial, and indeed terrifying, break from Cold War-era nuclear thinking, in which both sides rightly feared nuclear brinkmanship as too dangerous to contemplate and used their weapons primarily to deter one another. "Russia's nuclear saber-rattling is unjustified, destabilizing and dangerous," NATO

Secretary-General Jens Stoltenberg said in a May speech in Washington. Putin is acting out of an apparent belief that increasing the nuclear threat to Europe, and as a result to his own country, is ultimately good for Russia and worth the risks. It is a gamble with the lives of hundreds of millions of Europeans, and perhaps many beyond, at stake.

Insider Threats Michigan 7

!!!Counterplans!!!

Reform the FDA CP's

Funding and FDA Reform CP

Text: The United States federal government should double the budget for the United States Food and Drug Administration for 2015 and provide that funding level as a budget floor in fiscal years 2016-2020.

The counterplan restores FDA credibility by creating budget independence for the FDA – it doubles funding and eliminates the need for business and political influences on future budget levels.

Dr. Feder '9

(The FDA's Deadly Gamble with the Safety of Medical Devices,” pg online @ <http://www.pogo.org/our-work/reports/2009/ph-fda-20090218.html#Recommendations> //um-ef)

1. Budget and independence of the FDA. The FDA, more than most government agencies, needs markedly increased support by the administration and Congress. **This includes increasing the FDA budget considerably and shielding it from excessive political and business influence.** At least a doubling of the budget by 2012, as recommended by the authors of the FDA Science and Mission at Risk report, is needed. Strong leadership at the top is also essential. Until these reforms are implemented, correcting the worsening problems at the FDA will be very difficult.

2NC Solvency

Counterplan solves – lack of funding is the reason for the lack of Agency credibility

Modern Healthcare 13

("FDA credibility hurting due to budget issues, commissioner says," pg online @

<http://www.modernhealthcare.com/article/20131105/NEWS/311059963/fda-credibility-hurting-due-to-budget-issues-commissioner-says> //um-ef)

Federal budget cuts and budget uncertainty are hurting the credibility of the Food and Drug Administration, agency Commissioner Dr. Margaret Hamburg said Tuesday. At a conference hosted by Bloomberg Government, Hamburg said the stakeholders regulated by the FDA expect predictability and transparency in how the agency conducts its oversight. And that's been hard to deliver given the continuing federal budget wars. One problem has been the freeze on user fees paid by manufacturers who want their products approved for safety and efficacy. Because of the budget sequestration cuts, the FDA is set to lose \$85 million in user fees in fiscal 2013, even though that money comes from regulated businesses, not from taxpayers. "You can't run agency as important as the FDA if you don't have predictability, if you don't know what budget you'll be given during the year, or if you don't know whether you can draw from certain resources or not," she said. Increased responsibilities, such as regulating medical mobile apps, also have made the agency's work more challenging. She said the FDA has been "stretched thin for decades."

User Fees CP

User fees make FDA accountable to Big Pharma rather than the public.

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (TUESDAY, FEBRUARY 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhrg35502/pdf/CHRG-110hhrg35502.pdf>; 07/10/15) JG

Mr. STUPAK. Last month the FDA proposed an increase in annual user fees paid to the agency by pharmaceutical companies to improve drug safety oversight, the post-marketing surveillance we speak of, to speed approval time for the new drugs and monitor direct to consumer advertising. Do you think user fees give companies too much influence over the FDA? Senator GRASSLEY. Well, from that standpoint, it is kind of, since money is fungible, I suppose it shouldn't, but when you have got an agency getting their money directly from the industry that they are regulating, it is hard for the public and maybe for us, and it causes us to be a little more suspicious here in the Congress, but for the public that is unsophisticated about how Government works, it is sure going to appear to them of undue influence. But more importantly than just the user fees, I can make reference to a lot of e-mails that we have had access to from within the FDA that would say things along this line, and I don't have a specific reference. I could have my staff get you a specific reference, but things that said well, if there is any question about this or that, some specific drug they would mention, talk to us first or let us have an opportunity to explain, et cetera. It is almost like the pharmaceutical companies feel like they have a seat at the table and maybe this fee business makes them feel that way. I don't know for sure. But the point is, there should only be one person across the table from the FDA and that is John Q. Public, not members of the pharmaceutical industry. Mr. STUPAK. Senator, you went all the way to the Department of Health and Human Services to talk to an agent regarding Ketek. Has HHS finally given you access to that agent? Senator GRASSLEY. Absolutely not and there is not reason to, but their excuse is that there is a criminal investigation or there is an investigation generally, see, an investigation generally. And I will tell you how absurd this gets. Now, they referred to the fact that the Department of Justice is advising them accordingly, see? So I am sitting in Judiciary

Committee in the United States Senate on an entirely different issue and Senator Kennedy, with more seniority, goes ahead of me and he says something to somebody from the Department of Justice, I want to ask these line agents some questions. Well, you can have access to these line agents. Well, a light bulb goes off that Chuck Grassley can't have access to a line agent because somebody in the Justice Department told HHS that I couldn't talk to Agent West. So I talked to the Justice Department about the situation right after Senator Kennedy gets done and they said I could have access the same way Kennedy had access, to other agents in some other department. I still don't have access to Agent West. So if the Justice Department is advising VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00024 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 21 HHS that you can't have access to Agent West but the Justice Department, in a similar case of a line agent says Senator Kennedy has, well, what is the policy of this administration on having access to line agents? Is it one policy for Kennedy, a Democrat, and another policy for Grassley, a Republican?

Ptix Net Benefit

And, politics is a net benefit – the cp is bipartisan and wont be controversial

AP 9

**(“Is the FDA a broken agency?,” pg online @
<http://www.today.com/id/29495269/43136851%20In%20the%20five%20years%20since%20the%20AP%20article%20was%20published,%20more%20diastasters%20%20have%20occurred.#.VaiIwflVgSV> //um-ef)**

Congress has been pumping more money into the FDA the last couple of years. And the Obama administration seems willing to consider big changes, especially on food safety. The two leading candidates for FDA commissioner are physicians from outside the agency. One is Baltimore health commissioner Joshua Sharfstein, a pediatrician who has taken on the FDA over risks in children's cough and cold drugs. The other is Margaret Hamburg, a bioterrorism expert who served in the Clinton administration and as New York's health commissioner. “One area where we could see bipartisan cooperation might be the strengthening of the FDA.” said Dr. Paul Stolley, a former department head at the University of Maryland medical center who had a stint as a visiting scientist at the FDA. “I don't think ideological differences should interfere.”

Other Reform CPs

Alt causes to FDA failure- CP solves better

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (TUESDAY, FEBRUARY 13, 2007; HOUSE OF REPRESENTATIVES,

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON ENERGY AND COMMERCE; Washington, D.C., THE ADEQUACY OF FDA TO ASSURE THE

SAFETY OF THE NATION'S DRUG SUPPLY; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhr35502/pdf/CHRG-110hhr35502.pdf>; 07/10/15) JG

Even so, what I have learned about what happened with Ketek troubles me. I have learned that FDA gave its advisory committee questionable data on Ketek and did not tell them about problems with that data. I sent a letter to the FDA in December regarding my findings on this matter and I am still awaiting a response. The FDA approved Ketek without much safety data from the U.S. The agency relied almost exclusively on foreign post-marketing safety data. And lastly, Ketek's sponsor, in all likelihood, was aware of the fact that it submitted some questionable data to the FDA regarding its large safety study. The sponsor was informed of the problem on 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00020 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 171 lems with one of the study sites prior to the date of submission to the FDA. However, according to the FDA reviewers, the sponsor never raised these problems with the FDA. FDA learned about them after his own investigators inspected the site. During the last 3 years, I have also tried to work in a productive way with the Commissioners and Acting Commissioners of the FDA. It will take bold leadership to get on top of the FDA's problems and to turn the agency around. So far, lip service has been fine; the reality has been a lot less. Last month, Senator Chris Dodd and I introduced two reform bills that we proposed in 2005 to get the safety, to fix the safety shortcomings at FDA. Our first bill would elevate and empower the office with the FDA that is responsible for monitoring FDA-approved drugs after they are on the market. It would make the postmarket safety function within the FDA independent, but within the FDA, instead of under the thumb of the office and the center that puts the drugs on the market in the first place and that is the way it is today. I want to point your attention to the Wall Street Journal in regard to Chairman Dingell. It is reported that he is intrigued by the idea of drug safety center within the FDA. I appreciate that view. It doesn't make any sense that the FDA officials who are supposed to monitor the safety of a drug on the market serve only as consultants to the FDA officials who approve the drug in the first place. The officials who approve the drug would obviously be conflicted in making a judgment that approval is no longer appropriate or was a mistake in the first place. Kind of like having egg on your face. A separate center for drug safety within the FDA is a vital lynchpin when it comes to meaningful reform and improvement of the agency's post-marketing surveillance. The second bill that Senator Dodd and I have introduced would expand an existing public data base by mandating the registry of all clinical trials and the results of those trials. This reform is key to establishing greater transparency regarding clinical trials, the good ones and the bad ones, and to hold drug makers and drug regulators accountable and to give doctors all the information they can to their patients. Both of these legislative initiatives would make drug information used by doctors and patients more complete and more accessible. American consumers should not have to second guess the safety of pills in their cabinet.

Only CP can solve FDA circumvention- plan doesn't go far enough

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (TUESDAY, FEBRUARY 13, 2007; HOUSE OF REPRESENTATIVES,

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON ENERGY AND COMMERCE; Washington, D.C., THE ADEQUACY OF FDA TO ASSURE THE SAFETY OF THE NATION'S DRUG SUPPLY; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhr35502/pdf/CHRG-110hhr35502.pdf>; 07/10/15) JG

Mr. STUPAK. I understand. I want to respect your time. I am done with my 10 minutes. Any comments, Mr. Green? Ms. DeGette? Thank you. Thank you. Mr. Whitfield, please, for 10 minutes. Mr. WHITFIELD. Thank you, Mr. Stupak, and I have one question and then we will let the other Members on our side expend the 10 minutes. Senator, we appreciate you being here. In your testimony, you brought attention to one of the basic tenets of our Government and that is the responsibility of oversight by the legislative branch and I would just ask you a question because I think you have touched on a significant issue, just the difficulty that you had in obtaining information from a branch of the Government on the executive side. Did you consider using a subpoena at any time to, not only a subpoena, but holding them in contempt? Senator

GRASSLEY. In the Senate, you get to this place. We considered that, yes. But you have to have a majority vote of the committee. You have to have a majority vote of the Senate for that to happen and so we did not decide to go that route because we thought there were other routes we could go. Obviously, the other routes have not been successful, either. Mr. WHITFIELD. Well, we appreciate very much your bringing attention to this issue and we look forward to working with you as we try to address it and— Senator GRASSLEY. Well, let me suggest to you, Chairman, or Ranking Member Whitfield, that you can be very helpful. This double standard in this administration, that a Democratic Senator, supposedly not as friendly with the administration as I am, maybe they don't consider me friendly anymore, but the point is if Senator Kennedy can get access to line agents why can't Senator Grassley get access to a line agent, when I have already had access to line agents over the years? So some sort of new policy? Mr. WHITFIELD. Yes, I understand. I get frustrated. I find the appropriators sometimes have access to things I don't have access to and it is very frustrating. Since I guess I am controlling the time on our side, at this time I recognize Mr. Ferguson, Mr. Burgess and then Mr. Walden. Mr. FERGUSON. Thank you, Mr. Whitfield. Senator, thank you very much for being here today. I can fully identify with your frustration in not always getting information that you are looking for. I know you were commenting before on whether the administration considers you a friend or not, we all certainly here consider you a friend and we very much appreciate your being here. Senator GRASSLEY. Well, sometimes I wonder why I spent 2 days in the car with President Bush riding around the cold of Iowa to help him get nominated in the year 2000, as an example. Mr. FERGUSON. I wish I could shed more light on that for you but maybe I ought to stick to my topic. Senator, you mentioned before the Mosholder investigation on SSRI's with children. That was a VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00025 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 22 very, very important topic for this subcommittee, something that I was very involved with personally and really highlights the importance of this topic, this issue of post-market analysis and I know, in your bill, your approach in the bill that you have introduced would move this issue of post-market review out of CDER, out of the Center for Drug Education or Evaluation and Research. Would you just comment on the differences between your approach and the approach that was suggested by the recommendations of the Institute of Medicine? I don't want to bring up Senator Kennedy's name, because that seems to raise your ire, but I know in the bill that Senator Kennedy has introduced, his approach seems to be, anyway, more consistent with the recommendation that the Institute of Medicine had suggested. Would you just comment on those differences, please? Senator GRASSLEY. In a very general way, I think that the main difference is that I want, within FDA—because some people think we are setting up something outside FDA, so I want to emphasize, we are doing it within FDA—report directly to the Director so that there is no doubt that even though, on a chart of organization, the Office of New Drugs is separate from the post-marketing, the Office of Drug Safety, but as I indicated, it is not really so. So I want to get this box over here, wherever this box is located, I want it not to be under the thumb of this agency, even though the chart doesn't show it that way, reporting directly to it. And I think that Senator Kennedy's approach, and it is probably a bipartisan bill, so it is not a political, partisan issue, is that we are going to still have a cloudy relationship, not the black and white separation that I call for under the bill that came out of committee last year. Now, I don't know whether Senator Kennedy, in his new bill, is going the same direction this year or not, but last year, that is the way it was and we just want guaranteed independence in reporting directly so that we don't have these people in the Office of New Drugs that says this drug is safe, trying to quash out here when somebody says it isn't safe. And I don't want what happened to some of your witnesses who are patriotic Americans, wanted to make sure the scientific process works, being blackballed and ruined professionally because of that. It doesn't need to be. It compromises too much and there is too much found out in post-marketing surveillance that needs to have an independent judgment of it. And I don't think that in the bill that Senator Kennedy has that it goes far enough. Mr. WHITFIELD. We have less than 4 minutes left. Dr. Burgess, did you have a question? Mr. BURGESS. Yes, Mr. Whitfield. Senator, thank you for being here. On perhaps just a side note. Yesterday in the Wall Street Journal there was an op-ed article about clinical trials and patients who have reached the end of their therapeutic ropes, if you will, who are denied access to drugs that are in phase 2 trials. It raises a separate issue with the FDA, but physicians and clinical staffs who apply for exceptions to get their patients into these clinical trials find the statistical issues raised by the FDA staff aimed at the applying physician can sometimes rival receipt from the IRS. Clearly, that is an interference in getting new cutting edge medications to patients, again, who have exhausted all therapeutic activity, so I hope, Mr. Chairman, we can perhaps spend some time looking at that, as well. I guess I am most interested, Senator, and I do agree with you, the proper respect for the scientific process needs to be paramount in our minds. Line Agent West, whom you referenced, were you ever able to establish contact with this individual and if not, Mr. Chairman, are we planning on asking for similar access to Line Agent West? Senator? Senator GRASSLEY. Well, I have not personally had access to him in the way that makes any difference. I think maybe I better not speak beyond that because I don't want to get anybody in trouble, but we have some information, but we need to get the information in an open, transparent way. And I don't want to imply we got information, that we just want to be more transparent. We don't have all the information we can get if we can talk to him. Mr. BURGESS. But I judged from your tone and demeanor you felt that this individual had some pretty important information? Senator GRASSLEY. Oh, absolutely. Without a doubt. Mr. BURGESS. Thank you, Mr. Chairman. I will yield. Mr. WHITFIELD. Mr. Walden. Senator GRASSLEY. Can I? On the first thing you brought up, I don't think you meant to imply this, but just in case; I don't want any misunderstanding. I hope, in all of my testimony, that I don't want to interfere with the things that you were bringing up that were in the Wall Street Journal in the sense of special opportunities for people who are willing to be guinea pigs because it is the end of the life, it might save their life, it might not save their life. Where an

individual is totally aware of every gamble he is taking and he is educated in that and he is will to take it and everything is transparent, I don't want to stand in the way of that. Mr. WHITFIELD. Mr. Walden. Mr. WALDEN. Thank you. Thank you, Mr. Chairman. Senator, welcome. We appreciate your work on this issue. I want to touch on one topic and that is that Memorandum of Understanding that I understand exists between the IG's office and HHS and the FDA. Senator GRASSLEY. Yes. Mr. WALDEN. To allow the FDA to investigate itself, basically, on employee misconduct issues. And I am just curious. I know that is an issue you have been concerned about, Senator, and I wondered if you or your staff has learned anything new regarding the status of that MOA? Senator GRASSLEY. Well, I think I better look at my staff, but I don't think we have anything more than we are just recommending that it should be reviewed and rewritten. I don't know that we're in the process of thinking it is being reviewed and rewritten. Yes. We have asked the IG to examine it. He has come up with some recommendations. But your question to me is, is it being rewritten and the answer is no. OK? Mr. WALDEN. All right. It is just a concern I think we share. Senator GRASSLEY. Well, yes, and it would be nice if—this is an extremely powerful committee you have here and the extent to which you can push that, it would be much appreciated by me, but more importantly, the people's safety is at stake here and independence from industry being regulated would be enhanced by it, as well, I think. VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00027 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 24 Mr. WALDEN. I think we concur with that. Senator GRASSLEY. And maybe less pressure brought against whistleblowers, too. Mr. STUPAK. Well, Senator, there is concern on that memorandum that the FDA is using it under a criminal pretext to suppress scientific opinion on drugs that are being approved. It appears, from the SSRI, Vioxx and others, when a scientist within the FDA or a whistleblower is going to speak out, they suddenly find themselves under some kind of criminal investigation from the FDA underneath this Memorandum of Understanding. It seems like it is a form of retaliation and harassment on scientists willing to speak up and speak out. Senator GRASSLEY. Yes. And let me tell you, you have stated it better than I could and as a matter of emphasis, and more importantly, because you are chairman of this subcommittee, I hope people listen, from that point of view, and you pursue that because you are absolutely right. Mr. STUPAK. Thank you. Mr. Dingell, anything for Senator Grassley? The CHAIRMAN. Mr. Chairman, only this. I want to thank our old friend for coming over here. Thank you, Senator, very much for being here. I would ask that perhaps if I send you a little letter requesting some information on your statement today and your comments on some questions before us related to this matter. Perhaps maybe you would respond and I would ask unanimous consent that that response be put in the record. Senator GRASSLEY. Yes, we will do that, Chairman Dingell, and thank you for your leadership and I look forward to a return to the days of your aggressive oversight work where almost every agency knew that you were going to get to the bottom of things and that they ought to cooperate. The CHAIRMAN. Thank you. Well, you have set a good example and I will certainly try to follow it, but we have an outstanding chairman in this subcommittee, Senator, in the person of Mr. Stupak and he will do a superb job of helping folks understand that we all work for the taxpayers and the people, as do you, sir. Thank you very much for being here. Senator GRASSLEY. That last statement he made, if I could comment on it. We all work for the taxpayers and we have got institutions, not just FDA. Maybe the example I always use is the FBI more than the FDA in this manner, but we have got too many agencies around here that talk about it as our agency or our institution. In the case of the FBI, it was our institution. I got tired of the director saying that all the time at a meeting we were in, our institution, and I said that is what is wrong with the FBI and maybe that is what is wrong with the FDA, although I haven't heard that from them, but the point is that I said we all work for the American people. It is not your agency, it is not my agency, it is the people's agency and we are all working for the American people and the sooner we understand we are working for the American people and not for our institution, the better we are going to do our job. VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00028 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 25 Mr. STUPAK. Well said. Any other comments? Senator, thank you once again. Thank you for your time and thank you for your work and we look forward to working with you. Senator GRASSLEY. Thank you. Mr. STUPAK. We will call our second panel up to testify. Mr. BURGESS. Mr. Chairman, while the second panel is seating, can I ask for a unanimous consent request? I ask unanimous consent that yesterday's op-ed from the Wall Street Journal be submitted as part of the record? Mr. STUPAK. Hearing no objection, it will be made part of the record. Mr. STUPAK. The second panel will consist of Dr. David Ross, National Clinical Health Programs, U.S. Department of Veterans Affairs; Ann Marie Cisneros, Independent Clinical Research Associate; and Dr. John Powers, Scientific Applications International Corporation. If they would come forward, please. It is the policy of this subcommittee to take all testimony under oath. Please be advised that witnesses have the right, under the rules of the House, to be advised by counsel during testimony. Do any of the witnesses before us, this panel, have counsel at this time? Do you want to introduce your counsel, Dr. Ross? Dr. ROSS. My counsel is Mr. Mark Cohen of the Government Accountability Project. Mr. STUPAK. OK. Ms. Cisneros? Ms. CISNEROS. My counsel is the same. Mr. STUPAK. Same. Dr. Powers? Dr. POWERS. Same. Mr. STUPAK. OK. Please rise and raise your right hand to take the oath. [Witnesses sworn.] Mr. STUPAK. OK, record shall reflect the witnesses have been sworn and Dr. Ross, we will begin with your opening statement, please.

Insider Threats CP

1NC Reform CP

Text: The United States federal government should create a common definition of an “insider threat.” The United States federal government should amend the Insider Threat Policy to include insider threat training that focuses on threat psychology and proper use of Employee Assistance Programs.

The Counterplan competes – it doesn’t increase congressional oversight

And, it solves – it creates a training program to help employees better understand and interact with the program and it prevents insider threats – avoids the threats disad and the collapse of the Intelligence Program caused by the Aff’s substantial overhaul of the system

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @ [//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)

Given the many insider threat-related challenges the CI Community faces, the United States has done a great deal to confront this dangerous enemy. Nonetheless, the CI Community must make additional changes due to weaknesses in the current legislative processes.

organizational interactions, and other issues involved in this effort

99. As addressed in Chapter 3, the structure of the CI Community has adapted over the years, but the sad reality is that these changes happened largely as a result of failures in the system and kneejerk reactions designed to address specific instances of failure¹⁰⁰. Even

then, the changes that do occur often do not come easily and are the result of extensive reform processes throughout the IC. The ever-present threat posed by insiders means that the US CI Community must routinely evaluate the process it operates under and look to better

itself.

Our CI specialists must address a range of persistent vulnerabilities to help strengthen the American security apparatus. The problem is that substantive reform is often very difficult to accomplish in the IC, and subsequently the CI Community, for two reasons. First, intelligence reform is usually more politically motivated than it is focused on, and motivated by, the need for substantive change¹⁰¹. Second, since the IC is a tool of the policy makers, who ultimately oversee these organizations, this often means that the people making decisions for the IC have little to no real understanding of the Intelligence process¹⁰². As Chapter 3 demonstrated, there were multiple reforms over the past 20 years that have helped mold the CI Community into an organization that could fight the insider threat. These changes however, were not the result of planned reform, they were reactionary movements to larger community failures that allowed insiders like Ames, Hanssen, and Hassan to exist. Politicians do not like huge failures for political reasons, so large high-profile events act as “motivation” for change, and to show their constituents that they are making things better¹⁰³. Policymakers drive the intelligence cycle. As the driving force, they should continually evaluate the systems in place, judging their effectiveness and adapting them as need be¹⁰⁴. Unfortunately, this is often not the priority of those in the policy community¹⁰⁵. The absolute certainty of the need for reforms in the CI Community begs the question, why have major substantive reforms not happened yet¹⁰⁶? The answer to this question relates to the challenges that intelligence reform faces: time, concession of power, and consensus. Time is a valuable commodity and one that has a dramatic impact on the actions of people everywhere. Whether it is rushing to meet a deadline or hanging on for the long run, time seems to dictate our lives, and this idea could not be truer for both the IC and the policy community. The reason that time is such a significant challenge to reform has to do with the nature of the IC and CI communities, the policy community, and the dramatically different understandings they have of time. First, in the IC there has traditionally been less sense of time-urgency, because before 9/11 intelligence was seen mostly as a long-run game, an endurance race. The challenges posed by agile extremist organizations have forced the IC to face a new paradigm in this arena. However, when it comes to collecting, analyzing, and exploiting so much information from the enemy, whether that is an insider threat, a nation-state he spies for, or an ITO supporting him, the operations tend to last for years. As intelligence professionals see it, steady analysis not rushed by political pressure is the key to success. Conversely, in Congress and the White House, politicians are rushed to make their mark by showing their constituents what they have accomplished. In this sense, they often view intelligence as a tool to gain large results in a short period of time. With the two operating under a different time frame there are bound to be confrontations¹⁰⁷. The second and most important way that time holds back reform is in the reform process itself. Given that reform will be drafted and incorporated by the policy community, the US Congress cannot simply “change.” Rather, there have to be bills written, voted on, debated, passed, and signed into law. This all takes time—a very long time. To make matters worse, it is the legislature’s right to conduct an investigation into failures, or reasons for reform¹⁰⁸. As Berkowitz states, “Commissions take months to convene, staff, and complete their work. Experience shows that commissions require, on average, a year to two to report their results—and even more time to declassify their reports so they can be released for public discussion. During this time, any passion officials might have had for fixing intelligence ebbs and the public’s attention wanders out other matters.” Just one example of this is the September 11th Commission, which was formed a year after the attacks, releasing results two years later, and passing changes through Congress 10 months later¹⁰⁹. The problem here is that the IC has its most fervent reform supporters immediately after the failure, as was the case with Ames, Hanssen, and Manning, yet as time drags on, the supporters of reform begin to become busy with other things, and the intended reforms do not come to fruition¹¹⁰. The next major barrier to reform is cession of power, because giving up power is not what any agency, or leader, wants to do¹¹¹. This desire to maintain power often results in nothing more than long debates and very weak results, if any at all. An example of this is clear within the IC. In 2002, with the creation of the position of the NCIX, the Counterintelligence Enhancement Act of 2002 tasked the NCIX with developing the annual National CI Strategy. Developing this strategy would be based on the NTPA as stated in Chapter 3. The problem is that the NTPA and the CI Strategy are not based on the Director of National Intelligence’s National Intelligence Strategy (NIS), nor does the NIS say anything about CI¹¹². This is because with the creation of the NCIX in 2002, it was given the power of drafting the CI Strategy, while the DNI, created in 2004, does not have the power to “develop” any part of the CI Strategy. This is one area where a small cession of power and cooperation between organizations could go a long way to unifying the role that the DNI has within the IC¹¹³. This tight hold on the CI Community has had drastic consequences for the office of the DNI, which was originally designed to provide leadership and guidance for all of the IC, but left weak and limited. Like time, consensus is a chief barrier to reform for the IC and policy community because of how the intelligence cycle works. However, consensus is probably the most important barrier because of the ways in which it can affect other barriers to reform. One of the key ways in which consensus is a challenge to reform has to do with the fact that consensus implies that both sides come to an agreement. As Berkowitz discusses, political compromise allows opponents to sabotage the creation of any new agency from the start by simply not agreeing to certain aspects of potential future laws¹¹⁴. This truly is a hurdle for reform because while politicians, and heads of agencies, can come with hands outstretched under the banner of reform, a “nay” vote or even language inserted into a bill that passes through the legislature can destroy consensus and weaken any real reforms. Another major barrier to consensus is the secret nature of the IC. The reality is that the majority of the work that the IC does is classified, which can be a problem for the policy community. The reason this level of secrecy is such a major issue is that members of the policy community do not normally have the clearance to see all the information necessary to make proper decisions about CI or any other reforms. This lack of information basically leaves the IC asking Congress to go along with their plans with a minimum amount of information and understanding of what the plans actually are¹¹⁵. In this way a call to reform without all the necessary components is not asking for consensus, but rather asking for acceptance by the few who have access to the intelligence, which in the case of the Senate is a Select Committee of 15 individuals and in the House, 21 individuals. Finally, for the proper cession of power there must be consensus on the level of gains or losses, which can end up being a problem, especially for agencies or individuals not wishing to lose power. For example, when the office of the Director of National Intelligence was created, the policy makers and the Department of Defense never could gain consensus as to the level of power the DNI would have, and the result of this was a DNI with very little power¹¹⁶. Ultimately, time, power struggles, and consensus will remain barriers to reform and until those barriers are overcome, the IC, the CI Community, and the policy community will continue to experience problems like those already seen. This continuing failure will waste time and effort—time that is already in short supply and could be used to stop insiders instead of allowing them to continue damaging the United States. In light of these challenges and the problems that still exist, we must evaluate the kinds

of changes required for the continued fight against insider threats. As has been previously mentioned, this work focuses on reform efforts at the strategic level

for three reasons. First, top-down reform is critical when it comes to addressing an enemy like the insider threat

where a unified approach is needed. Second, reform suggestions for individual agencies look too deeply

at specific tactics. Addressing weaknesses would have very real security implications due to the nature of the sensitivity of the mission. Finally, the sheer number of

differences between the different operational agencies and their different mission sets would

inundate researchers and not allow adequate analysis of weaknesses at any other level.

In order properly to look at each problem, this work will first define the problem within the CI Community that interested parties must address. Next, it will outline steps for proper implementation of the reforms. Inherent to this is how implementation will address the aforementioned barriers to reform. Lastly, for each reform effort this work will offer some evaluation criteria, which may be used to identify strengths/successes or weaknesses of the reform efforts. Before presenting recommendations, understanding what type of reform is best for the IC is

essential to ensuring the best changes. **Sweeping reform efforts generally do not work. Often, in the effort to “fix problems” policy makers will make massive and revolutionary changes**¹¹⁷. **These risk throwing out the good organizational structures, procedures, and systems in place along with the bad ones. The changes proposed in this work are intended to limit the “pendulum swings”** that Richard Betts refers to, **and to offer minor corrections that will benefit CI in its continued missions to stamp out insider threats**¹¹⁸.

Lastly, one important issue to highlight for evaluation is that intelligence reform evaluations are difficult to assess due to the nature of intelligence. By definition, intelligence helps to inform. Good intelligence may help to inform leaders of decisions needed to prevent negative outcomes. In this case, decisions made will yield little to no “visible” result. However, when intelligence does not inform, and disaster occurs, policy makers will tend to say there was a failure in intelligence¹¹⁹. Failures are always visible, and the IC is almost always held accountable. The root of this problem rests in the fact that the only true success is 100-percent success¹²⁰. The next time a spy is caught or a violent extremist blows himself and American citizens up, policy makers will begin looking at the system as a failure. The reason this is seen as a failure is because of the misunderstanding of what intelligence is and what it does. Intelligence is not predictive and it cannot catch 100 percent of the problems, especially when it comes to insider threats. As with all things in this world, everyone and everything has a say, to include our enemies, for every action that we take our enemies can be expected to take two. Knowing this, policy makers must understand that there will always be uncertainty in intelligence and that “failure” is not necessarily failure there is always more that is accomplished that is never seen¹²¹. **The first improvement that is needed is the establishment of a common definition of an insider threat. Currently, there are over 15 different definitions** as outlined in the NCIX’s Official Terms & Definitions of Interest List¹²². **Such a broad list of definitions leaves many questions in the minds of the different IC agencies as to what an insider threat is, and who has jurisdiction regarding collection, analysis, and apprehension**. Most importantly, the definition in the 2012 National Policy lacks any sort of tie to a foreign nexus¹²³. **This vague language creates confusion as to who has jurisdiction over potential insiders**. According to the policy definition, CI would have been responsible for identifying and handling any threat, to include domestic law enforcement cases. The problem is that if these threats are American citizens, not working for extremist organizations or foreign nations, then CI does not have jurisdiction as assigned in EO 12333124. **This current lack of specificity can cause confusion when it comes to handling insider threats, because over utilization of CI and LE on areas outside of their jurisdiction leaves them both over-exerted and stretched thin**¹²⁵. Furthermore, establishing a definition will be difficult with as many different and divergent definitions as we already have throughout the government. As was mentioned, consensus is important and right now there is none. Changing this will require the NITTF to build common ground and push past the differences. The important thing to remember is that words have meanings and, as the 2009 NIS states, insider threats are the priority for CI¹²⁶. An open-ended definition will tax a stressed organization. Specificity allows work to be spread across the spectrum of CI and Law Enforcement cases and thus increase the amount of success. Chapter 1 of this paper outlined the author’s definition of an insider threat as “an individual with placement and access to critical infrastructures, military units, and the government and their supporting agencies who have allegedly turned against and targeted their parent organization, thus aiding a foreign power or international terrorist organization.” This definition is based on a conglomeration of multiple different definitions used across the IC. It encompasses all of the critical elements of the threat and leaves no question in the minds of the different agencies as to who has jurisdiction. Simply adopting a new definition does not mean that “jurisdiction battles” will be solved. Inherent to any definition is the constant need for cooperation amongst the different organizations of CI and in the case of uncertainty, to allow for joint investigations and the sharing of potentially valuable information between the different disciplines¹²⁷. Evaluation will be more than just the success or failure of a standard definition. The definition itself will be tied to a broader evaluation of the National Threat Policy. Accordingly, the ITAG and the JITTF would be primarily responsible for the evaluation of current policies. In order to do this, an evaluation of classified and unclassified reporting and investigations, at the national level, will identify increases in reporting, opening of investigations, opening of joint investigations, prosecutions, and operations conducted. An increase in these numbers would be a strong indication that programs are working, at least in the short-term. This data would be compiled and presented by the NCIX to the DNI and policy makers as an indicator of the change that is occurring with new policies. Granted this information would not be shown to all policy makers, but there are representatives in Congress and the White House that would be privy to this information, and that serve as representatives for the broader policy community¹²⁸. **The second improvement needed is that the CI Community should realign insider threat training to focus toward preventing threats, not simply identifying them. The National Insider Threat Policy** includes a set of “Minimum Standards for Executive Branch Insider Threat Programs.” These minimum standards are the current guidelines promulgated by the executive branch, the NCIX, and the JITTF regarding Insider Threat Programs¹²⁹. **The programs’ standards have addressed many of the issues relating to insider threats except one key issue: prevention.** The minimum standards read more like a list of training for identification of a current threat, and less like a set of preventative measures. **Identifying threats is useful, but the problem with insider threats is that they are often unidentifiable. more is needed in the form of prevention.** The major problem with passing changes such as these is, once again, the problem of time. As previously stated, policy makers like to see fast results. Preventative measures will not get nearly the same results as fast as identification. Focusing training on identification can give quantifiable numbers to policy makers about how successful a program has been by catching bad guys.¹³⁰ One can hope that politics is not all that is at play when it comes to determining how these programs are organized, but these changes will need to be made quickly because the longer they wait the longer the system goes without preventative measures. **Not much needs to be added to current CI training, but an understanding of the basic threat psychology**, as addressed in Chapter 2, should be a part of the Minimum Standards. **A key element of this “preventative measure” is the provision of information regarding where developing threats can seek assistance, how coworkers can report suspected problems for assistance, and how supervisors can refer to assistance. These insights would be crucial both for impacting the potential downward spiral and the apprehension of an individual**. The one major outlet that exists is in Employee Assistance Programs (EAPs). As stated in EO 12968, **all individuals working for agencies with access to classified information are eligible to use EAPs for “assistance concerning issues that may affect their eligibility for access to classified information**, such as financial matters, mental health, or substance abuse.” Essentially **EAPs are counseling services for those in the IC who need an extra support structure to get personal help**¹³⁰. **The problem is that often there is a stigma placed on anyone for using these services. The proper use of these programs is crucial for serving this preventative measure and should be included in training as a healthy outlet free of judgment or damage to one’s career.** One thing that the Spy cycle and the Radicalization cycle both underscored was that **in the earliest stages of the development of an insider threat, there was a need for help**. The spy found that help in the solace of a foreign intelligence service, while the future violent extremist found it in the support network of an international terrorist organization. **By focusing training on identification at the later stages of development, we are skipping an important step in the progression of an insider threat. Ignoring the early stages does nothing to prevent those potential future threats sitting on the edge of right and wrong from making bad choices. By adding to the**

current training a focus of earlier detection then the potential to remove the future insiders from their support structure and offer them a healthy outlet is possible. Additionally, teaching this training to everyone will turn personnel into sensors for future threats, not just current ones!31.

2NC Solvency

Reform key – overhaul collapses the prevention of insider threats

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @ <http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y> //um-ef)

These four changes, while not dramatic, offer insights into a few things that the IC can do to fix the “fractured” systems in the CI Community. They maintain that there are valuable systems in the IC and that the “changes” should not be so dramatic as to throw out potentially good processes. The insider threat is too important to be tossed aside because of political inconveniences, only to be looked at when there have been failures. **The increase in insider activity in the past few years is an indication that policy makers and the IC should place serious consideration on what needs to happen to the insider threat framework.** It is sad that it must come down to the loss of some of the nation’s most important secrets for this to happen, so we must continue to work toward meaningful reform.

WB CP

1NC Incentives CP

Text: The United States federal government should consolidate environmental whistleblower programs under the Environmental Protection Agency and establish a program that provides financial incentives for successful whistleblowers based on government recovery benefits in the Securities Exchange Commission (SEC) whistleblower program.

That solves and avoids politics – it incentivizes whistleblowers to come forward despite the potential risks

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

c. Models to Follow: The Dodd-Frank Whistleblower Programs **The alignment of government and whistleblower interests can provide significant advantages for the enforcement of environmental statutes**, but it must be achieved through an effective mechanism. n255 In light of the adoption of the SEC and Commodity Futures Trading Commission (CFTC) whistleblower programs under the Dodd-Frank Act (the "Act"), it appears Congress has recognized and embraced the agency-wide program model to monitor financial malfeasance. n256 [*223] Agency programs, such as those implemented by the Act, **serve as an effective and useful alternative to successful litigation-based whistleblower statutes**, such as the False Claims Act (FCA). n257 Most environmental crimes, like most financial crimes, generally do not involve claims submitted to the government for payment, which precludes them from falling under the qui tam provisions of the FCA. n258 Nevertheless, **the government can, and has, pursued other avenues to provide the incentives needed for whistleblowers to spearhead enforcement actions, through agency-mandated programs**. n259 In all likelihood, **the government's willingness to create more whistleblower incentive programs has largely been spurred by the successful outcomes produced by the FCA qui tam provisions**. n260 Before the Act's programs, the prototype of the agency enforcement model was the Internal Revenue Service (IRS) whistleblower program. n261 The program was the first federal agency effort to incentivize whistleblowers to come forward, and it incentivized such action with a set financial award for any financial recovery. n262 As a result, both the government and the whistleblower had some incentive to pursue high quality claims and recover illegally held funds. n263 **The value of this information can be seen in Congress' choice to strengthen the program so that the agency awards are now mandatory, not discretionary**. n264 Although the IRS program has been the archetype for agency whistleblower enforcement, it lacks some key features that make other whistleblower programs successful. n265 Most notably, it fails to adequately protect [*224] whistleblower confidentiality and it does not have an expressly authorized whistleblower protection program. n266 The Dodd-Frank programs however, **improved upon the IRS whistleblower program**. n267 As an initial matter, the programs emulated the IRS program by providing the set, mandatory financial awards that whistleblowers can expect for providing specific, previously unknown information that leads to a successful case. n268 The programs then went further by strengthening whistleblower protections by ensuring confidentiality and creating the possibility for greater financial awards in successful retaliation claims. n269 **Congress included whistleblower programs in the Act because it recognized the massive threat posed by financial crimes, and the valuable part that insiders could play in curbing it**. n270 The programs seek to address the problem, using a combination of financial incentives and well-structured protection and confidentiality programs. n271 **A similar approach in the environmental realm could be just as, if not more valuable to the public and the common good**. n272 For that reason, **Congress should adopt an agency-wide whistleblower program under the EPA, similar to those adopted under the SEC** and the CFTC in the Act. n273 Set financial awards can bring those with direct knowledge of environmental violations to the forefront. n274 **Making such awards mandatory would [*225] incentivize these parties to come forward and encourage competent legal representation to engage these claimants**. n275 Furthermore, whistleblower protection under the umbrella of the EPA would ensure prospective whistleblowers know there is a single source for their protection that can instill uniform guidelines. n276 An EPA program could also help ensure anonymity for whistleblowers and ensure greater financial rewards against retaliators than those provided by OSHA. n277

2NC Solvency (Short)

Counterplan solves

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

Over the past several years, several substantial government settlements in whistleblower cases have led to whistleblower suits becoming increasingly mainstream and lucrative for whistleblowers and their attorneys. n7 Both positive and negative effects for the whistleblowers themselves have accompanied the growth of this area of the law. n8 Although there are major success stories, such as that of a former UBS AG executive recovering over \$ 100 million for reporting a tax evasion scheme, there are also chilling reports that highlight the risks of coming forward, such as financial ruin, loss of work, industry resentment and protracted litigation with varying degrees of success. n9 To ensure that whistleblowers [*197] continue to be willing to come forward, the government must ensure that they receive adequate financial incentives and protection against retaliation. n10 At present, the state of environmental whistleblower law is fractured between various statutes that have differing levels of financial incentive and protection. n11 Recent legislative measures undertaken by Congress in other areas, however, may present the opportunity for wider reform to increase whistleblower engagement in the environmental law arena. n12 In 2010, Congress adopted agency-wide whistleblower programs for the Securities Exchange Commission (SEC) and Commodity Futures Trading Commission (CFTC) to deal with the fallout from the 2008 financial crisis and to prevent financial fraud in the future. n13 The programs combine economic incentives for whistleblowers with measures to protect against retaliation, in an effort to compel whistleblowers with knowledge of financial fraud to come forward. n14 The purpose of the programs being to enlist private interests into the fight against serious threats to the U.S. economy. n15 Using this model, the Environmental Protection Agency (EPA) should consider a similar program to incentivize whistleblowers to take actions to protect the environment, thereby confronting a problem that not only threatens the U.S. economy, but every aspect of daily life. n16

2NC Solvency

The counterplan solves the whistleblowers advantage – it provides financial incentives for environmental whistleblowers to come forward and consolidates environmental whistleblowing in a central program – whistleblowing is chilled in the status quo because whistleblowers are hunted by the government and the risk is much higher than the reward for potential discoveries and public disclosure – the counterplan makes it worthwhile for whistleblowers to come forward and disclose criminal acts within the federal government – that's enough incentive

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

Advantages of Whistleblower Programs Whistleblower programs provide assistance to the U.S. government and regulatory agencies by aligning public and private interests. n224 When private instruments of justice are undertaken in the interest of the common good, they can produce beneficial tools, such as legal talent, investigative resources, and inside information. n225 Wrongdoing can often be difficult to detect, and therefore, an insider with intimate knowledge of a company or a potentially liable party's actions, can be invaluable in prosecuting enforcement actions without expending prohibitively large amounts of resources. n226 1. Aligning Public-Private Interests Through Monetary Awards The fact that citizen suits and other enforcement mechanisms limit the alignment of interests between private parties and the government deters those private parties from coming forward to further litigation that could be beneficial to the public. n227 Although these suits may account for attorneys' fees, costs, and potentially punitive damages, their application may be limited to specific instances and their rewards too minimal to attract significant attention from the most sophisticated and knowledgeable legal organizations. n228 Furthermore, **they provide little incentive for insiders to come forward with knowledge of violations, in light of the risks posed in doing so.** n229 By comparison, incentivizing potential whistleblowers through programs that allow them to share in government recoveries, such as qui tam actions and the Securities Exchange Commission (SEC) program, have proven extremely [*220] **successful.** n230 These types of suits attract skilled legal talent--driven by the incentive of large fees--to represent the whistleblower's interests and to assist the government prosecution. n231 These large fees are the result of certain statutes that provide for potentially significant damages and penalties. n232 Legal talent--whatever its motivation--can provide expert analysis and careful research in assessing highly complex claims, which in turn, have the potential to be lucrative. n233 These whistleblower attorneys can also help analyze the merits of the claims and determine whether there are viable legal remedies and regulatory mechanisms in place. n234 Whistleblowers also provide the government with a tremendous service throughout prosecutions because they often know important inside information. n235 Such information is extremely valuable because it is often intimate knowledge of complex and highly technical matters. n236 Insiders can also point to violations of the law that the gov-ernment would have no other way of ascertaining, such as illegal dumping at sea. n237 Whistleblower programs recognize this inside information as a valuable asset. n238 Whistleblower programs can also be of substantial value to the government by generating publicity for private enforcement programs. n239 Multiple news outlets have covered stories about the large payouts available to whistleblowers, which alerts people with knowledge of potential misconduct that they too can be rewarded if they come forward and expose crime. n240 Given the substantial [*221] risks facing whistleblowers, knowledge that there are also financial incentives and programs that provide protection can be invaluable to bringing those with potential claims forward. n241 While there is a significant public benefit that comes with environmental whistleblowing, whistleblowers put themselves at potentially serious risk. n242 **Thus, the law should adequately reflect the cost-benefit analysis that each whistleblower must do by offsetting the risk with adequate awards.** n243 Although there are currently whistleblower awards under select environmental statutes, they are wholly inadequate in light of the possible risks. n244 Some statutes, such as the Clean Air Act (CAA) provide only nominal awards when compared to the risks that whistleblowers would be taking, and others, such as the Clean Water Act (CWA) provide no financial incentive whatsoever. n245 **Without significant changes to these statutory schemes--such as the proposed whistleblower programs--those with inside information about environmental crimes will be unlikely to come forward when facing the risks involved with doing so.** n246 2. Streamlining Whistleblower Protection Although many environmental statutes provide whistleblowers with protection against retribution, there is room for improvement. n247 Currently, whistleblower protection in environmental statutes is only available to whistleblowers who file complaints with the Occupational Safety and Health Administration (OSHA). n248 While OSHA protects employee-whistleblowers against retaliation, it is required to conduct an investigation to satisfy a common law [*222] framework before doing so. n249 Furthermore, individual statutes have varying procedural hurdles that must be met for a successful claim. n250 **A whistleblower program that is consolidated under the EPA could avoid the pitfalls of the current scheme by strengthening the language of a whistleblower provision, providing uniformity in enforcement, and extending to potential whistleblowers that are not employees.** n251 All claims could be submitted under one organization, which would then handle enforcement of the alleged violation and protect the whistleblower against any potential retaliation. n252 Furthermore, **a consolidated environmental whistleblower program could gain publicity through the payment of big**

awards, which in turn could make whistleblowers more aware that such incentives and protections are available n253 Implementing a new statutory provision could also allow for the construction of more meaningful whistleblower awards when retaliatory measures can be shown. n254

General Incentives Solvency

And, comprehensive studies prove – incentives mean whistleblowers are more likely to come forward

Employment Law Daily 13

(Wolters Kluwer Employment Law Daily, “Whistleblower reward laws play critical role in fraud detection, study finds,” pg online @ <http://www.employmentlawdaily.com/index.php/news/whistleblower-reward-laws-play-critical-role-in-fraud-detection-study-finds/#sthash.XTBp6CUG.dpuf> //um-ef)

Whistleblower reward or qui tam laws “work remarkably well and should be exploited in order to protect individuals and businesses that play by the rules and do not cheat in order to gain a competitive advantage.” according to a recent report analyzing the impact of such legislation on the willingness of employees to report fraud or misconduct—both internally and externally. The report, released on Friday, December 6, by the National Whistleblowers Center, was based on a review of statistical studies on employee-reporting behaviors. **Its authors urged Congress not only to reject watering down any current whistleblower laws but to expand the scope of their coverage.** The authors note that their findings echo prior independent studies that have reached the same conclusion as to the importance of legislation that provides financial incentives for whistleblowers. For example, the Senate Judiciary Committee in 2009 reviewed the 25-year history of the False Claims Act, the oldest modern qui tam law, and reached the unanimous (bipartisan) conclusion that a considerable amount of fraud would go undetected absent the willingness of qui tam relators to come forward. “The existence of qui tam or whistleblower rewards programs are an absolutely essential component for a successful fraud detection program.” the report notes. “Without strong incentives the vast majority of fraud will neither be detected nor reported to the appropriate authorities.” Currently, a plurality of employees fail to disclose misconduct to anyone, and less than 2 percent of employees are willing to disclose misconduct, fraud or violations of law to a government agency. Despite this “real crisis in employee-reporting behaviors,” however, employees remain the key source of fraud detection. And whistleblower reward laws are a key factor in their willingness to report allegations of misconduct, both internally to corporate compliance programs and externally to law enforcement. **Among the report’s recommendations: Congress should enact a general False Claims Act to provide for whistleblower rewards in areas that are not covered under current law.** Such rewards should be based on a percentage of monies actually recovered by the United States based on the documented contribution of the whistleblower. Moreover, the authors urged the Department of Justice to undertake efforts to stimulate the filing of more FCA cases, “as the current number of cases filed each year is dramatically low.”

AT: Disads to the CP (short)

And, the counterplan can overcome their disads – just minor blips that are fixed with the construction of the program

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

D. Perceived Challenges That Must Be Overcome

As with any major system overhaul, there are challenges that must be overcome in order to implement an EPA whistleblower program of this sort. n278 There will be fears and concerns about an overload of low-quality or vindictive whistleblower complaints, an inability to adequately provide financial incentives or overcome agency capture, and of giving monies paid by violators to private parties, rather than using the funds to help the public. n279 **Nevertheless, most of these issues will not realistically materialize, and those that do can be overcome.** n280

AT: Lawsuit overload

No risk of overload or overstretch – program will build in protections to prevent it

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

For example, although there may be an influx of whistleblower claims to begin with, the EPA and other enforcing agencies should be able to readily distinguish between those that are viable and those that are frivolous. n281 Further, competent lawyers will likely only be willing to work with claimants they deem credible, which will serve as a signal to the agencies who will work [*226] closely with these lawyers. n282 Although there may be a risk that extra staff will have to be devoted to investigating these claims, those resources would still be expended in furtherance of alerting the EPA of potential risks that threaten the environment and further, may uncover truly dire situations. n283

AT: No Funds

SEC program provides a model that solves funding issues

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

Given the fact that many current environmental statutes provide such low rewards, or no rewards at all to whistleblowers, there may be a concern about the ability of the EPA to allocate funds to pay significant awards for successful claims. n284 This can be rectified by paying into a fund--similar to those employed by the SEC and the CFTC--that can ensure successful payments to worthy whistleblowers. n285 These funds can be bolstered by any recoveries from convicted environmental violators. n286 Furthermore, many statutes that do not have whistleblower awards, such as the CWA, actually have extremely significant monetary sanctions that can amount to millions of dollars over the course of only a few days. n287 For statutes such as these, a set percentage of the recovery would provide the funds needed to adequately reward whistleblowers. n288

AT: Agency Capture

Dodd-Frank proves it wont happen

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

Some may also argue that these statutes will be ineffective at overcoming the problem of agency capture because there is no private recourse for citizens beyond the administrative apparatus. n289 Although these concerns are legitimate, there are reasons to believe that agency capture will not become a systemic issue. n290 Even though whistleblowers may not have private judicial recourse, they can pressure and embarrass agencies through the media. n291 Further, **competent legal counsel will also likely advise their clients on how to press their cases with the agency.** n292 Giving whistleblowers access to the enforcement [*227] apparatus is still better than the other option, which is to have the agencies act with nearly complete autonomy. n293 The same concern is applicable to the Dodd-Frank whistleblower programs, but the programs have still had success and been met with optimism. n294

AT: Money for Env't Key

Need for whistleblower incentives outweighs

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

Lastly, there will be some who argue that any recovery received from environmental polluters should be reserved strictly for government cleanup efforts and preventative activities. n295 The government, however, may never obtain these recoveries in the first place if not for the prospective whistleblowers. n296 Therefore, despite merit of any concerns about giving private parties a portion of the recovery, the fact remains that **it is more important to get the recovery in the first place, and thus rewarding whistleblowers with a portion of recoveries is warranted and encourages future whistleblowers to come forward,** which must ultimately be the primary goal. n297

Alternate WB Counterplan

Human Rights Watch, June 18, 2013

(Human Rights Watch, nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world, June 18, 2013, "US: Statement on Protection of Whistleblowers in Security Sector," <https://www.hrw.org/news/2013/06/18/us-statement-protection-whistleblowers-security-sector>, Accessed: July 7, 2015, YDEL)

Moving Forward to Protect Whistleblowers and Democratic Accountability. In light of these specific facts, Human Rights Watch urges the Obama administration not to prosecute Edward Snowden or other national security whistleblowers until it is prepared to explain to the public, in as much detail as possible, what the concrete and specific harms to national security his disclosures have caused, and why they outweigh the public's right to know. If the administration truly welcomes a debate on issues of privacy, rights, and security, as President Obama has said it does, then prosecuting the man who sparked the debate is not the way to show it. In addition, the government should cease using the Espionage Act to charge those who disclose classified information to the public that shows wrongdoing or unethical government programs or policies. In this regard, we note that the penalties for disclosures under the Espionage Act, whose charges carry 10-year prison terms, are significantly heavier than what many other democracies impose

on government agents who expose secrets, and that the European Court of Human Rights has ruled in favor of protecting security sector whistleblowers when the public interest in their disclosures outweighs other important state interests.[22]¶ **Congress should provide effective protections for confidential disclosures and legal rights that security sector whistleblowers can invoke in case of retaliation.** Congress has authority to demand greater transparency from the executive branch, and to inform citizens of the scope of secret surveillance programs. It should set firm limits on not only what sort of data may be collected for what purpose, but also how long the NSA and other agencies may retain data not directly connected to an ongoing investigation. All branches of government have a responsibility to minimize the amount of information that is withheld from the public, so that the functioning of government does not have to rely on leaks to be visible to the governed. ¶

Congress has the power to provide oversight for whistleblowers

Human Rights Watch, June 18, 2013

(Human Rights Watch, nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world, June 18, 2013, "US: Statement on Protection of Whistleblowers in Security Sector," <https://www.hrw.org/news/2013/06/18/us-statement-protection-whistleblowers-security-sector>, Accessed: July 7, 2015, YDEL)

We believe US authorities should exercise discretion when considering prosecuting such leaks under US laws governing classified information. They should not bring charges against whistleblowers who expose government wrongdoing unless they can make a compelling case that the harm to national security caused by the disclosure is so significant that it overrides the public's right to know and are prepared to make that case publicly, providing as much detail as possible on the actual harm.¶ Any law that respects rights should place the burden of this argument on the government, not the whistleblower, and the simple fact that information is classified should never be sufficient on its own to defeat protection for disclosures that are in the public interest. In particular, the Espionage Act, which was framed to punish the passing of sensitive information to a foreign enemy, should never be distorted beyond its intended purpose and used to punish whistleblowers.¶ **Congress should live up to its responsibility to provide effective protection and meaningful recourse to whistleblowers.** To start, it should enact meaningful laws on which they can rely, both to challenge official retaliation and to defend themselves from criminal and civil liability. It should insist on greater disclosure from security agencies and share information concerning the dimensions and modalities of security surveillance with the public. And it should work with the administration to cut back on the overwhelming growth of classified information and protect the public's right to know.¶ **Both Congress and the Obama administration should rethink surveillance programs and reform them to ensure that they intrude no more than necessary on the private communications of all people, not just US**

citizens. The United States has been a strong proponent of Internet freedom, but it risks its reputation when it fails to respect the rights of Internet and phone users.

DOD PIC

1NC CP Shell

Sternstein 15

(Aliya Sternstein. Nextgov.com, Jun 4, 2015, "Watchdog Says Pentagon Needs to Crank Up 'Insider Threat' Monitoring," pg Proquest //um-ef)

Work to rein in some post-Sept. 11 domestic surveillance practices ended with passage of a bill that limits the National Security Agency's collection of U.S. call records. But regular Joes inside the Pentagon -- or at least those with access to sensitive or classified information -- should expect even greater scrutiny on their workplace digital activities. Just before the Senate cleared the USA Freedom Act, the Government Accountability Office released a report recommending the Defense Department take new steps to set up so-called "insider threat" programs, which aim to stop information leaks by disgruntled employees. The unclassified version of the report found only half of military components GAO reviewed have logged system and user behaviors to develop "a baseline of normal activity patterns." The purpose of tracing the activities of Pentagon personnel is to zero in on network "anomalies," computer usage that might be indicative of a leaker, the watchdogs said. NSA is part of the Defense Department. The employee insider threat program was borne out of various laws and White House policies issued since 2010 that require all departments to do a better job of fortressing classified information. That year, former soldier Chelsea Manning shared top secret files with the WikiLeaks website. The ability of ex-NSA contractor Edward Snowden to reveal classified intelligence in 2013 suggests anti-leak programs need more muscle. Patricia Larsen, co-director of the governmentwide National Insider Threat Task Force, said last December. This week, GAO agreed. A key element of the Pentagon's program has not consistently been incorporated Defensewide, the auditors said, noting "three of the six components [evaluated] have developed a baseline of normal activity" on Defense networks. They did not identify the organizations by name. "Anomalous activities are network activities that are inconsistent with the expected norms, the watchdogs added. "These activities, such as network activity outside of normal work hours or changes in typical data download patterns, could indicate the exploitation of cyber vulnerabilities, among other things." To detect anomalies, three of the components GAO examined plan to buy or upgrade analytic tools that allow them to monitor user behavior suggesting insider-threat activities. One entity that already has such technology said the enhanced model it expects to obtain will be able to watch a user's behavior across unclassified, secret and top-secret networks. A handful of policies published between 2000 and 2012 call for establishing a normal activity baseline. Auditors also pointed to a post-Snowden, nonpublic February 2014 directive on protecting national security systems from insider threats. The U.S. military's 2000 Final Report of the Insider Threat Integrated Process Team instructs organizations to come up with a specific list of employee behaviors that should be tracked online, because otherwise managers will suffer information overload. It will be impossible to baseline normal activity patterns "with the sheer volume of user characteristics data" unless supervisors establish an "inventory of behavior attributes and patterns grounded in counterintelligence experience and stored to allow for rapid automatic analysis and monitoring," the authors of that Defense report wrote. Once a Pentagon organization has selected which employee and system activities to keep tabs on, those attributes should be studied for more than a couple of days. A December 2012 Carnegie Mellon Software Engineering Institute manual, Common Sense Guide to Mitigating Insider Threats, states "the longer the organization monitors the chosen data points, the more reliable the baseline will be." Recommended data points to observe include: Communications between devices: the devices a workstation communicates with and the devices a server communicates with; Bandwidth consumed, especially noting the differences between bandwidth use during and after business hours;. Virtual private network users; times of access, bandwidth consumed, geolocation information; Ports and protocols; Normal firewall and IDS alerts--Normal alerts may occur when business processes change (e.g., there is increased website traffic). The Carnegie Mellon researchers note, "Organizations may find it challenging to maintain employee privacy while collecting data to establish a baseline."

!!!Disads!!!

Insider threat D.A.

Top Shelf

1NC Shell

Counterintelligence efforts in federal agencies prevents insider leaks now—Insider Threats program protects vital security information

Washington Post 14

("Federal agencies embrace new technology and strategies to find the enemy within," Washington Post, 3/7, pg lexis//um-ef)

After a string of high-profile incidents from the Ft. Hood shooter to Wikileaks and NSA contractor Edward Snowden, government agencies and contractors have started monitoring their own employees and networks with unprecedented scrutiny. After years of focusing on outside threats, the federal government and its contractors are turning inward, aiming a range of new technologies and counterintelligence strategies at their own employees to root out spies, terrorists or leakers. Agencies are now monitoring their computer networks with unprecedented scrutiny, in some cases down to the keystroke, and tracking employee behavior for signs of deviation from routine. At the Pentagon, new rules are being written requiring contractors to institute programs against "insider threats," a remarkable cultural change in which even workers with the highest security clearances face increased surveillance. The "if you see something, say something" mind-set of the post-9/11 world has fully arrived in the workplace, with new urgency following high-profile leaks such as the revelations of former National Security Agency contractor Edward Snowden. "People's sensitivity to this has changed substantially," said Lynn Dugle, president of a Raytheon business unit that markets an insider threat detection system called SureView. "I can tell you five years ago, when we were talking to agencies or companies about insider threat, we would normally be talking to (chief information officers) who were under budget stress. . . . And that was a very tough sell. Now we see boards of directors and CEOs really understanding what the threat can mean to them, and the risk it poses to them." In response to the breach by former Army intelligence analyst Pfc. Bradley Manning, President Obama in 2011 issued an executive order that established a National Insider Threat Task Force and required all federal agencies that handle classified material to institute programs designed to seek out saboteurs and spies. While corporate security has long been part of Beltway culture, the heightened focus and the emergence of new monitoring technology touched off a burgeoning industry. In addition to Raytheon, Lockheed Martin has developed an insider-threat detection service, as have several start-ups in the Washington area. Even Booz Allen Hamilton, which faced national embarrassment when Snowden, one of its employees, walked off with some of the country's most guarded secrets, counsels its clients on how to detect rogue employees. A recent job posting said the company was looking for an "insider threat analyst," which required a security clearance and more than five years of experience in counterintelligence. The posting spread on the Web and sparked ridicule over the notion that the company that employed Snowden was now looking to help turn the historic breach into a profitable lesson learned. Raytheon's SureView program allows agencies to create all sorts of internal alerts indicating when something may be amiss. A company could, for example, program the software to detect whenever a file containing the words "top secret" or "proprietary" is downloaded, e-mailed or moved from one location on the system to another. Once that wire is tripped, an alert almost immediately pops up on a security analyst's monitor, along with a digital recording of the employee's screen. All the employee's actions — the cursor scrolling over to open the secure file, the file being copied and renamed — can be watched and replayed, even in slow motion. It's the cyber equivalent of the security camera that records robbers sticking up a convenience store. Lockheed Martin provides a service called Wisdom, which acts as "your eyes and ears on the Web," according to a company official. At its broadest use, the service can monitor mountains of data on the Web — Facebook, Twitter, news sites or blogs — to help predict everything from a foreign coup or riot to political elections. But it can also be turned inward, at employees' online habits, to predict who within the organization might go rogue. Counterintelligence officials use Wisdom to "evaluate employee behavior patterns, flagging individuals who exhibit high risk characteristics," the company says in a

brochure. “I like to think of it as a **digital intuition** that is being developed” said Jason O’Connor, Lockheed’s vice president for analysis and mission solutions.

Insider threat ensures a cyber attack on the nation’s grid

Angerholzer et al 2014 [MA international affairs, CEO and president of Center for the Study of the Presidency and Congress]

(Maxmillian, Securing the US electrical Grid: Understanding the Threats to the Most Critical of Critical Infrastructure, While Securing a Changing Grid”<https://www.thepresidency.org/sites/default/files/Grid%20Report%20July%202015%20First%20Edition.pdf>)

Major problems can occur when an employee—purposefully or inadvertently—gains access to an infected USB or is able to plant a virus that destroys a system. The threat of this issue is **heightened in the case of** many decentralized, **local power grids accompanied with minimal physical security and detection systems. An insider may be able to gain access to the physical components of a power station, thus having the ability to cause serious physical damage. Actors posing threats may be disgruntled employees following termination or employees experiencing financial pressures** and stress.¹⁰³ Job-related stress and unfortunate events can cause employees to extract revenge or open up insider secrets to third party inquirers.¹⁰⁴ Many of these events are on a situational basis and apply differently to each company; however, **it should be made more of a priority that businesses and utilities increase security and employee screening. Individual attacks can have major effects on communities due to dependencies on the power grid.** An individual was arrested in Arkansas for a series of attacks on power lines stationed in Arkansas. He acted alone, and did not seem to be involved in a larger terrorist organization. On August 21, 2013, a shackle that secured a 500,000-volt electricity line was cut, and over 100 bolts of the support tower were removed.¹⁰⁵ The tower collapsed, causing power lines to be severed by a passing train and leaving the town of Cabot, Arkansas, without power. On September 29, 2013, the Entergy electricity station in Scott, Arkansas, was set on fire, causing over \$2 million in damages.¹⁰⁶ The third and final attack occurred in Jacksonville, Arkansas. Two power poles were cut, one of which was then pulled down by a tractor. This attack caused a 115,000-volt transmission line to fall, causing an outage for 9,000 people.¹⁰⁷

¹⁰³ Byron Acohido, “Disgruntled employees, insiders pose big hacking risk,” USA Today, March 15, 2013, <http://www.usatoday.com/story/tech/2013/03/15/insider-threat-matthew-keys-anonymous/1991265/> ¹⁰⁴ Ibid ¹⁰⁵ “Arrest made over Arkansas power grid attacks,” CBS News, October 14, 2013, <http://www.cbsnews.com/news/arrest-made-over-arkansas-power-grid-attacks/> ¹⁰⁶ Ibid. ¹⁰⁷ Ibid. July 2014 – First Edition ⁴⁹ Insider threats oftentimes pose a greater risk than outsider attacks. In an FBI and Computer Security Institute joint Computer Crime and Security Survey, **80 percent of enterprises** that responded to the survey **cited disgruntled or dishonest employees as most likely to attack.**¹⁰⁸ Additionally, 55 percent of enterprises that responded reported unauthorized access by insiders. While security measures have increased over time, insider threat incidents continue to occur. In 2012, Homeland Security’s Industrial Control Systems Cyber Emergency Response Team (ICS-CERT) was called to a power generation system that had been targeted by an insider threat. An employee was discovered with an infected USB device after he took the device to the IT department. The infected USB left several machines at the power plant subject to the virus. Fortunately, the ICS-CERT and the anti-virus software already existing in the system were able to eliminate the virus.¹⁰⁹ Sometimes, an attacker will recruit an insider to assist in launching an attack.

In 2011, the Department of Homeland Security issued a report titled “Insider Threat to Utilities.” In this report, they stated that “violent extremists have, in fact, obtained insider positions,” and that “outsiders have attempted to solicit utility-sector employees” for damaging physical and cyber-attacks.¹¹⁰ In 2010 an alleged American recruit to al Qaeda was arrested in Yemen. Sharif Mobley, of New Jersey, had been employed at five different U.S. nuclear power plants in Pennsylvania after successfully passing federal background checks. Fortunately, insider threats to the power grid have been fairly contained—still, internal security must remain a priority. There should be periodic risk assessment throughout an enterprise, as well as increased security awareness training for employees. Companies can issue strict passwords for employees, monitor online actions, and note suspicious behavior. The company should separate duties and limit access amongst different employees to ensure that one person does not have the ability to cause major damage. Following termination or transfer, any previous computer access must be deactivated. Additionally, up-to-date anti-virus software and backup and recovery processes should be implemented for all online systems.¹¹¹

Extinction

Habiger, 2/1/2010

(Eugue – Retired Air Force General, Cyberwarfare and Cyberterrorism, The Cyber Security Institute, p. 11-19)

A modestly advanced enemy could use a cyberattack to shut down (if not physically damage) one or more regional power grids. An entire region could be cast into total darkness, power-dependent systems could be shutdown. **An attack on one** or more regional power grids **could** also **cause cascading effects that could jeopardize our entire national grid.** **When word leaks that the blackout was caused by a cyberattack, the specter of a foreign enemy**

capable of sending the entire nation into darkness **would only increase the fear, turmoil and unrest.** While the finance and energy sectors are considered prime targets for a cyberattack, an attack on any of the 17 delineated critical infrastructure sectors could have a major impact on the United States. For example, our healthcare system is already technologically driven and the Obama Administration's e-health efforts will only increase that dependency. A cyberattack on the U.S. e-health infrastructure could send our healthcare system into chaos and put countless of lives at risk. Imagine if emergency room physicians and surgeons were suddenly no longer able to access vital patient information. A cyberattack on our nation's water systems could likewise cause widespread disruption. An attack on the control systems for one or more dams could put entire communities at risk of being inundated, and could create ripple effects across the water, agriculture, and energy sectors. Similar water control system attacks could be used to at least temporarily deny water to otherwise arid regions, impacting everything from the quality of life in these areas to agriculture. In 2007, the U.S. Cyber Consequences Unit determined that the destruction from a single wave of cyberattacks on critical infrastructures could exceed \$700 billion, which would be the rough equivalent of 50 Katrina-esque hurricanes hitting the United States all at the same time.²⁹ Similarly, one IT security source has estimated that the impact of a single day cyberwar attack that focused on and disrupted U.S. credit and debit card transactions would be approximately \$35 billion.³⁰ Another way to gauge the potential for harm is in comparison to other similar noncyberattack infrastructure failures. For example, the August 2003 regional power grid blackout is estimated to have cost the U.S. economy up to \$10 billion, or roughly .1 percent of the nation's GDP. ³¹ That said, a cyberattack of the exact same magnitude would most certainly have a much larger impact. The origin of the 2003 blackout was almost immediately disclosed as an atypical system failure having nothing to do with terrorism. This made the event both less threatening and likely a single time occurrence. Had it been disclosed that the event was the result of an attack that could readily be repeated the impacts would likely have grown substantially, if not exponentially. Additionally, a cyberattack could also be used to disrupt our nation's defenses or distract our national leaders in advance of a more traditional conventional or strategic attack. **Many military leaders actually believe that such a disruptive cyber**

pre-offensive is the most effective use of offensive cyber capabilities. This is, in fact, the way Russia utilized cyberattackers—whether government assets, governmentdirected/ coordinated assets, or allied cyber irregulars—in advance of the invasion of Georgia. Widespread distributed denial of service (DDOS) attacks were launched on the Georgian governments IT systems. Roughly a day later Russian armor rolled into Georgian territory. The cyberattacks were used to prepare the battlefield; they denied the Georgian government a critical communications tool isolating it from its citizens and degrading its command and control capabilities precisely at the time of attack. In this way, these attacks were the functional equivalent of conventional air and/or missile strikes on a nation's communications infrastructure.³² One interesting element of the Georgian cyberattacks has been generally overlooked: On July 20th, weeks before the August cyberattack, the website of Georgian President Mikheil Saakashvili was overwhelmed by a more narrowly focused, but technologically similar DDOS attack.³³ This should be particularly chilling to American national security experts as our systems undergo the same sorts of focused, probing attacks on a constant basis. The ability of an enemy to use a cyberattack to counter our offensive capabilities or soften our defenses for a wider offensive against the United States is much more than mere speculation. In fact, in Iraq it is already happening. Iraq insurgents are now using off-the-shelf software (costing just \$26) to hack U.S. drones (costing \$4.5 million each), allowing them to intercept the video feed from these drones.³⁴ By hacking these drones the insurgents have succeeded in greatly reducing one of our most valuable sources of real-time intelligence and situational awareness. If our enemies in Iraq are capable of such an effective cyberattack against one of our more sophisticated systems, consider what a more technologically advanced enemy could do. At the strategic level, in 2008, as the United States Central Command was leading wars in both Iraq and Afghanistan, a cyber intruder compromised the security of the Command and sat within its IT systems, monitoring everything the Command was doing. ³⁵ This time the attacker simply gathered vast amounts of intelligence. However, it is clear that the attacker could have used this access to wage cyberwar—altering information, disrupting the flow of information, destroying information, taking down systems—against the United States forces already at war. Similarly, during 2003 as the United States prepared for and began the War in Iraq, the IT networks of the Department of Defense were hacked 294 times.³⁶ By August of 2004, with America at war, these ongoing attacks compelled then-Deputy Secretary of Defense Paul Wolfowitz to write in a memo that, "Recent exploits have reduced operational capabilities on our networks."³⁷ This wasn't the first time that our national security IT infrastructure was penetrated immediately in advance of a U.S. military option.³⁸ In February of 1998 the Solar Sunrise attacks systematically compromised a series of Department of Defense networks. What is often overlooked is that these attacks occurred during the ramp up period ahead of potential military action against Iraq. The attackers were able to obtain vast amounts of sensitive information—information that would have certainly been of value to an enemy's military leaders. There is no way to prove that these actions were purposefully launched with the specific intent to distract American military assets or degrade our capabilities. However, such ambiguities—the inability to specifically attribute actions and motives to actors—are the very nature of cyberspace. Perhaps, these repeated patterns of behavior were mere coincidence, or perhaps they weren't. The potential that an enemy might use a cyberattack to soften physical defenses, increase the gravity of harms from kinetic attacks, or both, significantly increases the potential harms from a cyberattack. Consider the gravity of the threat and risk if an enemy, rightly or wrongly, believed that it could use a cyberattack to degrade our strategic weapons capabilities. Such an enemy might be convinced that it could win a war—conventional or even nuclear—against the United States. **The effect of this would be to undermine our deterrence**-based defenses, **making**

us significantly more at risk of a major war.

Uniqueness

Uniq: Insider Threats High

U.S. internal threats are the most dangerous – unpredictable, irreparable

Hall, 2014, [Strategic Intelligence Graduate]

(Caitlin Squire, March 20, “The Trusted Shadow and Trojan Horse of the United States Government” <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>)

An insider threat is irrefutably one of the greatest threats to United States national security. Greg Chung, Chi Mak, Robert Philip Hanssen, and Edward Snowden are a few of the dozens of personalities who have leaked or passed secrets to foreign governments over the past thirty years. Rita M. Barrios elaborates on the significance of the insider threat stating, “The theft and exposure of the critical data components that resides in a relational database by the authorized insider is on the rise” (Barrios 2013, 54). In comparison to threats such as weapons of mass destruction, cyber, and nuclear, the insider threat can often be overlooked; however, the threat of the insider is not the method of attack, rather the threat is the individual (Blades 2010, 32). The insider threat is comparable to a Trojan horse and is identifiable as a trusted shadow of the government who, despite the extensive background checks, obtains a security clearance providing access to classified information. Furthermore, the United States can strategically mission plan for all divisions of the military, yet it takes one individual to take those plans and pass that information to the enemy, or make it public knowledge. One individual can obtain classified information on the location of United States submarines, specs on the B-2 stealth bomber, or tactics, techniques, and procedures of the United States military and pass that intelligence to a news agency or foreign government easily. With the ever growing world of electronics and advancements in technology, a young adult could walk in and out of the work place with dozens of classified documents saved on a CD. In addition, with websites like Wikileaks, secrets can be published anonymously adding to the elusive nature of an insider threat. These factors make all government employees with a security clearance dangerous as there is no patch to an insider threat, only prevention and minimization. But is that what makes an insider threat so challenging to acknowledge and track? Or is it the fact that these individuals are a trusted shadow whose motivation is prompted by unknown factors? Ellen Messmer highlights this noting, “While the U.S. military is building up defenses to fend off network-based attacks from enemy states and terrorists, some say the more-insidious security problem is the threat is an insider bent on sabotage or stealing data” (Messmer 2003, 12). Messmer, in a sense, simply acknowledges that the motivation of an individual can be as minuet as ‘I felt like it.’ That being said, is it only the fault of the insider for a leak or do co-workers impact the process of detection as well? This realm of threat to a government entity is challenging due to the fact that, for any organization, they are dealing with the unknown.

Uniq: Insider Threat High

insider threats real – even subtle threats escalate

Deputy chief of naval operations, 2014

("what is 'insider threat'" January-March, CHIPS: The Department of the Navy's Information Technology Magazine, www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?id=4890)

****we don't endorse ableist language**

According to a 2011 Presidential Executive Order, an Insider Threat is "a person with authorized access who uses that access to harm national security interests or national security through unauthorized disclosure, data modification, espionage, terrorism, or kinetic actions resulting in loss or degradation of resources or capabilities." Put simply, Insider Threat means the unauthorized disclosure of classified information that damages national security, or violence that results in injury/loss of life and damage to operational resources. Although the

Navy has experienced a number of destructive and debilitating insider incidents over the years (the Walker-Whitworth espionage case of the 1980s, for example), the recent spate of information disclosures and workplace violence has compelled a more focused institutional examination of the threat. The tragic events at the Washington Navy Yard in September, the shooting at Fort Hood in 2009, the damage to USS Miami (SSN-755) in 2012, during a shipyard availability, and massive classified information disclosures by a National Security Agency contractor in 2013 and Army Pfc.

Bradley Manning in 2010, all clearly fall within the definition. In each case, the actions of these perpetrators could likely have been prevented had their colleagues been alert and attentive to their behaviors and reported it. Why is This Such a Big Threat? With the most powerful military and the largest economy in the world, the United States is an attractive target not only to our adversaries, but to insiders who seek to harm us. Insiders are particularly pernicious because they have managed to gain our confidence and, with that trust, obtained access to systems, capabilities or people they would otherwise not be authorized to access. To cause damage, insider threats to cyber security may target specific sensitive information on programs or operations and reveal what they perceive to be an unjust policy or disclose intelligence. And, as the recent high profile cases have demonstrated, systems administrators with privileged user accounts, the ubiquity of our information systems, our workforce's broad access to these systems, and the comparative ease with which data can be transferred all greatly compound this problem. What Motivates Someone to Consider Acting in This Way? A feeling of injustice, a loss of something valuable, the need to feel important, or an antithetical moral obsession could transform

an otherwise trustworthy service member or employee into a disgruntled insider or potential target for an adversary to exploit. Equally threatening are those who may be stressed by circumstances beyond their control, and who may choose violence in retaliation for some perceived wrongdoing. Criminal behaviors that may manifest as a consequence of these motivations include espionage, unauthorized disclosure of sensitive information, sabotage against the United States, and workplace. The Navy Insider Threat Program To combat the Insider Threat, Secretary of the Navy Ray Mabus recently signed

SECNAV Instruction 5510.37, implementing the Department of the Navy (DON) Insider Threat Program (InTP). According to the instruction, the DON shall: Ensure existing and emerging insider threat training and awareness programs are developed, updated and implemented. Enhance technical capabilities to monitor user activity on all systems in support of a continuous evaluation program. Leverage Antiterrorism/Force Protection (AT/FP), Counterintelligence (CI), Human Resources (HR), Information Assurance (IA), Law Enforcement (LE), Security and other authorities to improve existing insider threat detection and mitigation efforts. Detect, mitigate, and respond to insider threats through standardized processes and procedures. Ensure legal, civil and privacy rights are safeguarded. Promote awareness and use of employee assistance programs to enhance interventions for employees in need. This link provides additional information, resources and guidance available through the Navy Insider Threat Program: <http://www.militaryonesource.mil>. In support of SECNAV's policy and to elevate attention Navywide on this issue, the Chief of Naval Operations has organized a team to address the Insider Threat. CNO's InTP team will focus on measures aimed at preventing future workplace violence as well as the intentional disclosure of classified information. In close coordination with stakeholders from across the Navy, this team will issue directives and recommend policy changes that reinforce the safety and security of both our people and our information. A core member of the team, OPNAV N2/N6 will focus on the cyber security aspects of Insider Threat. Under this initiative, OPNAV N2/N6 recently established an Insider Threat to Cyber Security (ITCS) Office to lead the focus on the intelligence, counterintelligence, information assurance, anomaly detection, and continuous evaluation elements of Navy Insider Threat. The ITCS Office is charged with overseeing Insider Threat activities within these specific areas, and coordinating with related efforts across the antiterrorism/force protection, human resources, law enforcement, security and other mission areas within the operational Navy. The ITCS Office is also charged with improving information sharing on insider threat deterrence, detection and mitigation efforts. Major elements of ITCS Mission To deter, detect, assess, exploit and deny the activities of insider threats operating against DON programs, information, and operations, while fostering a workforce environment in which employee issues are identified and addressed prior to the advent of inappropriate behavior. Vision To implement and execute the full scope of ITCS, consisting of policies and procedures; a governance structure, employee assistance activities, enhanced continuous evaluation, centralized user activity monitoring, and an analytic and response capability that provides a timely response to potential threat information derived from AT/FP, CI, IA, HR, LE, security, and other sources, as necessary. Guiding Principles We will effectively and efficiently develop and execute U.S. Navy ITCS. We will also align it with national, Department of Defense, SECNAV, and the larger U.S. Intelligence Community Insider Threat activities, while partnering to increase effectiveness and efficiencies. The Effort <="" p=""> Deterrence and sustained vigilance. Taking immediate actions to enhance safeguards and decrease the likelihood of insider activity, focusing on the compromise or loss of sensitive or classified information. These actions include: Enhanced continuous evaluation of those in trusted positions; Security review and update; Network upgrades and network hardening efforts; Deploying Two-Person Integrity in case of sensitive networks and critical infrastructure; Expanded random polygraphs for privileged users and system administrators; Revalidating the need for privileged user accounts; Training the workforce; and Creating an environment of trust. Compliance: An All Hands issue. Sailors, civilians and contractors have been entrusted with unique access to information and information systems, most of which are directly or indirectly related to our national security. As a consequence they must adhere to appropriate security policies and procedures designed to safeguard personnel, facilities, information and the systems. Compliance with governing law, policies and procedures is a command responsibility and commanders will be held accountable for ensuring security policies, processes and procedures are followed. Insider Threats Are Real The highly publicized Insider Threat incidents discussed earlier represent extreme cases where lives were lost and classified information was leaked on an unprecedented scale. A successful Insider Threat incident, however, doesn't have to be as dramatic or explosive as these to cause serious or grave damage to the national security. The threat can be much more subtle, and still have crippling consequences.

But no matter how subtle it may be, it is still real and we must be both cognizant of the motivations and vigilant of

behaviors that could lead a sailor or employee to become Insider Threats. This is particularly the case in times of fiscal uncertainty and declining budgets when the impacts of sequestration and work furloughs may stress otherwise stable and highly dependable people. The fact that SECNAV has instituted an Insider Threat program for the department reinforces the concern.

insider threats are the greatest - must understand psychological motives

Messmer, 2003, [senior editor, network world]

(Ellen, "Security experts: Insider threat looms largest," NetworkWorld
www.networkworld.com/article/2329002/lan-wan/security-experts--insider-threat-looks-largest.html)

WASHINGTON, D.C. - While the U.S. military is building up defenses to fend off network-based attacks from enemy states and terrorists, some say the more-insidious security problem is the threat of an insider bent on sabotage or stealing data. Winn Schwartau explains. At last week's Forum on Information Warfare, researchers from the FBI and George Washington University emphasized the insider threat during presentations that drew military personnel and academics from around the world. In particular, IT systems administrators increasingly are seen as the most potentially dangerous insider threat - and military concern - because of their power over networks. In his keynote speech, Lt. Gen. Kenneth Minihan, former head of the National Security Agency (NSA), compared today's systems administrators to the encryption-code clerks of past wars who broke enemy secrets. He said **systems administrators deserve greater attention from the military and should be better paid.** Some researchers say they have seen the systems administrator go bad and see it as the Achilles' heel of national defense. FBI and George Washington researchers have studied the case histories of criminal computers use, including interviews with prisoners. "The systems administrator responsible for designing computer systems has the extraordinary ability to do damage," said Jerrold Post, professor of psychiatry, political psychology and international affairs at George Washington. He cited cases that occurred at Fort Bragg in North Carolina, and in banking and other industries, to underscore the danger posed by IT insiders who exploit power over networks. Post noted that computer-based crimes, such as fraud, extortion, sabotage and espionage, have a variety of motivations, including revenge and financial gain. He said it is critical to understand the psychology of IT administrators in general to recognize possible danger signs. IT specialists are "overwhelmingly represented by introverts" who "internalize stress and express themselves only online," he said. A study of IT specialists caught for computer-based crimes reveals them typically to share some character traits. Post said close analysis of work histories of IT administrators who sabotaged their employers' networks or did other damage reveals that they often first commit less-serious infractions, such as refusing to train their backup. Intervention by management early on could help prevent problems from escalating, because introverted people usually don't seek help. The FBI has started its own study of those who commit computer crimes - not necessarily focusing on IT administrators - by interviewing those now in jail, said John Jarvis, an FBI behavioral research scientist. "Cybercrime is primarily an insider phenomenon," Jarvis said. **Only a quarter can be classified as "outsider,"** he said.

insider threat reform key - more serious than outsider threats

Achido, 2013, [USA TODAY tech reporter who specializes in Internet security and privacy.
Achido won the Pulitzer Prize]

(Byron, March 15, "Disgruntled employees, insiders pose big hacking risk" www.usatoday.com/story/tech/2013/03/15/insider-threat-matthew-keys-anonymous/1991265/)

SEATTLE -- In today's networked world, a disgruntled employee can pose a greater corporate risk than an outside hacker. That's one big lesson drawn from the indictment of Matthew Keys, the Reuters web editor who in late 2010 allegedly conspired with members of the hacktivist collective Anonymous to deface the website of his former employer. A survey last year by network security firm AlgoSec found that security managers consider threats from low-level insiders more worrisome than the threat of a sophisticated hack by well-funded, external criminal organization. Some 29% of the survey takers said they were most concerned about the lack of visibility into applications and networks, while 28% said their top concern was insider threats. Both of those concerns relate to how a disgruntled employee, or an insider aligned with criminals, could disrupt a company's network, or steal valuable intellectual property. By contrast, just 14% said financially-motivated hackers worried them most, while 6% cited political hacktivists. "As serious as external threats are, only one out of five respondents saw external threats as their top risk," says Sam Erdheim, AlgoSec senior security strategist. Poor internal processes, such as failing to revoke network access to a fired employee, or making firewall changes that don't apply system wide, can translate into opportunities for current or ex-employees with malicious intent. "Organizations need to have effective policies in place, and the real key is to enforce them," says Erdheim. "This doesn't completely solve the problem, of course, but it certainly takes away low hanging fruit." Protecting websites and restricting access to sensitive data have become much trickier in today's increasingly networked and cloud-based business environment, observes Pravin Kothari, CEO of encryption firm CipherCloud. "With information moving and residing across a combination of on-premise and off-site servers, often in various geographies, access points have multiplied -- leaving more gaps for both insider and external threats," Kothari says. Keys, 26, of Secaucus, N.J., has been charged with one count each of transmitting information to damage a protected computer, attempted transmission and conspiracy. He was let go from Sacramento television station KTXL Fox40 in October 2010. A few weeks later, he is alleged to have provided members of the hacker group Anonymous with log-in credentials to a computer server at the station's parent company. The hackers then defaced at least one of the station's news stories posted on a website. Stricter data loss disclosure regulations are being discussed in the U.S., Europe and Australia. At the same time, more organizations are turning to data storage and computing power supplied by a third party over the Internet cloud. That adds up to a bigger burden of responsibility on network managers to protect company systems and data -- from insiders and outsiders alike. Advises Kothari: "Use military grade encryption to protect information before it is sent to the cloud. That way, even when they breach the solution, unauthorized viewers see only gibberish and cannot make use of the data. For tighter control, give enterprises the encryption keys for deciphering the information instead of leaving the keys with the cloud provider."

terrorism by an insider is the most probable scenario – easy access

Ross et al 2011 [ABC chief investigative correspondent]

(Brian, "New Terror Report Warns of Insider Threat to Utilities" abcnews.go.com/Blotter/terror-alert-warns-insider-threat-infrastructure/story?id=14118119)

Sabotage by an insider at a major utility facility, including a chemical or oil refinery, could provide al Qaeda with its best opportunity for the kind of massive Sept. 11 anniversary attack Osama bin Laden was planning, according to U.S. officials. A new intelligence report from the Department of Homeland Security issued Tuesday, titled Insider Threat to Utilities, warns "violent extremists have, in fact, obtained insider positions," and that "outsiders have attempted to solicit utility-sector employees" for damaging physical and cyber attacks. "Based on the reliable reporting of previous incidents, we have high confidence in our judgment that insiders and their actions pose a significant threat to the infrastructure and information systems of U.S. facilities," the bulletin reads in part. "Past events and reporting also provide high confidence in our judgment that insider information on sites, infrastructure, networks, and personnel is valuable to our adversaries and may increase the impact of any attack on the utilities infrastructure." Watch the full report tonight on ABC News "World News With Diane Sawyer". In the materials recovered after the Navy SEAL operation that killed Osama bin Laden in May, officials found evidence bin Laden sought to repeat the carnage of the Sept. 11, 2001, terror attacks on or around its ten year anniversary. "The only way you can actually kill the large scale number of Americans that [bin Laden] literally was calculating was through the use of this critical infrastructure," Chad Sweet, former DHS chief of staff and co-founder of the Chertoff Group, told ABC News. After gaining access to such sites, causing mayhem could be relatively easy, according to former White House counter-terrorism advisor and ABC News consultant Richard Clarke. "There are a lot of very sensitive facilities where someone can get a job on the inside, get access to a control room, flip a switch, which causes an electric power grid to short circuit, causes a pipeline to explode," Clarke said.

Links

Links: Psychology

insider threat program key – understanding psychology will prevent attacks

McCalley, 2014, [producer at federal news radio]

(Sean, April 28, "Understanding psychology of insider threats could stop the next one" federalnewsradio.com/federal-drive/2014/04/understanding-psychology-of-insider-threats-could-stop-the-next-one/)

When an Energy Department contractor found himself swimming in debt, he hatched a plan to make a secondary income and pay his bills: Try to sell uranium equipment used to build atomic weapons. The sensitivity of his position allowed access to the materials, which he stole and marketed to foreign government agents for \$200,000. Through interviews and record analysis, the FBI and DoE set up a sting operation to catch the contractor at the point of sale. Roy Oakley made off with a six-year prison sentence and the notorious honor as a DoE "Spy of the Month." Oakley's attempt was foiled, but others still manage to get away. From a number of recent shootings at military bases to the infamous leaks by

former contractor Edward Snowden, the federal government struggles to mitigate insider threats. “In many instances, whether its violence or the exploitation of some type of information, an individual has access, has a particular crisis and has a disposition to [attack].” said Dr. Michael Gelles, former chief psychologist for the Naval Criminal Investigative Service, on the Federal Drive with Tom Temin and Emily Kopp. Gelles co-authored “Mitigating the Insider Threat”, a report released by Deloitte in 2012. In the report, he said understanding the psychology behind seemingly disgruntled or disloyal colleagues should be part of every agency’s insider threat prevention plan. The report preaches employee engagement with their colleagues to take notice to strange behavior or events that could warn of a future attack. “If we can understand and begin to pay attention to those behaviors, and looking at them as data elements, we can begin to identify these behaviors and look at how they’re different from baseline behavior of an employee, and interrupt forward motion.” Gelles said. The report identifies some key personality traits of an “at risk” employee: Not impulsive Has a history of managing crises inefficiently Displays a pattern of frustration, disappointment and inadequacy Constantly seeks validation Has an exaggerated view of own abilities and achievements A strong sense of entitlement Views self above the rules Needs immediate gratification, validation and satisfaction For example, if an employee with access to sensitive data starts complaining about salary and lower-than-expected bonuses, that’s a red flag. If the employee has a pattern of working on holidays but complains about it anyway, that’s another flag. If the employee has access to an agency from a personal computer, three red flags. Add to those a criminal background including burglary, assaults or drug charges, Deloitte says the agency needs to raise shields and move to full red alert. Risk-Prone Generation of Federal Employees The standard psychology behind new and younger federal employees could foretell an increase of insider attacks, according to Deloitte. As of 2009, more than 40 percent of the federal workforce was older than 50. As they’re replaced by a younger generation with stronger backgrounds in computers and social media, the overall value placed on classified data might shift. “It used to be that we’d do business in the world of bricks and mortar,” Gelles said. “Now that we’re in an environment where most business is done virtually, we’re seeing that there’s an increase in the way people are sharing and moving information.” Gelles said new federal employees might be at particular risk of complacency. Similar to how many people immediately click “Accept” when confronted by the terms and conditions of a software update, they might not follow the necessary security measures to keep data from falling into the wrong hands. “If there aren’t hard set policies, rules and the appropriate training, people aren’t going to do things they don’t feel are important,” Gelles said. “Or they’re going to do things because they’re ignorant.” Deloitte said members of Generation Y and younger naturally view information as “readily available and accessible, and shared across a larger community.” Combined with personal connections to social media outlets and a less “passive” attitude about information sharing, the incoming federal workforce is already creating its own set of risk factors based on how they typically (and sometimes constantly) use the Internet. Creating Prediction Models for Insider Threats In its report, Deloitte offered agencies a model to try and predict which employee is most likely to become an insider threat. It calculates risk based on four different criteria: Internal Data: Employee interviews Interviews with coworkers Computer log-in histories Expense reports External Data: Posts on social media accounts Public filings (court cases, permits, etc.) Behavior Patterns: Noticeable mood changes Increasing negativity Attempts to undermine coworkers External Precursors: Not getting a bonus or promotion Workplace dispute Personal issue outside of work Natural disaster affecting employee or family Combining those elements with the length of an employee’s career, the employee’s amount of access to classified data and a background check, Deloitte argues that agencies should have a fair idea of which employees are most likely to commit an insider attack. But that doesn’t mean federal employees should fear a “guilty before proven innocent” policy or that good-intentioned whistleblowers should stop pursuing a call to action: “What we’re not doing here is looking to profile anyone.” Gelles said. “What we’re not doing here is pointing the finger at anyone. What we’re trying to do is look for anomalous behavior. Those are behaviors that begin to look very different than what a person has been normally doing. By being able to identify that, [it then] leads to having a conversation with that person [and to] interrupt forward motion.”

Links: ITP

current policies fail – need to account for the complexity behind motivation

Hall, 2014, [Strategic Intelligence Graduate]

(Caitlin Squire, March 20, “The Trusted Shadow and Trojan Horse of the United States Government” <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>)

What then are these motivations provoking an individual to commit such an act of betrayal to the United States and what makes detection difficult? The Office of the Director of National Intelligence acknowledged in the 2012 Report on Security Clearance Determinations that as of October 1, 2012, there were 4,917,751 individuals who held and were approved for a secret or top secret security clearance. There is no way, technologically, to combat against 4,917,751 individuals; therefore, awareness in the work place is crucial for detection. There are personal, organizational, and behavioral factors and indicators that motivate an individual to become an insider. The FBI identifies an insider "may steal solely for personal gain, or that insider may be a 'spy'—someone who is stealing company information or products in order to benefit another organization or country" (2013). As a result, President Barack Obama implemented the Insider Threat Program which exhorts not only the insider, but co-workers and managers who fail to report suspicious activity. This encourages profiling in the work environment, which as a country, we have been trying to prevent for decades. The underlying complexities making an insider threat dangerous is not just at the hands of the insider now; rather, in the hands of co-workers as well. Despite the fact that the insider threat has been an issue since the Revolutionary War and the present day technological advancements open the doors to espionage, there are also economic, personal, and organizational motives that must be taken into consideration. These motives provoke consideration of government employees with a security clearance to take part in the act of espionage. Recognizing these motives and taking into account the state of the economy at any given time is crucial when assessing the potential for a co-worker to be involved in espionage. Having a comprehensive understanding of the big picture must first be identified in order to not only successfully analyze the complexities that make an insider threat dangerous, but to conduct predictive analysis on the impact over the next decade based on the current economy. There are major limitations preventing the ability to detect and avert an insider threat from becoming a reality at all government installations. As aforementioned, the threat of an insider is not the method of attack, rather the individual therefore it is difficult to develop a profile. Whereas the nuclear and weapons of mass destruction threat has strategic indications and warnings via various forms of intelligence, such is not the case for the insider threat. There is no movement of foreign naval vessels or forward deployment of aircraft that can be observed or tracked provoking the United States to increase the heightened alert level. Additionally, there is no perimeter defense that has to be bypassed seeing as the insider is a decentralized threat, a Trojan horse. That is the limitation in obtaining information on the insider threat as the insider could be anyone with a security clearance; therefore, behavior, both psychological and sociological, must be assessed. In order to overcome these limitations, qualitative and quantitative data must be analyzed in order to draw commonalities, make assessments and determine what the specific underlying complexities are motivating someone to become an insider threat. The most prevalent types of qualitative data include analyzing case studies, and assessments made by subject matter experts. Case studies allow for the ability to draw conclusions and make assessments based on what is known as a result of past insider threat successes. Case studies acknowledge the underlying complexities that not only make an insider threat dangerous but highlight motives, psychological and behavioral factors, as well as identify level of involvement in espionage and explain how an insider ultimately became an insider. Additionally, quantitative data is important as it allows for ability to fully obtain an accurate perception of the insider threat. Quantitative data adds to the value of the qualitative data provided by identifying the length in time an individual has been committing espionage and the amount of damage done as a result. Furthermore, quantitative data identifies how big a threat the insider is by highlighting the number of individuals in the United States that have a security clearance and provides probabilities that aid in grasping the big picture. After taking all of this information into account, assessments and predictive analysis can be conducted so that complexities can be identified.

insider threat program has been a success but further enforcement is key

Porter, 2014 [MA security studies]

(Michael Lawrence, May, thesis "Combating Insider Threats: An Analysis of Current United States Insider Threat Policies and Necessary Improvements")

As this paper has shown, in the years since the end of the Cold War, the United States has spent nearly 13 years fighting international terrorism. The efforts spent overseas were a part of a larger mission to protect the American people and ensure global peace stability. The problem is that while the United States was fixated on the fight against al-Qaeda, foreign governments and international terrorist organizations were reorganizing, targeting the weaknesses that remained on the US homeland. Many governments took this as an opportunity to **exploit weak intelligence security**, through the use of spies. Additionally, terrorists, who had been stopped overseas, set their sights on America and began working with US citizens to conduct their attacks. These two threats, the American terrorist and the American spy, comprise what is known collectively as insider threats. This is not a new threat, it is one that is as old as nation-states, but it is one that is once again becoming a chief concern for policy makers as America's wars come to an end and a renewed focus is placed on internal security. This paper has sought to answer one main question: How successful has the United States Intelligence Community (IC) been in responding to the increase of insider threats? As the last four chapters have shown, given the nature of Intelligence work, a clear evaluation is not possible for operational successes and failures. As was previously stated, the purpose of intelligence is to inform leaders of current situations and to provide them with the best understanding of policy actions. When intelligence does not fully inform, and bad policies are made, the results are often dramatic and result in policy makers blaming intelligence for these failures. Additionally, any correct decisions made will yield little to no "visible" results of success. What is apparent is that the United States has made many strategic reforms needed to better posture the IC to defeat the Insider Threat. These reforms 65 have been strategic successes by altering IC structures and organizations. These reforms are addressing insider threats from the top down for the first time in history and have been very beneficial to the strategic makeup of the CI Community. What effect these changes will have on the operational level is yet to be seen, and will in fact not be realized for several years. Despite these successful changes there are still reforms that are needed to bolster previous actions. This assessment is based on the answers to the 5 sub-questions that each chapter looked at in detail. Chapter 1 provided a more in-depth description of an insider threat. It did so in an effort to identify the best definition and to demonstrate that there is a certain amount of disparity in the IC about the definition of an insider threat. In this discussion, greater detail and understanding of the different types of insider threats revealed just how similar the threats really are. This Chapter was essential to provide the reader a complete understanding of what the threat is and why the threat exists. Building on this definitional effort, Chapter 2 looked at the theoretical process by which people become insider threats. This chapter sought to answer where insider threats come from and highlighted the many studies that have been conducted recently focusing on insider threat psychology. Identifying the answer to this question relied heavily on the psychological aspects of insider threats and explaining why some people decide to betray their country. While the goals of the two types of threats may be different, the "radicalization"/"spy lifecycle" processes are very similar. Additionally, this chapter is significant because it reveals various key considerations that must be understood when determining how to deal with insider threats. Chief among these considerations is understanding how insider threats develop. Understanding an insider threat's origins offers 66

insights into possible preventative measures that the CI Community can use to develop proactive policies.

And, co-workers are the best chance to catch insider-threats

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

**Insider Threat Policies And Necessary Improvements,” pg online @
[//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)**

Finally, at the tactical level, individual agents for the different organizations are on the streets daily, confronting the threat, and catching the “bad guys.” This final level, however, is not just agents. It also includes the general public. **Due to the threat posed by insiders, the person best suited to catch insider threats before or during their acts is the person sitting to their right or left, their friends, coworkers, or neighbors**. Because an insider by definition is no different in appearance than any other person, a knowledge and understanding of the threats, by the general population, is very important. Countering this threat is not one where the agents can do all of the work. Every person must do his or her part to help.

Links: Adaptation

must continue to adapt policy to emerging threats – the plan reverses years of progress

Porter, 2014 [MA security studies]

(Michael Lawrence, May, thesis "Combating Insider Threats: An Analysis of Current United States Insider Threat Policies and Necessary Improvements")

The last and largest NITTF benefit to the IC is a new collection of country threat briefings and threat analyses they produce. These briefings will be created by the NITTF and used as apart of regular threat briefings to IC personnel traveling outside the United States. The analysis will be conducted by IC analysts and given from the NITTF to IC agencies regularly to ensure that there is a clear, coherent, and current threat analysis for every country in the world. These provide government agencies a general CI threat picture. This information is important because it gives leaders in the Army, Navy, Air Force, or one of the 17 intelligence agencies information on threats that will be seen by all organizations. **This is a good starting point for deeper analysis by the CI Community on their mission-specific threats.** By forcing the CI Community to operate together and create unified policies, 97 In the past year, the Air Force, Navy, and DIA have all drafted new Insider Threat programs, which conform to the new standards of the NITTF. The Army devised their training in 2011. 98 Department of the Army, Army Regulation 381-12, Threat Awareness and Reporting Program, 1993. 45 different perspectives of CI will drive future changes. **Continual adaptation means increased awareness of and sensitivity to emerging threats, which in turn**

equates to greater success. The Counterintelligence Community has come a long way from its beginnings. It has changed and adapted over the years to meet the challenges it has faced. The NITTF and the ITAG are very useful additions to the CI Community, but will they accomplish their goals? The unified policy now in its second year is already making strides to fix problems, but there are still changes to be made. These will not be easy, as is the case with most reform, whether it is with the Intelligence Community as a whole or just the CI Community.

Links: Leaks

strong insider threat programs prevent huge leaks – Hoffman proves

AdvantageSci 2014 [professional security and counterintelligence firm]

(Volume 2, Issue 5, Spring, "Stopping a Dangerous Insider Threat" advantagesci.com/wp-content/uploads/2014/03/Spring-CI-Newsletter.pdf)

On February 10, 2014, Robert Patrick Hoffman, II, 40, of Virginia Beach, Virginia, was sentenced to 30 years in prison for attempting to commit espionage on behalf of the Russian Federation. Hoffman served for 20 years in the U.S. Navy as a Cryptologic Technician-Technical. In that capacity, he worked aboard or in conjunction with U.S. submarines for much of his naval career. While deployed, Hoffman operated electronic sensors and systems designed to collect data and information about potential adversaries, scanned the operating environment for threats to the submarine, and provided technical and tactical guidance to submarine commanders. As a sailor with a top secret clearance, a sensitive job on a submarine, and 20 years of service in the Navy, Robert Hoffman possessed a tremendous amount of knowledge about the U.S. nuclear fleet and its operations—knowledge he was willing to sell to the Russians. “It’s almost impossible to say why someone would become a spy,” said Special Agent James Dougherty, who investigated the case from our Norfolk Division, but Hoffman represents a classic example of the insider threat. “When a U.S. citizen with classified information threatens to betray his country,” Dougherty explained, “the resulting damage to national security and loss of American lives can be catastrophic.” Investigators speculate that Hoffman may have blamed his divorce on the Navy, along with his failure to gain promotion. The FBI and the Naval Criminal Investigative Service (NCIS) became concerned in 2011 when, nearing retirement, Hoffman told friends he was going on a “man-cation” to Belarus to see Russian women he had previously met when he was stationed in Bahrain—even though he knew the women would not be there. “He had some sort of motivation to travel to Belarus that didn’t seem logical,” said Dougherty. In addition, Hoffman ignored the requirement to alert military security officers that he would be traveling out of the country, and he failed to adhere to other security rules of reporting any suspicious incidents while overseas. However, Hoffman did post items on social media channels saying he met the president of Belarus. “All of that added to our suspicion,” Dougherty noted. Using court-authorized surveillance, wiretaps, and other investigative tools, FBI and NCIS investigators began monitoring Hoffman’s movements at his home in Virginia Beach following his retirement from the Navy in late 2011. Soon after, our undercover operatives made contact with him to assess his intentions. Then, in September 2012, a female FBI undercover agent posing as a Russian operative knocked on Hoffman’s door and delivered a message ostensibly from Russian intelligence officials. “He received instructions from the woman, who asked him to respond by e-mail within one week,” Dougherty said. “We didn’t want to pressure him. We wanted him to make a conscious decision, knowing he would be dealing with the Russian intelligence service.” Hoffman didn’t wait a week—he responded within hours. He agreed to answer a series of questions on an encrypted thumb drive that was to be left in a hollow tree in a park—a hiding place known in the spy world as a dead drop. On the third such drop, Hoffman divulged top secret national defense information. “American lives could have been lost based on the information he was willing to give up,” Dougherty said. “He had access to things that were highly, highly sensitive.” In August 2013, a jury in Norfolk found Hoffman guilty of attempted espionage; in February, the 40-year-old was sentenced to 30 years in prison. “The insider threat is very real,” said Dougherty, explaining that in these types of cases, there are often people who are suspicious of a friend or colleague’s statements or behavior but who don’t act on those suspicions. “One of the things we teach in insider threat training,” Dougherty said, “is that if you see something, say something. Often, people don’t want to rock the boat,” he added, “but if you see something that doesn’t seem right, it’s your legal obligation to report it. Let the FBI sort it out. That’s what we get paid for.”

Links: Monitoring

specifically, colleague monitoring is the most effective

AdvantageSci 2014 [professional security and counterintelligence firm]

(Volume 2, Issue 5, Spring, "Stopping a Dangerous Insider Threat" advantagesci.com/wp-content/uploads/2014/03/Spring-CI-Newsletter.pdf)

The message is actually simple, insiders are a big threat. Do not ignore signs of questionable behaviors. The message tagline could be the organizational equivalent of "If you see something, say something." The message should highlight to be on the lookout for violations of policies and procedures. It is also critical to remind employees that it is people, just like themselves, who have stopped major insider crimes. You must however avoid manifesting a modern day Salem. The focus of your guidance should be telling employees to look for behaviors that are clear violations of policies and procedures. Examples include observing people looking through other people's desks, asking for passwords, being in areas that they do not belong, and attempting to access other people's computer accounts. There are also financial and other wrongdoings related to job roles and industry sector. A more delicate, but just as important, aspect of awareness is for people to be comfortable reporting uncomfortable feelings. This is admittedly vague, but uncomfortable feelings have resulted in catching malicious insiders in a variety of incidents. In one case we are personally familiar with, an employee felt uncomfortable that one of her coworkers was speaking Chinese a lot on the telephone at work, and they did not work with any Chinese people. The woman reported the incident and an FBI investigation uncovered that the employee in question was funneling information to Chinese intelligence operatives. Everyone violates policies and procedures at some point in time, without malicious intent. However, people need to know that some of the most harmful incidents were stopped because of observant employees. Again though, the focus is on reporting of incidents, and not of the individuals committing the violations. This is important for a wide variety of reasons. The action that employees need to take is to simply report the questionable incidents to Human Resources, their management or the security team. A However, you need to remember to allow for anonymous reporting and have strong measures in place to protect the identity of the employee reporting the incident. Reporting another employee can clearly result in negative consequences for all involved. The anonymity is critical even if it potentially means that it is impossible to gather criminal evidence. The goal is to detect incidents and stop the loss. Most organizations should already have an established incident reporting structure. Those that do not should consult with the legal and human resources departments to create one. Clearly, when trying to motivate employees to inform the organization about the violations of other employees, you should get the Human Resources and Legal departments involved in at least approving the awareness materials that are distributed. They very likely will be able to provide guidance on how to best implement other aspects of the program as well. The Snowden crimes triggered an interest in organizations to examine what technological controls that they can put in place to stop their own Snowden. Yet much like NSA realized that Snowden's coworkers should have detected his crimes, all organizations must proactively strengthen their non-technical security measures, including especially awareness. Snowden's coworkers should have been able to more effectively detect his actions than any technical countermeasure could have. Therefore, companies that are truly interested in preventing the insider threat should focus on making their employees the primary detectors of insider abuse. The insider threat is too important a subject to shy away from, no matter how sensitive the implications may be. Unfortunately, history has shown us that the risk is too great.

NSA leaders confirm – insider threat programs top of their agenda

Kopan, 14 [reporter for Pro Cybersecurity.]

(Insider threats top to-do lists - New Snowden docs link NSA surveillance, cyber mission - Today: CJS debate should finally begin"www.politico.com/morningcybersecurity/0614/morningcybersecurity14345.html]

Stopping the next Edward Snowden requires deploying technology and human resources intelligence at machine speed, said top defense intelligence officials at a panel discussion yesterday. “Unfortunately, perhaps we all haven’t put as much attention into the insider threat — as the NSA or I can raise my hand and say we were burned by that as much as anyone in recent memory,” said Philip Quade, chief operating officer of the information assurance directorate of the National Security Agency, acknowledging the former intelligence contractor by name at yesterday’s MeriTalk Cybersecurity Brainstorm. “There’s no badguy.com and there’s no stupidguy.com, where there’s this one corner of your network [you can] say, ‘This is where I’m going to optimize my hunting for the insider or remote threat. . . . The good news, is that’s where computing can come in, where analysis and big data analysis and behavior-based analysis can really, really directly address this problem.’” he said. More from Quade and officials at the Defense Intelligence Agency and Defense Security Service, from your host:

Internal Links

Internals: Chinese Threat Real

Chinese insider threat real

Wortzel, 2013 [seven-term Commissioner of the U.S.-China Economic and Security Review Commission of the United States Congress]

(Larry M., May 16, "Espionage Threats at Federal Laboratories: Balancing Scientific Cooperation while Protecting Critical Information" Testimony before the House of Representatives, Committee on Science, Space and Technology Subcommittee on Investigations and oversight,origin.www.uscc.gov/sites/default/files/Wortzel_Espionage%20Threat%20at%20Federal%20Laboratories05.16.13.pdf)

Science and technology cooperation programs are vital to China’s own long-term goals, but they also help foster bilateral cooperation between China and the United States. However, there also is a substantial espionage threat posed by the large number of Chinese nationals working at U.S. laboratories and academic institutions. The counterintelligence education web site maintained by the Federal Bureau of Investigation highlights the “insider threats” posed by foreign intelligence collection to research, technologies, and intellectual property ostensibly protected by export

controls.⁴ Indeed, of the ten incidents of “insider threat” espionage cited by the FBI, six cases are related to China. Three former U.S. officials, Mike McConnell, former Director of National Intelligence; Michael Chertoff, former Secretary of Homeland Security; and William Lynn, former Deputy Secretary of Defense, said in a January 27, 2012 Wall Street Journal opinion piece that: “The Chinese government has a national policy of espionage in cyberspace, pointing out that “it is more efficient for the Chinese to steal innovations and intellectual property than to incur the cost and time of creating their own.” This cyber espionage takes place alongside or in conjunction with other forms of espionage. ³ The U.S.-China Economic and Security Review Commission’s annual report of 2007 reviews how China acquires foreign equipment and technology to support its defense industrial base and documents six espionage prosecutions related to China.⁵ That annual report recommended that Congress provide additional funding and emphasis on export control enforcement and counterintelligence efforts to detect and prevent espionage. In 2009, the Commission’s annual report to Congress addressed espionage conducted by Chinese statecontrolled research institutes and commercial entities.⁶ In 2012, the Commission recommended that Congress ask the National Academy of Sciences for an assessment of Chinese strategies to acquire technology and to identify the extent to which industrial espionage has been used as a tool to advance China’s interests. According to the National Counterintelligence Executive, “of the seven cases that were adjudicated under the Economic Espionage Act (18 USC 1831 and 1832) in Fiscal Year 2010, six involved China.” An article in a March 2012 manufacturing newsletter notes that “there have been at least 58 defendants charged in federal court related to Chinese espionage since 2008.”⁷ China’s targets have included are stealth technology, naval propulsion systems, electronic warfare systems for our ships and aircraft, and nuclear weapons. There is a certain natural tension between the goal of preventing espionage by China (or any other country) and maintaining scientific openness. National Security Decision Directive 189 (NSDD 189), of September 21, 1985, makes it clear that U.S. national policy is that “to the maximum extent possible, the products of fundamental research remain unrestricted;” when restrictions are needed, the answer is that the products be classified as national security information according to U.S. statute.⁸ The directive went on to define “fundamental research” as “basic and applied research, the results of which ordinarily are published and shared broadly ⁴ within the scientific community, as distinguished from proprietary research from industrial design, production, and product utilization, the results of which are restricted for proprietary or national security reasons.” In a 2010 memorandum to defense agency heads and military department secretaries, then Under Secretary of Defense for Acquisition, Technology and Logistics Ashton B. Carter restated Department of Defense policy on fundamental research to ensure that it followed NSDD 189. He also instructed the Department of Defense that where controls are needed, classification of the product is the “only appropriate mechanism.”⁹

only strict gov action prevents Chinese infiltration

Wortzel, 2013 [seven-term Commissioner of the U.S.-China Economic and Security Review Commission of the United States Congress]

(Larry M., May 16, "Espionage Threats at Federal Laboratories: Balancing Scientific Cooperation while Protecting Critical Information" Testimony before the House of Representatives, Committee on Science, Space and Technology Subcommittee on Investigations and

oversight,origin.www.uscc.gov/sites/default/files/Wortzel_Espionage%20Threat%20at%20Federal%20Laboratories05.16.13.pdf)

When you look at China, you must consider the political environment in the home country of a particular researcher. You are dealing with a citizen of an authoritarian state that is ruled by a single political party. The Chinese Communist Party runs the country, the police, intelligence agencies, the university heads, as well as members of the judiciary, who are all members of the Communist Party. All residents are potential hostages to party dictates in a nation that has no rule of law. People in China applying for passports and permission to study or conduct research overseas may be interviewed by the security services. The future employment of these individuals, their place or residence, and the residences and employment of their family or loved ones is subject to Party dictates. A foreign national from China, or a state like China, is vulnerable to coercion and to having his or her loved ones held hostage. And there is no right of refusal for citizens of these states when the government asks them to gather information. No policy on fundamental research will resolve this problem, however. It is up to American government security services and the FBI to appropriately administer programs that involve classified or export controlled information. And it is up to the government to ensure that foreign nationals do not get access to information that should not be disclosed to them.

Impacts

2NC Impacts: Cyber War

Cyber war causes nuclear lashout

Fritz '9

(Jason - former Captain of the U.S. Army, July, Hacking Nuclear Command and Control)

The US uses the two-man rule to achieve a higher level of security in nuclear affairs. Under this rule two authorized personnel must be present and in agreement during critical stages of nuclear command and control. The President must jointly issue a launch order with the Secretary of Defense; Minuteman missile operators must agree that the launch order is valid; and on a submarine, both the commanding officer and executive officer must agree that the order to launch is valid. In the US, in order to execute a nuclear launch, an Emergency Action Message (EAM) is needed. This is a preformatted message that directs nuclear forces to execute a specific attack. The contents of an EAM change daily and consist of a complex code read by a human voice. Regular monitoring by shortwave listeners and videos posted to YouTube provide insight into how these work. These are issued from the NMCC, or in the event of destruction, from the designated hierarchy of command and control centres. Once a command centre has confirmed the EAM, using the two-man rule, the Permissive Action Link (PAL) codes are entered to arm the weapons and the message is sent out. These messages are sent in digital format via the secure Automatic Digital Network and then relayed to aircraft via single-sideband radio transmitters of the High Frequency Global Communications System, and, at least in the past, sent to nuclear capable submarines via Very Low Frequency (Greenemeier 2008, Hardisty 1985). The technical details of VLF submarine communication methods can be found online, including

PC-based VLF reception. Some reports have noted a Pentagon review, which showed **a potential "electronic back door into the US Navy's system for broadcasting nuclear launch orders to Trident submarines"** (Peterson 2004). The investigation **showed that cyber terrorists could potentially infiltrate this network and insert false orders for launch.**

The investigation led to "elaborate new instructions for validating launch orders" (Blair 2003). Adding further to the concern of cyber terrorists seizing control over submarine launched nuclear missiles; The Royal Navy announced in 2008 that it would be installing a Microsoft Windows operating system on its nuclear submarines (Page 2008). The choice of operating system, apparently based on Windows XP, is not as alarming as the advertising of such a system is. **This may attract hackers and narrow the necessary reconnaissance to learning its details and potential exploits.** It is

unlikely that the operating system would play a direct role in the signal to launch, although this is far from certain. **Knowledge of the operating system may lead to the insertion of malicious code, which could be used to gain accelerating**

privileges, tracking, valuable information, and deception that could subsequently be used to initiate a launch Remember from Chapter 2 that the UK's nuclear submarines have the authority to launch if they believe the central command has been destroyed.

Attempts by cyber terrorists to create the illusion of a decapitating strike could also be used to engage fail-deadly systems.

Open source knowledge is scarce as to whether Russia continues to operate such a system. However evidence suggests that they have in the past. Perimetr, also known as Dead Hand, was an automated system set to launch a mass scale nuclear attack in the event of a decapitation strike against Soviet leadership and military. In a crisis, military officials would send a coded message to the bunkers, switching on the dead hand. If nearby ground-level sensors detected a nuclear attack on Moscow, and if a break was detected in communications links with top military commanders, the system would send low-frequency signals over underground antennas to special rockets. Flying high over missile fields and other military sites, these rockets in turn would broadcast attack orders to missiles, bombers and, via radio relays, submarines at sea. Contrary to some Western beliefs, Dr. Blair says, many of Russia's nuclear-armed missiles in underground silos and on mobile launchers can be fired automatically. (Broad 1993) Assuming such a system is still active, cyber terrorists would need to create a crisis situation in order to activate Perimetr, and then fool it into believing a decapitating strike had taken place. While this is not an easy task, the information age makes it easier. Cyber reconnaissance could help locate the machine and learn its inner workings. This could be done by targeting the computers high of level official's—anyone who has reportedly worked on such a project, or individuals involved in military operations at underground facilities, such as those reported to be located at Yamantau and Kosvinsky mountains in the central southern Urals (Rosenbaum 2007, Blair 2008) Indirect Control of Launch

Cyber terrorists could cause incorrect information to be transmitted received, or displayed at nuclear command and control centres, or shut down these centres' computer networks completely. In 1995, a Norwegian scientific sounding rocket was mistaken by Russian early warning systems as a nuclear missile launched from a US submarine. A radar operator used Krokus to notify a general on duty who decided to alert the highest levels. Kavkaz was implemented, all three chegets activated, and the countdown for a nuclear decision began. It took eight minutes before the missile was

properly identified—a considerable amount of time considering the speed with which a nuclear response must be decided upon (Aftergood 2000). **Creating a false signal** in these early warning systems **would be relatively easy using** computer network operations. The real difficulty would be gaining access to

these systems as they are most likely on a closed network. However, **if they are transmitting wirelessly, that may provide an entry point** and information gained through **the internet may reveal** the details, such as **passwords and software, for gaining entrance to the closed network**. If access was obtained, **a false alarm could be followed by** something like

a DDoS attack, so the operators believe an attack may be imminent, yet they can no longer verify it. **This could add pressure to the decision making process** and if coordinated precisely, could appear as a first round EMP burst. Terrorist **groups could** also **attempt to launch a non-nuclear missile**, such as the one used by Norway, **in an attempt to fool the system**.

The number of states who possess such technology is far greater than the number of states who possess nuclear weapons. Obtaining them would be considerably easier, especially when enhancing operations through computer network operations. Combining traditional terrorist methods with cyber techniques opens opportunities neither could accomplish on their own. For example, **radar stations might be more vulnerable to a computer attack**, while satellites are more vulnerable to jamming from a laser beam, thus together they deny dual phenomenology. Mapping communications networks through cyber reconnaissance may expose weaknesses, and automated scanning devices created by more experienced hackers can be readily found on the internet. Intercepting or spoofing communications is a highly

complex science. These systems are designed to protect against the world's most powerful and well funded militaries. Yet, there are recurring gaffes, and **the very nature of asymmetric warfare is to bypass complexities by finding simple loopholes**. For example, **commercially available software for voice-morphing could be used to capture voice commands within the command and control structure, cut these sound bytes into phonemes, and splice it back together in order to issue false voice commands** (Andersen 2001, Chapter 16). **Spoofing could also be used to escalate a volatile situation in the hopes of starting a nuclear war.**

“In June 1998, a group of international hackers calling themselves Milw0rm hacked the web site of India's Bhabha Atomic Research Center (BARC) and put up a spoofed web page showing a mushroom cloud and the text “If a nuclear war does start, you will be the first to scream” (Denning 1999). Hacker web-page defacements like these are often derided by critics of cyber terrorism as simply being a nuisance which causes no significant harm. However, web-page defacements are becoming more common, and they point towards alarming possibilities in subversion. During the 2007 cyber attacks against Estonia, a counterfeit letter of apology from Prime Minister Andrus Ansip was planted on his political party website (Grant 2007). This took place amid the confusion of mass DDoS attacks, real world protests, and accusations between governments.

Escalates to global war

Lawson ‘9 (Sean, Assistant professor in the Department of Communication at the University of Utah, Cross-Domain Response to Cyber Attacks and the Threat of Conflict, p. <http://www.seanlawson.net/?p=477>, June 13, 2009)

At a time when it seems impossible to avoid the seemingly growing hysteria over the threat of cyber war,[1] network security expert Marcus Ranum delivered a refreshing talk recently, “The Problem with Cyber War,” that took a critical look at a number of the assumptions underlying contemporary cybersecurity discourse in the United States. He addressed one issue in particular that I would like to riff on here, the issue of conflict escalation—i.e. the possibility that offensive use of **cyber attacks could escalate to the use of physical force**. As I will show, his concerns are entirely legitimate as current U.S. military cyber doctrine assumes the possibility of what I call “cross-domain responses” to cyberattacks. Backing Your Adversary (Mentally) into a Corner Based on the premise that completely blinding a potential adversary is a good indicator to that adversary that an attack is imminent, Ranum has argued that “**The best thing that you could possibly do if you want to start World War III is launch a cyber attack** [...] When people talk about cyber war like it's a practical thing, what they're really doing is messing with the OK button for starting World War III. We need to get them to sit the f-k down and shut the f-k up.” [2] He is making a point similar to one

that I have made in the past: **Taking away an adversary's ability to make rational decisions could backfire**. [3] For example, Gregory Witol cautions that "attacking the decision maker's ability to perform rational calculations may cause more problems than it hopes to resolve." **Removing the capacity for rational action may result in completely unforeseen consequences**, including longer and bloodier battles than may otherwise have been." [4] **Cross-Domain Response** So, from a theoretical standpoint, I think his concerns are well founded. But the current state of U.S. policy may be cause for even greater concern. It's not just worrisome that a hypothetical blinding attack via cyberspace could send a signal of imminent attack and therefore trigger an irrational response from the adversary. What is also cause for concern is that **current U.S. policy indicates that "kinetic attacks"** (i.e. physical use of force) **are seen as potentially legitimate responses to cyber attacks**. Most worrisome is that **current U.S. policy implies that a nuclear response is possible**, something that policy makers have not denied in recent press reports. The reason, in part, is that the U.S. defense community has increasingly come to see cyberspace as a "domain of warfare" equivalent to air, land, sea, and space. The definition of cyberspace as its own domain of warfare helps in its own right to blur the online/offline, physical-space/cyberspace boundary. But thinking logically about the potential consequences of this framing leads to some disconcerting conclusions. If cyberspace is a domain of warfare, then it becomes possible to define "cyber attacks" (whatever those may be said to entail) as acts of war. But **what happens if the U.S. is attacked** in any of the other domains? **It retaliates**. But it usually does not respond only within the domain in which it was attacked. Rather, responses are typically "cross-domain responses"—i.e. a massive bombing on U.S. soil or vital U.S. interests abroad (e.g. think 9/11 or Pearl Harbor) might lead to air strikes against the attacker. Even more likely given a U.S. military "way of warfare" that emphasizes multidimensional, "joint" operations is a massive conventional (i.e. non-nuclear) response against the attacker in all domains (air, land, sea, space), simultaneously. The possibility of "kinetic action" in response to cyber attack, or as part of offensive U.S. cyber operations, is part of the current (2006) National Military Strategy for Cyberspace Operations [5]: (U) Kinetic Actions. DOD will conduct kinetic missions to preserve freedom of action and strategic advantage in cyberspace. Kinetic actions can be either offensive or defensive and used in conjunction with other mission areas to achieve optimal military effects. Of course, **the possibility that a cyber attack on the U.S. could lead to a U.S. nuclear reply** constitutes possibly the ultimate in "cross-domain response." And while this may seem far fetched, it **has not been ruled out by U.S. defense policy makers** and is, in fact, implied in current U.S. defense policy documents. From the National Military Strategy of the United States (2004): "The term WMD/E relates to a broad range of adversary capabilities that pose potentially devastating impacts. WMD/E includes chemical, biological, radiological, nuclear, and enhanced high explosive weapons as well as other, more asymmetrical 'weapons'. They may rely more on disruptive impact than destructive kinetic effects. For example, cyber attacks on US commercial information systems or attacks against transportation networks may have a greater economic or psychological effect than a relatively small release of a lethal agent." [6] The authors of a 2009 National Academies of Science report on cyberwarfare respond to this by saying, **Coupled with the declaratory policy on nuclear weapons** described earlier, **this statement implies that the United States will regard certain kinds of cyberattacks against the United States as being in the same category as nuclear, biological, and chemical weapons, and thus that a nuclear response** to certain kinds of cyberattacks (namely, cyberattacks with devastating impacts) **may be possible**. It also sets a relevant scale—a cyberattack that has an impact larger than that associated with a relatively small release of a lethal agent is regarded with the same or greater seriousness." [7]

Impacts: Cyber War = Space War

Cyberwarfare draws in space war

Coleman '10 (Kevin Coleman, Defense Tech Chief Cyber War Correspondent, Cyber War = Space War, <http://defensetech.org/2010/03/01/cyber-war-space-war/#ixzz1948Fvj1r>, March 1, 2010)

While the satellite broadband market slowed in 2009 because of the poor economy, it still increased. The market continues to expand after U.S. regulators outlined the national broadband plan that allows satellite operators to use their radio spectrum for Internet traffic. That is why cyber security professionals are so concerned about the convergence of cyber space and space. Its becoming increasingly evident that **any future war between modern militaries would be both a space war and a cyber war, in fact, they would be one and the same**. Russia, China, and the U.S. have all stated they don't want a space war, but are all preparing for one if one occurs. That sounds so familiar – oh wait a minute, didn't Russia, China and the U.S. say the same thing about cyber war? Yes, they did. Satellites in geostationary orbits provide broadband connectivity to businesses and customers. Those **satellites and their computer control ground stations present a viable target for offensive cyber actions. A hacker could disrupt or interfere with satellite control communications and could disrupt the delivery of broadband services. In the absence of such command signals, a satellite would malfunction**. Worldwide attention focused on China's successful anti-satellite missile test. While military officials question the scale and progress of the Chinese anti-satellite program, one has to wonder if China has already tested their anti-satellite cyber weapon. Military leaders are all too aware of the convergence of space and cyber space. An increasing percentage of **military operations occur in cyber space and are integrated with and dependent on communication satellite systems in outer space**.

Space war causes extinction

Mitchell et al '1

(Dr. Gordon, Associate Professor of Communication and Director of Debate at the University of Pittsburgh, ISIS Briefing on Ballistic Missile Defence, "Missile Defence: Trans-Atlantic Diplomacy at a Crossroads", No. 6 July, <http://www.isisuk.demon.co.uk/0811/isis/uk/bmd/no6.html>, July 2001)

The dizzying speed of space warfare would introduce intense 'use or lose' pressure into strategic calculations, with the spectre of split-second attacks creating incentives to rig orbiting. Death Start with automated 'hair trigger' devices. In theory, this automation would enhance survivability of vulnerable space weapon platforms. However, by taking the decision to commit violence out of human hands and **endowing computers with authority to make war, military planners could sow insidious seeds of accidental conflict**. Yale sociologist Charles Perrow has analyzed 'complexly interactive, tightly coupled' industrial systems such as space weapons, which have many sophisticated components that all depend on each other's flawless performance. According to Perrow, **this interlocking complexity makes it impossible to foresee** all the different ways such systems could fail. As Perrow explains, '[t]he odd term "normal accident" is meant to signal that, given the system characteristics, multiple and unexpected interactions of failures are inevitable'.³⁶ Deployment of space weapons with predelegated authority to fire death rays or unleash killer projectiles would likely make war itself inevitable, given the susceptibility of such systems to "normal accidents". It is chilling to contemplate the possible effects of a space war. According to retired Lt. Col. Robert M. Bowman, **even a tiny projectile reentering from space strikes the earth with such high velocity that it can do enormous damage- even more than would be done by a nuclear weapon** of the same size!³⁷ In the same Star Wars technology touted as a quintessential tool of peace, defence analyst David Langford sees one of the most destabilizing offensive weapons ever conceived: 'One imagines dead cities of microwave-grilled people'. Given this unique potential for destruction, it is not hard to imagine that **any nation subjected to space weapon attack would retaliate with maximum force, including use of nuclear biological, and/or chemical weapons. An accidental war sparked by a computer glitch in space could plunge the world into the most destructive military conflict ever seen.**

Impacts: Terror

insider threats real and preventing them k2 stop terror

Hall, 2014, [Strategic Intelligence Graduate]

(Caitlin Squire, March 20, "The Trusted Shadow and Trojan Horse of the United States Government" <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>)

From Department of Defense organizations to Fortune 500 companies, **the insider threat**, as defined above, **is one of the greatest challenges facing companies and government organizations. This statement is backed by dozens of publications, articles, and speeches made by government officials; furthermore, "each new study that is released further confirms that the malicious insider continues to pose a major threat to organizations in both the public and private sectors"**

(Blades 2010, 32). The Central Intelligence Agency, Federal Bureau of Investigation, Defense Security Service, and the President of the United States all acknowledge the significant threat an insider poses to the welfare and safety of the nation as a whole, especially as the government continues to accumulate intelligence.

Therefore, expanding knowledge on arguments and assessments that aid in defining an insider threat is important in order to understand and develop mitigations tactics for the insider threat. First, elaborating on what and who an insider could be identifiable as in the United States must be conducted. There are two categories of insider threats, the non-employee whom by virtue of technology is able to gain intelligence via a cyber-attack and then the employee. Due to the idea that “a company can often detect or control when an outsider (non-employee) tries to access company data either physically or electronically, and can mitigate the threat of an outsider stealing company property,” the unpredictable nature of the employee is the bigger threat (FBI 2013). The FBI acknowledges “the thief who is harder to detect and who could cause the most damage is the insider—the employee with legitimate access” (2013). Because of the threat an employee insider poses, namely with Greg Chung, Chi Mak, Robert Philip Hanssen, and Edward Snowden, President Barack Obama issued a national-threat policy in November 2012 putting individuals whom leak intelligence on par with terrorist activity and double agents. That being said, some experts and business executives argue that an insider threat is not always bad and that often times, the measures to prevent an insider attack is not worth the cost. Furthermore, there are numerous assessments provided by different agencies and subject matter experts regarding the reasons behind why an individual may be provoked to become an insider. An increasing number of Department of Defense agencies identify the insider threat as an audacious breach and significant issue that is a danger to United States national security; however, some argue that certain leaks are good. But is it possible that any leak of classified government information is good despite what American public opinion states? The Defense Security Service states, “arguably, ‘insiders’ have caused more damage than trained, foreign professional intelligence officers working on behalf of their respective governments” (2013). This in part is due to the fact that the insider has access to information without the need to go through several hurdles. Furthermore, because the theft of information from classified databases occurs autonomously, it “can go unnoticed for months or even years” until the insider is caught (FBI 2013). These leaks cost the United States government hundreds of millions of dollars and where some argue that there is no such thing as a good breach, others beg to differ. Steven Aftergood, a Federation of American Scientists government security expert, notes “there are such things as a good leak. Some classified things should be public” (Leonning 2013). In today’s day and age, there is an increasing need within the American populace for government transparency across the board; however, the line qualifying a leak as good versus bad becomes increasingly grey. Some American’s believe the leak caused by Edward Snowden was a good leak whereas numerous agencies within the intelligence community to include Keith Alexander, director of the NSA, note the leak caused “irreversible and significant damage” (Gjeltten 2013). Tom Gjeltten expands on the impact identifying that as a result of the leak, “terrorist groups are changing their communication methods” (2013). This is of momentous importance because if the United States intends on preventing terrorist attacks on American soil, then some programs need to remain hidden. On the other hand, Judge Dennis Saylor, a member of the Foreign Intelligence Surveillance Court that oversees the NSA, as well as James Clapper, the Director of National Intelligence, note that “the leaking of classified NSA documents by a former employee has ‘generated some of the debate’ that needs to happen in the U.S. over the surveillance program” (Nolan 2013). That being said, who then determines whether or not a leak is good or bad? There is no board or agency whose job is to determine the status of a leak and, as obvious with Edward Snowden, there will always be a debate on the issue. The issue, then, becomes that whether the leak of information is good or bad, the motivating factors provoking the individual to leak the information is threatening.

Impacts: Existential Threats

***insiders multiply existential threats – make future conflicts more dangerous
(ununderlined portion makes the arg we need to focus more on behavior monitoring –
CP?)***

Hall, 2014, [Strategic Intelligence Graduate]

(Caitlin Squire, March 20, “The Trusted Shadow and Trojan Horse of the United States Government” <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>)

Dealing with the insider is like dealing with a Trojan horse which is why the insider threat is so dangerous. With 4,917,751 individuals with a security clearance in the United States, finding an insider threat is like trying to find a needle in a bag of needles. The insider can be anyone in the work place and “[...] the unfortunate truth is that there can never be complete safeguards against surprise attacks because the number of targets and the ways in which they are vulnerable will always exceed the measure that can be taken to defend them” (Gaddis 2002). While the insider threat is not comparable to the threat of a nuclear attack or the launch of a weapon of mass destruction, it is of crucial importance. When the RQ-170 went down over Iran, the Iranian government refused to give it back to the United States which ended up being a serious matter seeing as the United States wanted to ensure that aircraft would never get into the hands of enemies. That event if comparable to the impact of an insider releasing information; if the enemy continues to obtain intelligence on United States tactics, techniques, and capabilities, then the United States starts to have a disadvantage should conflict occur with another country. Due to the impact, monetarily, strategically, and tactically, in which an insider can cause damage to the United States, steps must be taken in order to prevent, mitigate, and attempt to eliminate. With the poor economy and current government shutdown, this threat only has the potential to grow as American citizen’s fight against financial complications and anger towards the government. The issue is that there is no easy way to prevent the insider, rather mitigate or minimize the impact. There are several programs that could be implemented to not only draw awareness to the insider threat but call for periodic review boards and background checks. However, the insider is still a trusted shadow of the government and with the technological advancements in today’s society, numerous programs, if poor in nature, could be implemented and the threat would remain alive and kicking. Identifying that human behavior plays a major role affecting the detection and prevention of the insider can aid in narrowing the focus when creating programs that could be affective against the insider. That being said, future studies focusing on the insider threat should continue to aim in identifying good prevention techniques against the insider. These programs can be implemented to raise awareness to making various forms of technology illegal in the workplace. The insider threat will be around for years to come and seeing as the impact the insider has on national security is of crucial concern, future studies should continue to expand on identifying motives and acknowledging similarities behind former and future insiders.

Impacts: Grid Attack

the electrical grid is uniquely vulnerable – small attacks spill over

Angerholzer et al 2014 [MA international affairs, CEO and president of Center for the Study of the Presidency and Congress]

(Maxmillian, Securing the US electrical Grid: Understanding the Threats to the Most Critical of Critical Infrastructure, While Securing a Changing Grid"<https://www.thepresidency.org/sites/default/files/Grid%20Report%20July%202015%20First%20Edition.pdf>)

Protecting the physical security of the national electrical grid poses a serious challenge. The diffuse nature of the grid makes it exceedingly vulnerable to physical attacks from many angles. Additionally, the networked nature of the grid and reliance on critical nodes means that one small attack or incident has the potential to cause a cascading failure that affects a wide-ranging area. However, the interconnectedness of the grid also allows for redundancies and resiliency within the system. The energy grid has clear vulnerabilities that can be exploited by those who wish to attack the grid. Much of the electrical grid suffers from decaying and outdated infrastructure. Many of the major components, including transmissions, distributors, generators, and transformers, that make up the grid are over 25 years old. have undergone minor repairs to patch up issues in the past. In order to replace any damaged parts, or update the out of date components, replacements must be manufactured overseas with a 12-15 month lead-time. 112 This delay in accessibility to new components further highlights the importance of keeping the components up to date before an emergency arises. The majority of stations, transmissions, and distribution lines are located in remote areas above ground, making them easily accessible targets.113 Transmission systems are especially attractive targets based on their functional importance. Step up transformers increase voltage so the electricity can flow efficiently over long distances, and step-down transformers reduced voltage for consumption, both of these systems are critical in maintaining voltage levels in a substation to control the general transmission system.114 Substations, which often house transformers, are typically only protected by a chain link fence and a few surveillance cameras, both relatively easy to bypass, pinpointing a major lack of physical protection. In April of 2013, a group of people attacked a PG&E Metcalf substation in San Jose, California. The substation was near a highway, and the attackers were able to enter through manholes. They used assault rifles and fired over 112 Madeline Vale et al. "Briefing Report #1 - The Electrical Grid: Political & Regulatory Dynamics." Securing the Electrical Grid for the 21st Century. The Center for the Study of the Presidency and Congress. September 20, 2013. 113 Madeline Vale et al. "Briefing Report #5 – Physical Threats: Terrorism, Vandalism, & Weather." Securing the Electrical Grid for the 21st Century. The Center for the Study of the Presidency and Congress. April 1, 2014. Page 2. 114 Knapp, Eric D. , and Raj Samani. "Chapter 2 Smart Grid Network Architecture." In Applied Cyber Security and the Smart Grid: Implementing Security Controls into the Modern Power Infrastructure. : Newnes , 2013. . July 2014 – First Edition 51 100 shots, critically damaging over a dozen transformers.115 The attack was recorded on surveillance cameras, but the footage proved unhelpful in finding the attackers, and the cameras were clearly unhelpful in deterring the attack. Transmission components within the grid are regulated by the Federal Energy Regulatory Commission, FERC, and the North American Reliability Corporation, NERC. Following the Metcalf incident, in light of reports raising concerns about the physical security of the grid, NERC discussed new standards for the protection of critical sites and transmission equipment. A major portion of the debate surrounding these standards discussed balancing the need for security with the cost of hardening remote sites or providing round-the-clock surveillance and quick response at grid sites. These standards, currently being prepared for filing with FERC, requires security planning for the bulk power transmission system, and updated preparations for physical security. Distribution systems are regulated on the state level. These multiple different regulators may not have the same level of resources for addressing these security issues or

communicating concerns to utilities. Additionally, when the issue of cost recovery for security improvements is discussed, these state regulators will be the ones responsible for adjusting rate structures. It will also be vital for electrical, natural gas, and water utilities to work together with each other and the federal government to expand preparation capabilities, bolster information sharing techniques, stockpile spare equipment and engage in mutual assistance agreements to ensure a crisis could be handled efficiently. Electric grids offer a wide range of targets that can impart a great deal of damage on an entire system. Small-scale attacks can affect much greater systems because the entire grid is connected directly or indirectly. Once one component is compromised, an entire system can be subject to a cascading failure, impacting far more than the initial target.

Impacts: Kills Millions

a cyberattack affects millions – the plan would derail current improvements in the system

Angerholzer et al 2014 [MA international affairs, CEO and president of Center for the Study of the Presidency and Congress]

(Maxmillian, Securing the US electrical Grid: Understanding the Threats to the Most Critical of Critical Infrastructure, While Securing a Changing Grid"<https://www.thepresidency.org/sites/default/files/Grid%20Report%20July%202015%20First%20Edition.pdf>)

Even though SCADA systems are physically installed in secure locations throughout a utilities' facility, there are a variety of threats that can compromise that security. If an insider or an unauthorized individual gained access to the facility, they could use an infected USB stick, disconnect a cable, or install a key logger to expose the system. These threats could infect the system immediately or provide attackers with "backdoor" entry to the utility, in which a cyberattack could be used to damage the entire network. Many of the cyber threats include denial of service, data interception, unauthorized user access, data alteration and/or data-retransmission. Not only could these threats lead to a major blackout for millions of customers, but it could interrupt the ability for other sectors of critical infrastructure to function or allow highly sensitive material could be obtained. Securing against such challenges not only requires the development of improved security protocols for utility employees, but also improved behavioral analysis aimed at preventing or detecting unauthorized access or software installation—be it inadvertent or malicious. Electrical utilities and other critical infrastructure facilities must begin to implement various practices and methodologies that can secure SCADA systems from these threats. Utilities have begun to integrate Software Management and Documentation Systems (SMDS) into SCADA, which monitors all of the activities of the control system. SMDS can assist IT and OT operators with an application restoration following a catastrophic event; control who may use any SCADA application system; and can control which actions can be performed. Additionally, many utilities have begun to develop various Network Security Solutions which range from firewalls to "Demilitarized Zones" to physical "air-gaps," which prevent unwanted access to a network. Through the use of a Virtual Private Network tunnel (VPN) utilities can ensure the proper authentication and authorization of data transactions between different networks. VPN gives a utility private use of a public network through the development of an encrypted tunnel between the server and client. Although, when logging onto the VPN, the secondary device must have the same level of end-point protection; if there is a variation, it can create vulnerabilities to the VPN. To fully secure the VPN from unauthorized access, a high level of authentication must be implemented in all networked devices. Due to the high amount of threats to SCADA systems, utilities have also begun to implement detection methodologies to mitigate the effect of an attack. IT security systems have created Intrusion Detection Systems (IDS) which are designed to recognize intrusions based upon multiple factors including an unusual pattern of activity and communications attempted from an unusual or unauthorized address. The IDS creates a log of suspicious events, which system operators can inspect manually to determine true intrusions versus false alarms. Through the implementation of IDS, OT personnel have the ability to use firewalls to prevent the attack

from spreading, thus mitigating the overall damage the cyber threat could cause. In addition to technological solutions, securing networks will require an increased emphasis on behavioral analysis, background investigations, psychological profiling, and analysis of individual motives. These factors are key tools for detecting potential insider threats, while also understanding how potential adversaries may seek to target individuals who can provide access—purposefully or inadvertently—to vital networks.

Impacts: Grid/Cyber Attack

current standards key to avoid catastrophe

Angerholzer et al 2014 [MA international affairs, CEO and president of Center for the Study of the Presidency and Congress]

(Maxmillian, Securing the US electrical Grid: Understanding the Threats to the Most Critical of Critical Infrastructure, While Securing a Changing Grid"<https://www.thepresidency.org/sites/default/files/Grid%20Report%20July%2015%20First%20Edition.pdf>)

While grid security often focuses on external threats to the grid, expecting cyber and physical attacks to come from the outside, internal threats are just as dangerous. This insider threat can potentially be mitigated by adjusting the architecture of the system itself and maintaining high standards for personnel screening. Both actions must come from industry because there is such variation in system architecture and personnel across utilities. Theoretically, each utility will have a better understanding of its own unique insider threats, leading to better preparation and crisis management. The way a utility system is structured affects how it responds to threats. While each utility is (and probably should be, based on the different types discussed later) structured differently, there are some standards in the electric sector that utilities should follow. One such example is the ES-C2M2 (Electricity Subsector Cybersecurity Capability Maturity Model), a White House initiative that the electric power industry collaborated on with DOE and DHS. ES-C2M2 provides a model of “industry-vetted cybersecurity practices,” as well as an evaluation tool that allows utilities to compare themselves to the model. Using these protocols can improve utilities’ systems internally in order to protect against external threats. This architectural structure can open doors for a potentially more dangerous hazard: the insider threat that comes from personnel. Often disgruntled employees, these risky July 2014 – First Edition 134 personnel have greater access to the system and therefore greater power over it. This power can come in the form of cyber, such as an infected USB, or physical, such as destroying a critical piece of machinery. Such attacks can often be untraceable because there is no evidence of breaking into the system. There are many examples of this threat, and even more that for obvious reasons have never been released to the press. Many instances are simply unhappy employees lashing out, purposely attack the grid system. Others, though, are inadvertent, as employees are sent infected emails or given infected thumb drives by attackers, leaving the employee(s) to unwittingly harm the system. Intentional attacks are an issue, too, as DHS warns utilities that terrorists can easily gain insider access to the grid and conduct a cyber or physical attack from the inside. While the insider threat will never be eliminated, it can be mitigated by instituting regular personnel screening protocols. Utilities have already instituted some measure of personnel screening, but strengthening and improving this screening is necessary to risk mitigation. Increased screening may erode trust between employers and employees, as if employees were being accused of crimes they had not committed, but that is a necessary risk. Even the best, most loyal employees can be unintentionally carry viruses that can harm the grid. It is also necessary for personnel screening and changes to the system’s architecture to be primarily an industry-led initiative. The executive branch can issue some kind of executive order or policy directive that instructs industries to incorporate this screening somehow, but the actual implementation falls to utilities. The variation in utilities’ structures and needs affects how they can and should implement such a system.

Impacts: Nuclear Secrets

insiders can release nuke secrets – managers downplay the risk

Bunn and Sagan 2014 [Professor of Practice at the Harvard Kennedy School ; Caroline S.G. Munro Professor of Political Science and Senior Fellow at the Center for International Security and Cooperation at Stanford University]

(Matthew and Scott, American Academy of Arts and Sciences "A Worst Practices Guide to Insider Threats: Lessons from Past, p 3-4, Mistakes"<https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>)

Insider threats are perhaps the most serious challenges that nuclear security systems face.¹ All of the cases of theft of nuclear materials where the circumstances of the theft are known were perpetrated either by insiders or with the help of insiders; given that the other cases involve bulk material stolen covertly without anyone being aware the material was missing, there is every reason to believe that they were perpetrated by insiders as well. Similarly, disgruntled workers from inside nuclear facilities have perpetrated many of the known incidents of nuclear sabotage. The most recent example of which we are aware is the apparent insider sabotage of a diesel generator at the San Onofre nuclear plant in the United States in 2012; the most spectacular was an incident three decades ago in which an insider placed explosives directly on the steel pressure vessel head of a nuclear reactor and then detonated them.² While many such incidents, including the two just mentioned, appear to have been intended to send a message to management, not to spread radioactivity, they highlight the immense dangers that could arise from insiders with more malevolent intent. As it turns out, insiders perpetrate a large fraction of thefts from heavily guarded non-nuclear facilities as well.³ Yet organizations often find it difficult to understand and protect against insider threats. Why is this the case? Part of the answer is that there are deep organizational and cognitive biases that lead managers to downplay the threats insiders pose to their nuclear facilities and operations. But another part of the answer is that those managing nuclear security often have limited information about incidents that have happened in other countries or in other industries, and the lessons that might be learned from them. In the world of nuclear safety, sharing of incidents and lessons learned is routine, and there are regularized processes for it, through organizations such as the International Atomic Energy Agency (IAEA) and the World Association of Nuclear Operators (WANO). Nothing comparable exists in nuclear security.⁴

Parker, 2014, [Social Sciences Writer at Stanford News]

(Clifton B., April 24, "When it comes to security at nuclear facilities, danger likely lurks from within, Stanford scholar says", Stanford News, news.stanford.edu/news/2014/april/nuclear-security-risks-042414.html)

Insider threats are the most serious challenge confronting nuclear facilities in today's world, a Stanford political scientist says. In every case of theft of nuclear materials where the circumstances of the theft are known, the perpetrators were either insiders or had help from insiders, according to Scott Sagan and his co-author, Matthew Bunn of Harvard University, in a research paper published this month by the American Academy of Arts and Sciences. "Given that the other cases involve bulk material stolen covertly without anyone being aware the material was missing, there is every reason to believe that they were perpetrated by insiders as well," they wrote. And theft is not the only danger facing facility operators; sabotage is a risk as well, said Sagan, who is a senior fellow at Stanford's Center for International Security and Cooperation and the Caroline S.G. Munro Professor in Political Science. While there have been sabotage attempts in the United States and elsewhere against nuclear facilities conducted by insiders, the truth may be hard to decipher in an industry shrouded in security, he said. "We usually lack good and unclassified information about the details of such nuclear incidents," Sagan said. The most recent known example occurred in 2012 – an apparent insider sabotage of a diesel generator at the San Onofre nuclear facility in California. Arguably the most spectacular incident happened at South Africa's Koeberg nuclear power plant (then under construction) in South Africa in 1982 when someone detonated explosives directly on a nuclear reactor. Lessons learned In their paper, the authors offered some advice and insights based

on lessons learned from past insider incidents: Don't assume that serious insider threats are NIMO (not in my organization). Don't assume that background checks will solve the insider problem. Don't assume that red flags will be read properly. Don't assume that insider conspiracies are impossible. Don't assume that organizational culture and employee disgruntlement don't matter. Don't forget that insiders may know about security measures and how to work around them. Don't assume that security rules are followed. Don't assume that only consciously malicious insider actions matter. Don't focus only on prevention and miss opportunities for mitigation. The information for the research paper emanated from an American Academy of Arts and Sciences project on nuclear site threats, Sagan said. "It was unusual in that it brought together specialists on insider threats and risks in many different areas – including intelligence agencies, biosecurity, the U.S. military – to encourage interdisciplinary learning across organizations," he said. Sagan explained that the experts sought to answer the following questions: "What can we learn about potential risks regarding nuclear weapons and nuclear power facilities by studying insider threat experiences in other organizations? What kinds of successes and failures did security specialists find in efforts to prevent insider threats from emerging in other organizations?" 'Not perfect' He noted that only a few serious insider cases in the U.S. nuclear industry have arisen, thanks to rigorous "personal reliability" programs conducted by the Nuclear Regulatory Commission and the U.S. military for people with access to sensitive nuclear materials. But there is room for improvement, Sagan said. "These programs are effective," he said, "but they are not perfect. And relative success can breed overconfidence, even complacency, which can be a major cause of security breaches in the future." For example, the nuclear industry needs to do more research about how terrorist organizations recruit individuals to join or at least help their cause. It also needs to do a better job on distributing "creative ideas and best practices" against insider threats to nuclear partners worldwide. Sagan said the U.S. government is not complacent about the danger of insider threats to nuclear security, but the problem is complex and the dangers hard to measure. "Sometimes governments assume, incorrectly, that they do not face serious risks," he said. One worrisome example is Japan, he said. "Despite the creation of a stronger and more independent nuclear regulator to improve safety after the Fukushima accident in Japan, little has been done to improve nuclear security there," said Sagan. He added, "There is no personal reliability program requiring background checks for workers in sensitive positions in Japanese nuclear reactor facilities or the plutonium reprocessing facility in Japan." Sagan explained that some Japanese government and nuclear industry officials believe that Japanese are loyal and trustworthy by nature, and that domestic terrorism in their country is "unthinkable" – thus, such programs are not necessary. "This strikes me as wishful thinking," Sagan said, "especially in light of the experience of the Aum Shinrikyo terrorist group, which launched the 1995 sarin gas [chemical weapon] attack in the Tokyo subway."

Impacts: Insider Threats O/W

insider threats are the biggest danger - work around security and know gov weaknesses

Bunn and Sagan 2014 [Professor of Practice at the Harvard Kennedy School ; Caroline S.G. Munro Professor of Political Science and Senior Fellow at the Center for International Security and Cooperation at Stanford University]

(Matthew and Scott, American Academy of Arts and Sciences "A Worst Practices Guide to Insider Threats: Lessons from Past, p 38-44, Mistakes"<https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>)

Many individuals involved in the nuclear security field have backgrounds in engineering and nuclear safety, where the goal is to protect against natural disasters and accidents, not against reactive adversaries. This can produce a compliance-oriented approach to security: a belief that once systems are in place 34 that are assessed to be capable of beating the adversaries included in the design basis threat (DBT) on the pathways designers identified, the security system will be effective. But reactive adversaries

will observe the security systems and the pathways they protect against, and they will think of other pathways. Insider threats are a particularly dangerous form of reactive adversary because insiders are well placed to understand the organization's security procedures and their weaknesses. The best case to illustrate this point is that of Robert Hanssen, the senior FBI analyst convicted in 2001 on fifteen counts of espionage, in what the FBI has called "possibly the worst intelligence disaster in U.S. history."³⁸ According to the 2003 Department of Justice report on the case, Hanssen's initial decision to engage in espionage "arose from a complex blend of factors, including low self-esteem and a desire to demonstrate intellectual superiority, a lack of conventional moral restraints, a feeling that he was above the law, a lifelong fascination with espionage and its trappings and a desire to become a 'player' in that world, the financial rewards he would receive, and the lack of deterrence—a conviction that he could 'get away with it.'"³⁹ His espionage activities often raised alarm bells, but his insider advantage let him avoid detection in three key ways. First, Hanssen was capable of being uniquely reactive to counterintelligence investigations because of his placement within the FBI counterintelligence bureaucracy. Second, Hanssen was able to alter his contact procedures with his Russian associates whenever he felt that he was close to being caught; he was even able to search for his own name within the FBI internal database to monitor whether he was the subject of any investigation.⁴⁰ Third, Hanssen knew how to avoid movement within the FBI bureaucracy that would have subjected him to polygraph examinations.⁴¹ In other contexts, this problem—that insiders can observe and work around security measures—comes up again and again. In a study of insider crimes that might be analogous to insider thefts or attacks at nuclear facilities, the authors repeatedly found that the success of insider crimes depended on the perpetrators' observation of security vulnerabilities.⁴² The study of insider IT sabotage mentioned earlier noted that the insiders overwhelmingly took advantage of their knowledge of the IT security systems, creating access pathways for them—38 selves completely unknown to the organization—in other words, they invented ways to attack that the security planners had not known were possible.⁴³ There are several lessons here. First, security managers need to find creative people with a hacker's mindset to come up with a wide range of ways that insiders might try to beat the security system—and then develop security measures that will be effective against a broad range of possibilities. A security system adequate to defend against the first few pathways thought of by an unimaginative committee is not likely to be good enough against the real threat. Such uncreative vulnerability assessments were the target for Roger Johnston and his colleagues in the Vulnerability Assessment Team at Argonne National Laboratory; in their instructive and amusing set of "Security Maxims," they offer the "Thanks for Nothin'" maxim: "Any vulnerability assessment which finds no vulnerabilities or only a few is worthless and wrong."⁴⁴ Second, those with the most detailed information about how the organization protects itself against insider threats should be subject to especially strong reviews and monitoring to ensure that the organization is appropriately "guarding the guardians."

2NC Impacts: Turns Allied Cred

Insiders collapse Allied Cred.

Porter 14

(Michael Lawrence, Master in Security Studies, "Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements," pg online @ [//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)

The reason that this is so important is because of the potential damage these types of insiders can cause. Nidal Hassan, the Fort Hood shooter and an insider threat, entered the Reverse Soldier Readiness Processing Center at Fort Hood, Texas and killed 13 American service members⁵. Bradley Manning, an Army Private with a Top Secret clearance and an insider threat, published over 700,000 classified documents to Wikileaks⁶. Which as

Michelle Van Cleve, former head of U.S. counterintelligence under President George W. Bush, writes ultimately “had repercussions across the world, breaching confidences, embarrassing friends and allies, undermining US credibility, putting the lives of American soldiers and Afghan informants in danger and operations at risk.”

Circumvention Turn/Takeout

1NC

Whistleblower protections are a sham – the plan will be circumvented – channels are corrupted

Martin 7

(Brian, Published as a chapter in Brian Rappert and Caitriona McLeish (eds.), *A Web of Prevention: Biological Weapons, Life Sciences and the Governance of Research* (London: Earthscan, 2007), pp. 35-49. Pg online @ <http://www.bmartin.cc/pubs/07Rappert.html> //um-ef)

Worst of all, the slow, procedural and reactive processes of official channels put all attention on the treatment of the whistleblower, neglecting the organizational problems the whistleblower originally spoke out about. Even when the whistleblower is successful (e.g. in obtaining a generous compensation payment), the original problems are unaddressed. These problems with official channels - reprisals under the radar of laws, an imbalance of power in the whistleblower-organization conflict, slowness, a procedural orientation and lack of attention to the original organizational problem - explain their appalling record in helping whistleblowers. The shortcomings are well known to experienced advisers of whistleblowers (Devine, 1997; Martin, 1999a). Jean Lennane, for many years president of Whistleblowers Australia, says the only thing you can rely on concerning official channels is that they will not work. William De Maria, in the most significant study of whistleblowers' experiences with official bodies, found that they reported being helped in less than one out of ten approaches, and in many cases they were worse off (De Maria, 1999). Tom Devine (1997), in The Whistleblower's Survival Guide, the most comprehensive advice manual for US whistleblowers, finds serious flaws with even the most effective laws and agencies. The US has by far the longest experience with whistleblower protection, beginning during the 1970s. The pattern is that laws are passed but dodged by employers, un-enforced by agencies and subverted by courts. The Office of the Special Counsel, set up to receive whistleblowing disclosures from federal employees, seldom exercises its power to demand investigation of charges made by whistleblowers: The OSC's annual report for fiscal 1995 reveals that out of 333 whistleblowing disclosures, the office forwarded only two for agency investigation' (Devine, 1997, p. 68). Devine (2004, pp83-84) paints a gloomy picture: On balance, in practice U.S. statutory whistleblower laws have been Trojan horses, creating more retaliation victims than they helped achieve justice ... the system has been rigged so that realistically it routinely endorses retaliation. After Congress passed a stronger law in 1989 and bolstered it with amendments in 1994, the problems continued, according to Devine: ... the pattern of futility persists. Between passage of the 1994 amendments and September 2002, whistleblowers lost 74 of 75 decisions on the merits at the Federal Court of Appeals, which has a monopoly on judicial review of administrative decisions. (Devine, 2004, p. 85) The law is filled with loopholes and the court regularly interprets the law to favour the government. Meanwhile, in the private sector, there is seldom any legal protection to start with. One explanation for governments' enthusiasm for whistleblower protection is that laws give the appearance of dealing with the problem without any substantive change in the way organizations deal with dissent (Martin, 2003). Several governments have considered or passed whistleblower laws without any consultation with whistleblowers. Most whistleblowers know nothing about the track record of laws and agencies. With their belief in the system, many of them approach one agency and, after an unsatisfactory response, go on to another, sometimes trying half a dozen bodies in a futile quest for justice. Some of them eventually get in touch with a whistleblowers' group and find, to their surprise, that others have had identical experiences. The faith in official channels runs deep. It is to be expected that politicians and agency officials believe in them, but so do quite a few whistleblower activists who argue for stricter laws, better funded agencies and stronger enforcement.

Congressional oversight fails- Executive privilege means the FDA will just circumvent

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (Tuesday, February 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhr35502/pdf/CHRG-110hhr35502.pdf>; 07/10/15) JG

My investigations of FDA issues have also revealed a deeply troubling disregard for Congress' responsibility to conduct oversight of the executive branch of Government, getting right to the heart of whether or not the checks and balances of the 225-year history of our Government are functioning properly, to see that the laws we passed are faithfully executed and to see that the money that we appropriate is spent in accordance with Congress intent. The FDA and the Department of Health and Human Services have put VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00019 Fmt 6633 Sfmt 6633 Q:DOCS\110-5 SCOM1 PsN: SCOM1 16 up so much resistance to my efforts to find out what happened inside the Food and Drug Administration with a relatively new antibiotic called Ketek, that I can only wonder what there is to cover up. Every excuse under the sun has been used to create roadblocks, even in the face of congressional subpoenas requesting information and access to FDA employees. In denying access to documents responsive to the subpoenas, the Department and the Food and Drug Administration have claimed the official words "Prosecutorial deliberative process," another one "confidential communication," another one, "agency prerogative to determine who will be interviewed or testify before jurisdictional committees." That strikes right at the heart of the work you are doing here, Mr. Chairman, today. Yet, during my years in the Senate, my investigators have obtained access to every single one of these categories of so-called confidential information, even from HHS, as well as other executive branch agencies. So why now? Further, I asked the Congressional Research Service to look into the Department's policies regarding this matter and CRS told me that there is, in their words, "no legal basis" for the Department's executive branch assertions. Nevertheless, the Department and FDA not only withheld documents, that do not appear to be privileged, but they also won't say what has been withheld and why. The subpoenas compel a privilege log, but the Department and the FDA will not provide one. The Department and the FDA say that they have been responsive to the Finance Committee's Ketek investigation because they made available millions of pages of documents. But what they provided is quantity, not quality. They delivered hundreds of pages simply marked, for example, "57 pages removed" or "43 pages removed," and that is in attachments 1 through 5 that you will have. Other documents have whole pages, paragraphs and sentences redacted with no explanation for what has been held or redacted or why. In fact, listen to this, the FDA redacted some of the same documents differently and they even redacted one of my own letters to them on a different matter, and that is attachment 6. When I point out the absurdities in the Department's response to my request for documents and interviews related to Ketek, the Department argues it could not provide access to information and individuals related to criminal investigations, just like that was what I was trying to do. But I didn't ask for access to open criminal investigations. I don't want to jeopardize a criminal matter; you folks don't, either. The Department and the FDA know that, yet they keep using that excuse anyway.

Politics

Obama PC

1NC Ptix Link

Eliminating ITP costs massive amounts of capital – adjustments are difficult and time-consuming

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @ [//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)

Given the many insider threat-related challenges the CI Community faces, the United States has done a great deal to confront this dangerous enemy. Nonetheless, the CI Community must make additional changes due to weaknesses in the current legislative processes, organizational interactions, and other issues involved in this effort⁹⁹. As addressed in Chapter 3, the structure of the CI Community has adapted over the years, but the sad reality is that these changes happened largely as a result of failures in the system and kneejerk reactions designed to address specific instances of failure¹⁰⁰. Even then, the changes that do occur often do not come easily and are the result of extensive reform processes throughout the IC. The ever-present threat posed by insiders means that the US CI Community must routinely evaluate the process it operates under and look to better itself. Our CI specialists must address a range of persistent vulnerabilities to help strengthen the American security apparatus. The problem is that substantive reform is often very difficult to accomplish in the IC, and subsequently the CI Community, for two reasons. First, intelligence reform is usually more politically motivated than it is focused on, and motivated by, the need for substantive change¹⁰¹. Second, since the IC is a tool of the policy makers, who ultimately oversee these organizations, this often means that the people making decisions for the IC have little to no real understanding of the Intelligence process¹⁰². As Chapter 3 demonstrated, there were multiple reforms over the past 20 years that have helped mold the CI Community into an organization that could fight the insider threat. These changes however, were not the result of planned reform, they were reactionary movements to larger community failures that allowed insiders like Ames, Hanssen, and Hassan to exist. Politicians do not like huge failures for political reasons, so large high-profile events act as “motivation” for change, and to show their constituents that they are making things better¹⁰³. Policymakers drive the intelligence cycle. As the driving force, they should continually evaluate the systems in place, judging their effectiveness and adapting them as need be¹⁰⁴. Unfortunately, this is often not the priority of those in the policy community¹⁰⁵. The absolute certainty of the need for reforms in the CI Community begs the question, why have major substantive reforms not happened yet? The answer to this question relates to the challenges that intelligence reform faces: time, concession of power, and consensus. Time is a valuable commodity and one that has a dramatic impact on the actions of people everywhere. Whether it is rushing to meet a deadline or hanging on for the long run, time seems to dictate our lives, and this idea could not be truer for both the IC and the policy community. The reason that time is such a significant challenge to reform has to do with the nature of the IC and CI communities, the policy community, and the dramatically different understandings they have of time. First, in the IC there has traditionally been less sense of time-urgency, because before 9/11 intelligence was seen mostly as a long-run game, an endurance race. The challenges posed by agile extremist organizations have forced the IC to face a new paradigm in this arena. However, when it comes to collecting, analyzing, and exploiting so much information from the enemy, whether that is an insider threat, a nation-state he spies for, or an ITO supporting him, the operations tend to last for years. As intelligence professionals see it, steady analysis not rushed by political pressure is the key to success. Conversely, in Congress and the White House, politicians are rushed to make their mark by showing their constituents what they have accomplished. In this sense, they often view intelligence as a tool to gain large results in a short period of time. With the two operating under a different time frame there are bound to be confrontations¹⁰⁷. The second and most important way that time holds back reform is in the reform process itself. Given that reform will be drafted and incorporated by the policy community, the US Congress cannot simply “change.” Rather, there have to be bills written, voted on,

debated, passed, and signed into law. This all takes time—a very long time. To make matters worse, it is the legislature’s right to conduct an investigation into failures, or reasons for reform¹⁰⁸. As Berkowitz states, “Commissions take months to convene, staff, and complete their work. Experience shows that commissions require, on average, a year or two to report their results—and even more time to declassify their reports so they can be released for public discussion. During this time, any passion officials might have had for fixing intelligence ebbs and the public’s attention wanders to other matters.” Just one example of this is the September 11th Commission, which was formed a year after the attacks, releasing results two years later, and passing changes through Congress 10 months later¹⁰⁹. The problem here is that the IC has its most fervent reform supporters immediately after the failure, as was the case with Ames, Hanssen, and Manning, yet as time drags on, the supporters of reform begin to become busy with other things, and the intended reforms do not come to fruition¹¹⁰. The next major barrier to reform is cession of power. because giving up power is not what any agency, or leader, wants to do¹¹¹. This desire to maintain power often results in nothing more than long debates and very weak results, if any at all. An example of this is clear within the IC. In 2002, with the creation of the position of the NCIX, the Counterintelligence Enhancement Act of 2002 tasked the NCIX with developing the annual National CI Strategy. Developing this strategy would be based on the NTIPA as stated in Chapter 3. The problem is that the NTIPA and the CI Strategy are not based on the Director of National Intelligence’s National Intelligence Strategy (NIS), nor does the NIS say anything about CI¹¹². This is because with the creation of the NCIX in 2002, it was given the power of drafting the CI Strategy, while the DNI, created in 2004, does not have the power to “develop” any part of the CI strategy. This is one area where a small cession of power and cooperation between organizations could go a long way to unifying the role that the DNI has within the IC¹¹³. This tight hold on the CI Community has had drastic consequences for the office of the DNI, which was originally designed to provide leadership and guidance for all of the IC, but left weak and limited. Like time, consensus is a chief barrier to reform for the IC and policy community because of how the intelligence cycle works. However, consensus is probably the most important barrier because of the ways in which it can affect other barriers to reform. One of the key ways in which consensus is a challenge to reform has to do with the fact that consensus implies that both sides come to an agreement. As Berkowitz discusses, political compromise allows opponents to sabotage the creation of any new agency from the start by simply not agreeing to certain aspects of potential future laws¹¹⁴. This truly is a hurdle for reform because while politicians, and heads of agencies, can come with hands outstretched under the banner of reform, a “nay” vote or even language inserted into a bill that passes through the legislature can destroy consensus and weaken any real reforms.

2NC Links

Lack of consensus and secrecy means the plan will be unpopular

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @

[http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y //ghs-ef](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y//ghs-ef)

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view intelligence as a tool to gain large results in a short period of time. With the two operating under a different time frame there are bound to be confrontations¹⁰⁷. The second and most important way that time holds back reform is in the reform process itself. Given that reform will be drafted and incorporated by the policy community, the US Congress cannot simply “change.” Rather, there have to be bills written, voted on, debated, passed, and signed into law. This all takes time—a very long time. To make matters worse, it is the legislature’s right to conduct an investigation into failures, or reasons for reform¹⁰⁸. As Berkowitz

states, “Commissions take months to convene, staff, and complete their work. Experience shows that commissions require, on average, a year or two to report their results—and even more time to declassify their reports so they can be released for public discussion. During this time, any passion officials might have had for fixing intelligence ebbs and the public’s attention wanders to other matters.” Just one example of this is the September 11th Commission, which was formed a year after the attacks, releasing results two years later, and passing changes through Congress 10 months later¹⁰⁹. The problem here is that the IC has its most fervent reform supporters immediately after the failure, as was the case with Ames, Hanssen, and Manning, yet as time drags on, the supporters of reform begin to become busy with other things, and the intended reforms do not come to fruition¹¹⁰. The next major barrier to reform is cession of power, because giving up power is not what any agency, or leader, wants to do¹¹¹. This desire to maintain power often results in nothing more than long debates and very weak results, if any at all. An example of this is clear within the IC. In 2002, with the creation of the position of the NCIX, the Counterintelligence Enhancement Act of 2002 tasked the NCIX with developing the annual National CI Strategy. Developing this strategy would be based on the NTIPA as stated in Chapter 3. The problem is that the NTIPA and the CI Strategy are not based on the Director of National Intelligence’s National Intelligence Strategy (NIS), nor does the NIS say anything about CI¹¹². This is because with the creation of the NCIX in 2002, it was given the power of drafting the CI Strategy, while the DNI, created in 2004, does not have the power to “develop” any part of the CI strategy. This is one area where a small cession of power and cooperation between organizations could go a long way to unifying the role that the DNI has within the IC¹¹³. This tight hold on the CI Community has had drastic consequences for the office of the DNI, which was originally designed to provide leadership and guidance for all of the IC, but left weak and limited. Like time, consensus is a chief barrier to reform for the IC and policy community because of how the intelligence cycle works. However, consensus

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even language inserted into a bill that passes through the legislature can destroy consensus and weaken any real reforms. Another major barrier to consensus is the secret nature of the IC. The reality is that the majority of the work that the IC does is classified, which can

be a problem for the policy community. The reason this level of secrecy is such a major issue is that members of the policy community do not normally have the clearance to see all the information necessary to make proper decisions about CI or any other reforms. This lack of information basically leaves the IC asking Congress to go along with their plans with a minimum amount of information and understanding of what the plans actually are¹¹⁵. In this way a call to reform without all the necessary components is not asking for consensus, but rather asking for acceptance by the few who have access to the intelligence, which

in the case of the Senate is a Select Committee of 15 individuals and in the House, 21 individuals. Finally, for the proper cession of power there must be consensus on the level of gains or losses, which can end up being a problem, especially for agencies or individuals not wishing to lose power. For example, when the office of the Director of National Intelligence was created, the policy makers

and the Department of Defense never could gain consensus as to the level of power the DNI would have, and the result of this was a DNI with very little power¹¹⁶. Ultimately, time, power struggles, and consensus will remain barriers to reform and until those barriers are overcome, the IC, the CI Community, and the policy community will continue to experience problems like those already seen. This continuing failure will waste time and effort—time that is already in short supply and could be used to stop insiders instead of allowing them to continue damaging the United States

And, even if they win the plan SHOULD be bipartisan, 2014 hearings prove the fiat of the plan guts the democrats’ opportunity to create a spectacle and take credit – ensures partisan fighting and backlash

Anderson and Kleinman 14

(Christine Anderson, Public Policy Fellow, POGO, and Avery Kleinman was the Beth Daley Impact Fellow for the Project On Government Oversight, “FDA Surveillance Threatened Whistleblowers,” pg online @ <http://www.pogo.org/blog/2014/02/fda-surveillance-threatened-whistleblowers.html> //um-ef)

The hearing revisited the media-dubbed case of the “FDA 9,” a group of Food and Drug Administration (FDA) physicians and scientists who wrote to Congress and the President in 2008 and 2009 warning that ineffective and unsafe devices were being approved by the FDA. The FDA whistleblowers described serious wrongdoing by mid-level and senior FDA officials who cut corners and overruled scientists. The FDA then began to spy on the whistleblowers—sweeping up whistleblowing disclosures to Congress, the Office of Special Counsel, and POGO. The hearing was timed with the release of a joint staff report by House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) and Senate

Judiciary Ranking Member Chuck Grassley (R-Iowa), titled “Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers.” The report concluded that the FDA lacked sufficient authorization to monitor the whistleblowers, unlawfully captured protected communications of the whistleblowers, failed to explain how ongoing monitoring was necessary to the investigation of a past leak, and did not adequately bolster

whistleblower protections in new policies. Ranking Member Elijah Cummings (D-Md.) introductory remarks voiced his discontent at being shut out of the drafting of the report. “We must protect our whistleblowers. I am committed to that, and we are all committed to that. **Unfortunately, the majority has taken a traditionally bipartisan issue, something that all committee members should be investigating together, and turned it into another partisan spectacle for which our committee has become well-known.**” Chairman Issa responded, “Whistleblowers made Senator Grassley and his staff aware of a problem, but independent investigation by the IG and by this committee—bipartisan investigation—have led us to the conclusions we will hear today.”

K Stuff

K Links

--foucault links

Their efforts to increase pharmacovigilance by using insiders furthers Foucault's notion of the laissez faire biopolitical security apparatus, ultimately giving the state more control in their totalitarian utopia

Langlitz 09 (Nicolas, an anthropologist and historian of science studying epistemic cultures of mind and life sciences. He is the author of *Neuropsychedelica: The Revival of Hallucinogen Research since the Decade of the Brain* (2012) and *Die Zeit der Psychoanalyse: Lacan und das Problem der Sitzungsdauer* (2005) Associate Professor in the Department of Anthropology at the New School for Social Research in New York “Pharmacovigilance and Post-Black Market Surveillance” *Social Studies of Science* 39/3 (June 2009) page 396-397 SSS and SAGE Publications sss.sagepub.com/content/39/3/395.full.pdf , cayla_)

I will briefly outline how pharmacovigilance has emerged in national and international regulatory systems to deal with unexpected side effects of officially licensed substances before shifting attention to how this problem is addressed in the ‘designer-drug underground’. Here, novel synthetic compounds and unknown psychoactive plant extracts are constantly being introduced to the grey and black markets without having undergone rigorous preclinical testing. The black market is subject to police interventions, but is excluded from the states’ regulatory structures promoting drug safety. However, the experimental drug scene developing and researching novel mind-altering agents has established its own way of dealing with unexpected side effects and untoward incidents. Like the American Food and Drug Administration (FDA), the European Medicines Evaluation Agency (EMA) and WHO, the independently managed, not-for-profit website Erowid () collects and processes data on adverse drug reactions of mostly unlicensed psychoactive compounds. This requires a corresponding ethos of vigilance among the self-experimenting drug users frequenting and contributing to this website. Though Erowid fulfils a broad range of different functions, I will focus on its collection and analysis of experience reports providing information on drug effects and risks to potential consumers. In so doing, I draw an analogy between postmarket surveillance of licensed drugs and what I will refer to as ‘post-black market surveillance’ of unauthorized and illicit pharmacological agents.² This analogy serves to render visible how the genealogically distinct top-down implementation of pharmacovigilance and the bottom-up emergence of post-black market surveillance driven by politically antagonistic forces generate functionally equivalent responses to the problem of drug safety in the shared matrix of ‘advanced liberalism’. Advanced liberalism is characterized by the dissemination of responsibility. The state has come to delegate the management of many risks to individuals and collectives. It has not withdrawn from politics, but it ‘governs at a distance’ by redirecting its citizens’ activities toward its own objectives (Rose, 1999: 49–50). One of the key elements of the political rationality of advanced liberalism is what Michel Foucault called security. In his 1977/78 lecture series *Security, Territory, and Population*, Foucault outlined the concept of security in opposition to discipline and law. The law constitutes a purely negative form of normativity, which prohibits certain acts on a certain territory, for example, the manufacture and sale of particular drugs in the US. Discipline ideally aims at a continuous panoptic observation of individuals responding even to minute deviations from a norm by disciplinary measures. Close monitoring of all people having to do with illicit substances can serve as an example. Drug scenes are infiltrated by undercover narcotics officers; dealers are prosecuted; potential consumers are tested for drug use; pharmaceutical companies and scientists are granted revocable licences for handling, producing, and/or marketing certain substances while being subject to regular supervision. Often, such disciplinary observation and legal sanctions work hand in hand. However, despite the establishment of a massive juridico-disciplinary apparatus, the ‘War on Drugs’ has failed to effectively repress drug trafficking and consumption of illegal substances in the US. In the licit sphere, state regulation of the drug market could not foreclose occasional drug disasters. Total control of society has remained a totalitarian utopia. As neither proscriptions nor continuous monitoring of individuals, companies and drugs could guarantee the desired outcomes, a third strategy was developed: security. The emergence of security as a form of government can be interpreted as a response to the limits of legal and disciplinary instruments. Here, the aim of total control is replaced by the modulation of a pre-existing milieu in order to regulate a population at large. While discipline is based on sustained interventions, security adopts – at least to a certain extent – a laissez faire attitude, only intervening as a last resort and after observation and evaluation of the specific tendencies of a given situation (Foucault, 2007: 1–86). As a key element of biopolitical government

(which aims at the promotion rather than the repression of life), Foucault's notion of security differs from the traditional sense of the term. It is not based on the restriction of civil liberties for the sake of protecting the population through preventive exclusion of malign agents. The **biopoliticized security apparatus** of the advanced liberal state **monitors the circulation of people, goods, information**, and so on, to regulate the chances and risks integral to these flows (Dillon & Lobo-Guerrero, 2008). The present paper analyses the functioning of this kind of **security in pharmaceutical economies dealing with substances that simultaneously foster and threaten the welfare of the population**. Aiming at modulation rather than tight control of drug markets, both **pharmacovigilance** and post-black market **surveillance conform to Foucault's notion of security**.

The control of medications gives the FDA biopolitical control over populations and epidemics—the AIDS movement proves

Langlitz 09 (Nicolas, an anthropologist and historian of science studying epistemic cultures of mind and life sciences. He is the author of *Neuropsychedelica: The Revival of Hallucinogen Research since the Decade of the Brain* (2012) and *Die Zeit der Psychoanalyse: Lacan und das Problem der Sitzungsdauer* (2005) Associate Professor in the Department of Anthropology at the New School for Social Research in New York “Pharmacovigilance and Post-Black Market Surveillance” *Social Studies of Science* 39/3 (June 2009) page 398-399 SSS and SAGE Publications sss.sagepub.com/content/39/3/395.full.pdf, cayla_)

Until the beginning of the 20th century, **states** showed little interest in what their citizens ingested. Since then, however, they **have begun to regulate the** hitherto uncontrolled **commerce in foods and drugs**. In the US, for example, **the Food and Drug Administration has come to serve as gatekeeper to the market** (Marks, 1997; Hiltz, 2003; Daemmrich, 2004). But – at least initially – the FDA lacked mechanisms for paying systematic attention to side effects of the drugs it had already approved. American doctors usually did not report back to the FDA. It dealt with the problem of side effects by demanding extensive and time-consuming premarket tests from pharmaceutical companies. In the case of the beta-blocker propranolol, for example, it took its manufacturer Ayerst almost 10 years to get approval (Daemmrich, 2004: 74). **The FDA gained its power and legitimacy through a number of drug scandals**, in which patients had been severely harmed by adverse drug reactions. As a result, **it came to see patients as vulnerable subjects in need of protection against industry**. This protection was **granted by setting up high hurdles to the market**. Of course, these measures were criticized from the beginning. The FDA was accused of hampering business interests, slowing down the development of new drugs, and keeping already developed drugs from patients for too long (Daemmrich, 2004: 29). In the 1980s, these attacks gained momentum. At the time, patient organizations based on diseases – especially the AIDS movement – became increasingly active in the US. Now **patients** whom the **FDA was meant to protect accused it of withholding life-saving medications from them**. Instead of being protected and patronized, **they wanted to be given the chance to try still experimental drugs in an otherwise hopeless situation**. Unwilling to bear with the delays caused by the FDA's due process, AIDS activists and allied scientists began to organize community-based therapeutic trials and underground tests of new unlicensed drugs in so-called guerrilla clinics (Epstein, 1996: 216–19; Marks, 1997: 229–48; Daemmrich, 2004: 96–103). However, when the FDA eventually gave in and accelerated the approval process this was not only due to the AIDS activists' media campaign (Abraham, 2007: 53). In fact, the vast majority of novel medicines that could now enter the marketplace faster did not serve to treat lifethreatening diseases, such as HIV infections.

Drug epidemics are examples of the state controlling the populations behaviors while excluding itself from the regulatory regime it sets up for others

Langlitz 09 (Nicolas, an anthropologist and historian of science studying epistemic cultures of mind and life sciences. He is the author of *Neuropsychedelica: The Revival of Hallucinogen Research since the Decade of the Brain* (2012) and *Die Zeit der Psychoanalyse: Lacan und das*

Problem der Sitzungsdauer (2005) Associate Professor in the Department of Anthropology at the New School for Social Research in New York “Pharmacovigilance and Post-Black Market Surveillance” Social Studies of Science 39/3 (June 2009) page 404-405 SSS and SAGE Publications sss.sagepub.com/content/39/3/395.full.pdf , cayla_)

The gradual criminalization of most drugs without acknowledged medical applications during the 20th century (alcohol, tobacco and coffee being the most prominent exceptions) recreated an uncontrolled drug market. While the FDA evolved as an efficient instrument to standardize manufacture and sale of food and drugs in the corporate world, by issuing licenses, seals of quality, and so on, the tightening of regulations also gave birth to a seemingly wild and unregulated zone of collective experimentation.¹² Since the 1980s, surveillance mechanisms such as the Drug Use Forecasting (DUF) system, the Arrestee Drug Abuse Monitoring (ADAM) programme, or the Researched Abuse, Diversion, and Addiction-related Surveillance (RADARS) system, which monitors prescription drug abuse, have kept watch on the epidemiology of widely abused substances. Their data files are kept in restricted archives, and their research findings are primarily meant to help policy-makers, regulatory agencies and pharmaceutical manufacturers to make decisions concerning problems of drug abuse (some of the results are also communicated to the scientific community through journal papers). These initiatives concentrate on epidemiological patterns of use of rather common and well-known illegal substances, such as cocaine, marijuana, methamphetamine and opiates. However, the sector of clandestine pharmaceuticals, like its law-abiding counterpart although at a much slower rate, continuously introduces new (or reintroduces old) drugs to the market. Even though human beings have tried out unknown drugs since prehistoric times, we have recently witnessed an accelerated rate at which novel substances enter the market. As Philip Jenkins points out, since the 1970s a new emerging ‘drug epidemic’ is diagnosed every 3 to 4 years by the Drug Enforcement Agency (DEA), while the media call for action (Jenkins, 1999: 2). By the mid 1980s, a number of synthetic drugs had already entered the marketplace in waves (methamphetamine, PCP, fentanyl, MDMA). At the more experimental fringes of the grey and black markets, the number of hallucinogens grew exponentially throughout the 20th century: Whereas in the 19th century the Western world knew only two psychedelic drugs, marijuana and peyote, by the 1950s it knew dozens, and today more than 200. Manufacturers circumvented prohibitive laws by modifying the molecular make-up of their drugs, producing substances with effects similar to those of their predecessors, but not covered by drug legislation: the law has always lagged behind. In 1986, the Reagan administration responded to the challenge of such designer drugs (a term coined around 1980 to designate new synthetic substances serving as ‘drugs of abuse’ [Jenkins, 1999: 7]) by establishing a more supple, but highly restrictive legal framework: the Controlled Substance Analogue Enforcement Act. Instead of explicitly listing all substances declared illegal, the so-called Analogs Act anticipated the development of new drugs replacing prohibited substances. Administrators pre-emptively illegalized all substances that were ‘substantially similar’ in structure or action to a controlled substance, presumably because they were unable to keep up with the flow of new inventions (Eisner, 1989: 128). Erowid can be interpreted as an assemblage exercising pharmacovigilance on the grey and black markets excluded from the regulatory regime established by the state. Analogous to WHO’s Uppsala Monitoring Centre or the FDA’s MedWatch, Erowid – among other things – collects and processes data on adverse drug reactions caused by newly introduced designer drugs or psychoactive plants. This kind of ‘consumer intelligence’ is based on experience reports sent in by the drug users themselves, instead of being mediated by physicians – a strategy also practiced by regulatory agencies since the mid 1980s (Daemmrich, 2004: 137).¹³ Erowid has extended ‘the scope of pharmacovigilance ... beyond the strict confines of detecting new signals of safety concerns’ on the legal drug market (as suggested by the World Health Organization [2002: 7]) by facilitating a regime of postmarket or post-black market surveillance within the virtual community of experimental drug users.

The FDA has empirically used the failures of its surveillance regime as a justification for further interventions and centralization of pharmacovigilance—bringing attention to FDA’s mistakes can never solve

Langlitz 09 (Nicolas, an anthropologist and historian of science studying epistemic cultures of mind and life sciences. He is the author of *Neuropsychedelia: The Revival of Hallucinogen Research since the Decade of the Brain* (2012) and *Die Zeit der Psychoanalyse: Lacan und das Problem der Sitzungsdauer* (2005) Associate Professor in the Department of Anthropology at the New School for Social Research in New York “Pharmacovigilance and Post-Black Market Surveillance” Social Studies of Science 39/3 (June 2009) page 411-412 SSS and SAGE Publications sss.sagepub.com/content/39/3/395.full.pdf , cayla_)

In the case of patients suffering from terminal diseases such as AIDS (at least in the early days of the epidemic) or amyotrophic lateral sclerosis, however, opting for ‘more security’ by requiring more preclinical research before marketing, means risking the lives and well-being of patients possibly profiting from newly developed medications. Here, the opposition between risk and security can only serve a polemical purpose.²⁰ In the 1980s, AIDS activists and the pharmaceutical industry pressed for an acceleration of the approval process. They asked the government to become more venturesome in light of unavoidable ignorance with respect to the future, risking unexpected side effects for the sake of the new drugs’ potential benefits. In the course of the subsequent deregulation in the 1990s, the FDA managed to halve its average review time. But the system of postmarket surveillance that

was supposed to make up for the resulting reduction of premarketing safety testing could not prevent a series of drug disasters, ranging from more than 50 deaths attributed to the anti-cholesterol medication Lipobay, to a significant increase of suicidal behaviour associated with selective serotonin reuptake inhibitor (SSRI) antidepressants, and to what at least one FDA official later suggested were thousands of heart attacks and strokes caused by the anti-inflammatory drug Vioxx (Graham, 2004; House of Commons Health Committee, 2005: 85–88). Even though the accumulation of serious incidents related to these substances was detected through pharmacovigilance, these events have been interpreted as failures of a postmarket surveillance regime, which is accused of having responded too late. Of course, although it serves as a means of coping with our structural ignorance of the future, **pharmacovigilance is bound to initiate interventions in a post hoc manner.** In the case of Vioxx, for example, which had received expedited review and approval, there had been early indications that patients taking the drug were suffering disproportionately from cardiovascular problems. Nevertheless, neither the manufacturer, Merck, nor the FDA took action to examine these problems systematically. Investigations even suggested that **Merck made an effort to actively conceal data** demonstrating the cardiovascular toxicity of its product. While the **FDA waited passively for data to accrue**, it took more than 5 years to instigate what would become the largest prescription drug withdrawal in history in 2004 (Fontanarosa et al., 2004; Angell, 2006; cf. Harris, 2004, 2006; Topol, 2004). Considering that the FDA would have had the authority to mandate a trial, this failure of pharmacovigilance cannot be justified by structural ignorance alone. At least in part, it must also be attributed to strategic ignorance in McGoey's (2007) sense.²¹ In the aftermath of the drug debacles of the early 2000s, the FDA and other regulatory agencies were accused of having failed to meet their responsibility to protect the population against drug dangers. American regulators responded to this criticism with two almost contradictory strategies, mirroring the incommensurable demands they faced. On the one hand, the **FDA tried to restore its authority by tightening its regulations.** Since then, the requirements for both pre- and postmarket testing have been raised significantly. The average time from application to approval was almost doubled after the withdrawal of Vioxx, and today the FDA tells pharmaceutical companies more often to conduct systematic studies of the safety of their medicines after they have already been licensed (Harris, 2005). Furthermore, it has been discussed whether drug makers will have to pay for independent continuing post-approval surveillance of their products (Harris, 2004). Here, **stricter regulations and an increase of centralized pharmacovigilance have been used in order to rebuild trust in drugs – and in the FDA.** On the other hand, to cover itself the **FDA has adopted a second strategy undermining this restoration of trust.** To avoid being blamed for unexpected adverse drug reactions, it has begun to issue warnings even if there is no clear evidence. Its new commissioner Lester Crawford said that the agency could no longer wait until possible risk is verified, but must communicate its uncertainty to the public. Often it does so by advising patients to speak to their doctors about questionable medications. But, as one medical practitioner said to the press, 'the physicians don't know what to tell the patients, either'. And a colleague of his added: **'They're just passing the blame onto the physician.** ... They're just trying to say that they warned us' (Harris, 2005).

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The biomedical industrial complex works in tandem with the industries, military, and political system to normalize mental health practices at the expense of those considered “disabled” “abnormal” or “diseased”

Gomory et. al 10 (Tomi, Stephen E. Wong, Cohen Jeffrey R. Lacasse Associate professor at Florida State University, specializing in Homelessness, International Social Work, Mental Health, Mental Health & Substance Abuse, Philosophy of Science, Research Methods, Social Policy, Social Work Practice “Clinical Social Work and the Biomedical Industrial Complex” Journal of Sociology and Social Welfare, December 2010, page 2
diginole.lib.fsu.edu/cgi/viewcontent.cgi?article=1032&context=csw_faculty_publications ,
 cayla_)

When Relman (1980) introduced the phrase “**biomedical industrial complex**” to echo President Dwight Eisenhower’s famous 1960 warning about the influence of the military- industrial complex, he wished to emphasize the influence of large corporations on the medical system. Later writers, focusing on its psychiatric portion or counterpart and emphasizing its ideological elements such as medicalization, described a mental health-industrial complex (Duhl, Cummings, & Hynes, 1987), a psychiatric-industrial complex (Carpenter, 2001), or a psychopharmaceutical-industrial complex (Breggin, 1997; Murray, 2009). In accord with these authors, we **mean the reinforcing and interlocking connections between the pharmaceutical, biotechnological, and medical industries that—**together with academic experts in the helping professions, governmental funding and regulatory bureaucracies such as the National Institute of Mental Health (NIMH) and the Food and Drug Administration (FDA), and professional and family lobbies—**promote and support a biomedical model of psychosocial distress and disability.** Spending in the U.S. on mental health and substance abuse has been forecast to reach \$239 billion by 2014, of which \$72 billion is expected to be for psychotropic drugs (Levit et al., 2008). Critics of **the biomedical complex** observe that over the past fifty years it **has monopolized mental health practices to the detriment of** its ostensible **beneficiaries.** Its primary purpose seems to be “biomedical dominance” (Carpenter, 2001, p. 70), the successful inculcation of the view that a medicalized approach (conceptual, scientific, clinical, institutional) to psychosocial distress, disability, and disapproved behavior is valid and is the best

approach for everyone. Critics document that the approach obscures the differential benefits accruing especially to the leading players, theorized in most discussions to be large private corporations (especially but not exclusively pharmaceutical) and their allies in politics, the professions, and academia. These benefits translate into money, and therefore influence to recast all the issues involved, “to the extent of altering public perceptions as to what is occurring and why” (Turnock, 2009, p. 136). Some policy analysts have noted how **heads of corporations benefit lavishly but illicitly from the biomedical industrial complex** (e.g., Cassels, 2009), and at least one clinician (Murray, 2009), has argued that **the psychopharmaceutical-industrial complex leads many clients to adopt and internalize “disease-model messages . . . in ways similar to cult indoctrination”** (p. 283), that is, impervious to evidence and experience. These observations illustrate the complexity of the system, they are not meant to promote a conspiracy theory type of explanation. Our use of psychiatric- industrial complex and associated terms is meant to re-focus attention of social workers on the explicit and implicit functions and on the dynamic nature of a very large social system, and of their roles in it. It is **also meant to highlight interconnections between the constituent ideologies, professions, client populations, treatments, and institutions of the system, as well as connections between it and other large systems, such as criminal justice, welfare, education, and the military.**

Case Neg

<http://oversight.house.gov/wp-content/uploads/2014/02/Harris-FDA-Statement-FDA-2-26-COMplete.pdf>

FDA Advantage

FDA Fine Now

Claims that the FDA is in bed with big Pharma are alarmist and just flat wrong

LaMattina 13 (LaMattina, John- the president of Pfizer Research and Development and Forbes Contributor, covers news concerned with the Pharmaceutical Industry; 8/07/2013; Is The FDA Being Compromised By Pharma Payments?; <http://www.forbes.com/sites/johnlamattina/2013/08/07/is-the-fda-being-compromised-by-pharma-payments/>; Forbes.com; 08/07/15) JG

Is The FDA Being Compromised By Pharma Payments? ¶ Comment Now Follow Comments ¶ In touting an upcoming special issue of the Journal of Law, Medicine and Ethics (JLME), Donald W. Light of the School of Public Health, University of Medicine & Dentistry of NJ, wrote an article entitled “Risky Drugs: Why The FDA Cannot Be Trusted”. Last week I discussed one aspect of this article, Light’s challenge that 90% of FDA approved drugs of the last 30 years are no more effective than existing drugs. However, the bulk of his essay focuses not on his views about pharma’s competence but rather on his issues with the FDA. While I found a number of his comments troubling, the following stood out. ¶ “The forthcoming article in JLME also presents systematic, quantitative evidence that since the industry started making large contributions to the FDA for reviewing its drugs, as it makes large contributions to Congressmen who have promoted this substitution for publicly funded regulations, the FDA has sped up the review process with the result that drugs approved are significantly more likely to cause serious harm, hospitalizations, and deaths.” ¶ This is a pretty damning comment. Basically, Light is saying that pharma paid congressmen to sponsor legislation that results in the FDA being beholden to pharma for funding for its work. Implicit in this is that, as a result of these large “contributions”, the grateful FDA is rapidly approving medicines that are harmful. ¶ A bit of history would be helpful to show the actual reasons why the pharma industry makes “contributions” to the FDA. Few remember that back in the late 1980s there was a “drug lag” in the U.S. versus other parts of the world. Because of a lack of resources at the FDA, drugs were being approved at a much slower rate in the U.S. than in Europe. More than half of all drugs approved in the U.S. had been approved in Europe more than a year earlier. As a result, patients, physicians, advocacy groups, and pharmaceutical companies were all concerned that access to important new medicines was being denied to Americans. ¶ To solve this problem, Congress enacted the Prescription Drug User Fee Act (PDUFA) of 1992. PDUFA provided a mechanism whereby charges were levied on pharmaceutical companies for each new drug application (NDA) filed. The revenues from these “user fees” were used to hire 600 new drug reviewers and support staff. These new medical officers, chemists, pharmacologists, and other experts were tasked with clearing the backlog of NDAs awaiting approval. Consequently, the FDA was able to reduce review times of NDAs to 12 months for standard NDAs and to 6 months for priority applications that involved significant advances over existing treatment. As a result of PDUFA, the timing of U.S. drug approvals began to mirror that of the rest of the world. ¶ Congress clearly likes PDUFA as the act has been renewed five times since 1992. PDUFA-V was approved in 2012. Undoubtedly, this legislation helps to support the FDA and fuel needed growth. In 1995, The actual user fee charged to each company filing an NDA in 1995 was \$208,000. In 2014, the user fee will be

\$2,169,100. If you assume that as many as 50 NDAs are filed in a year, Congress is passing on \$100 million of FDA funding costs to the industry.¶ Despite Light's assertion, I can attest that pharma companies don't relish making these payments. The FDA is a government agency and should be funded entirely by the federal government. But pharma companies don't have a choice. If a company wants to bring a new medicine to patients, it has to pay the user fee just to get the drug reviewed. Furthermore, anyone who pays attention to FDA behaviors knows that the agency doesn't automatically approve NDAs. Just in the last few months, the FDA has rejected, in the form of complete response letters, an insomnia drug from Merck, a migraine drug from Allergan, and a kidney cancer drug from Aveo. In fact, any suggestion of the FDA being beholden to the pharmaceutical industry due to the PDUFA user fees is comical to those familiar with the drug review process.¶ So, why should anyone care about Light's views? Unfortunately, as an academic whose work is supported by the Safra Center for Ethics, his word carries a disproportionate amount of influence. These comments perpetrate the view that there is an unholy alliance between the FDA and the pharmaceutical industry, an alliance that threatens the health of patients. This might make for a Hollywood movie plot. Truth be told, such a conspiracy doesn't exist.

FDA Credible Now

The FDA is credible: controversy is just media and alarmist hyperbole

Butterworth 11 (Butterworth, Trevor- Director of Sense About Science, USA ; Why You Should Trust The FDA; Forbes Magazine; 9/19/2011; 08/07/15;
<http://www.forbes.com/sites/trevorbutterworth/2011/09/19/why-you-should-trust-the-fda-and-not-dr-oz/>) JG

If the reaction in the news media to Dr. Oz's absurd claims about the dangers of arsenic in apple juice has been enormously heartening (essentially the media's collective "Dr. Oz says this, but the FDA says that" narrative leaves the celebrity cardiothoracic surgeon looking like an unscrupulous and unethical quack), the disheartening part is that too many people will still choose to believe a television doctor who doesn't know his ass from his elbow in terms of chemistry, over the massed ranks of PhD's and toxicologists at the Food and Drug Administration.¶ This abysmal state of affairs was summed up by some fool on The View mouthing off about how we all should be grateful that Dr. Oz is looking out for our kids – as if the hundreds of millions of taxpayer dollars spent on a vast array of regulatory agencies simply didn't occur.¶ This "trust a TV-doc lunacy" is especially frustrating for me as I had the privilege to speak this summer at the FDA's 12th annual symposium on food safety and applied nutrition, which is jointly organized with Britain's Food and Environment Research Agency (Fera), and the Joint Institute for Food Safety and Applied Nutrition (JIFSAN) at the University of Maryland, College Park. The theme this year was "Dealing with Uncertainty in Risk-Based Decision Making and Response."¶ As I listened to presentation after presentation from scientists who spend their working days trying to protect the public from contamination in food, I was struck by the fact that the real story about what the FDA does is almost impossible to convey to the public. Certainly, in all the years I've been reporting on risk, I have never seen any story in the mainstream media that articulates the complexity of the science. And if you don't grasp that complexity, you just cannot understand how serious and scrupulous these scientists are when it comes to trying to protect the public.¶ This is why Dr. Oz, in refusing to acknowledge the simple, objective errors the FDA pointed out in the way his show measured arsenic, betrayed science. And when you betray science, it doesn't matter how much you protest that you are only looking to protect America's children. No one is protected by getting the science wrong.¶ But how do you communicate that betrayal to a public which simply doesn't understand chemistry (and probably shudders at the mere mention of the subject thanks to high school), doesn't think scientifically (i.e., mentally tests propositions for the ways in which they might be falsifiable), but reacts on a deep emotional level to the idea that the kids are in mortal danger?¶ What was notable – and praiseworthy – about the FDA's response was that it added a much more personalized message to its straightforward scientific criticism of Dr. Oz's claims. Donald Zink, Ph.D, senior science advisor at FDA's Center for Food Safety and Applied Nutrition (CFSAN), said what often goes unsaid in these media controversies. "As a parent and grandparent myself, I understand the concern over recent reports that arsenic has been found in apple juice," he said, before adding that years of testing at the FDA – and, more importantly, the way the FDA did its tests, left him without any cause for concern.¶ Now think about it: Dr. Zink is a microbiologist and biochemist specializing in food; how much microbiology and biochemistry do you really think Dr. Oz, a heart surgeon, knows?¶ More to the point, do you really think that the hundreds of parents at the FDA with

academic qualifications every bit as impressive as Dr. Oz's are somehow less reliable and less concerned about food safety than someone who has chosen to practice medicine on a daily television show? And finally, what is the likelihood that, in our age of massive food regulation, it just didn't cross anyone's mind to examine – and keep examining – apple juice?¶ The philosopher Arthur Schopenhauer warned that drama was as fundamental to journalism as it was to theater – and that journalists were like lap dogs, barking hysterically at everything that moved. It's time to see Dr. Oz as having crossed the canine rubicon – and having abandoned science for a barking role in the theater of the absurd.

FDA Cred Alt Causes

FDA cred shot

Dickson 13 – Virgil Dickson November 5, 2013 Regulatory and Policy Reporter at Modern Healthcare FDA credibility hurting due to budget issues, commissioner says - <http://www.modernhealthcare.com/article/20131105/NEWS/311059963>

Federal **budget cuts and budget uncertainty** are **hurting the credibility** of the Food and Drug Administration, agency Commissioner Dr. Margaret Hamburg said Tuesday. At a conference hosted by Bloomberg Government, Hamburg said the **stakeholders regulated by the FDA expect predictability and transparency** in how the agency conducts its oversight. And **that's been hard to deliver given the continuing federal budget wars**. One problem has been the **freeze on user fees paid by manufacturers** who want their products approved for safety and efficacy. **Because of** the budget **sequestration** cuts, **the FDA is set to lose \$85 million in user fees** in fiscal 2013, even though that money comes from regulated businesses, not from taxpayers. "You can't run agency as important as the FDA if you don't have predictability, if you don't know what budget you'll be given during the year, or if you don't know whether you can draw from certain resources or not," she said. **Increased responsibilities, such as regulating medical mobile apps**, also **have made the agency's work more challenging**. She said **the FDA has been "stretched thin for decades"**. Hamburg said as early next week **Congress will** vote a bill that would **increase her agency's authority to regulate compounding pharmacies**, following the more than 60 fungal infection-related deaths that occurred as the result of contaminated drugs made at the New England Compounding Center in Framingham, Mass. **"While more responsibility has been given to us, our budget has only expanded a little bit,"** she said.

Blood pressure safety data alt causes

Blankfield, 13 -- Robert, Case Western School of Medicine, European Journal of Preventive Cardiology, file:///C:/Users/Debate/Downloads/Credibility%20of%20the%20FDA.pdf

Why doesn't the FDA require the collection of cardiovascular safety data for medications that raise blood pressure? For new drug approvals, the FDA can require manufacturers to conduct safety trials after a drug is approved.⁵ Many of the drugs listed in Table 1 were approved so long ago that they are available generically. Even if the FDA desired the collection of safety data for these drugs, it is complicated to require manufacturers to obtain data for drugs that are available generically. The FDA lacks a legislative mandate to conduct research. Consequently, the **FDA lacks the financial resources to support prospective drug trials**. For the drugs listed in Table 1 for which safety data are inadequate, the **FDA might be able to support retrospective studies. There is precedent for this approach**. In collaboration with the Agency for Healthcare Research and Quality, the FDA supported two recently published retrospective studies regarding the cardiovascular safety of attention deficit disorder medications.^{6,7} The **credibility of the FDA has been damaged by multiple drug approvals** that occurred despite inadequate safety data. **Restoring the FDA's credibility depends, in part, upon the FDA requiring adequate morbid/mortal safety data** for new drug approvals when drugs raise BP, even though such requirements might increase the cost of drug development and/or slow down the development of new drugs. **Restoring the FDA's credibility also depends upon the FDA supporting the collection of morbid/mortal safety data for drugs that have already been approved but that raise BP**. Collecting safety data for drugs that have already been approved would be complicated.

Nonetheless, doing nothing – and thereby accepting the status quo – means tolerating drugs on the market that predictably increase the risk of serious adverse cardiovascular events. The longer the status quo persists, the more the credibility of the FDA diminishes.

alt causes to FDA legitimacy – data bending

McGarity and Vagner, 12 [JDs, UT law professors specializing in enviro law and tort]

(Thomas and Wendy, *Bending Science: How Special Interests Corrupt Public Health Research*, p. 22-34
https://books.google.com/books?hl=en&lr=&id=Ah6-__otORAC&oi=fnd&pg=PR7&dq=fda+AND+corrupt&ots=ToasirU8sq&sig=Xq04VSm0SyimbbjmKkvZpN9IPLU#v=onepage&q=fda%20corrupt&f=false)

Since data collection is merely the process of reporting observations to facilitate subsequent analysis, any shaping that occurs at that early stage typically equates to outright fraud. In the mid-1970s, the FDA appointed a special task force to investigate the integrity of the data the Searle Corporation had submitted to support new drug applications for two heavily used drugs. After studying the data extensively and performing site visits of the company’s laboratories, the task force concluded that the company had “made a number of deliberate decisions which seemingly were calculated to minimize the chances of discovering toxicity and/or to allay FDA concern.”⁵⁵ In another 1970s investigation, the FDA fortuitously learned from a former employee of the manufacturer of the drug MER-29 that upper-level company officials had ordered the employee to **change data** in animal studies that were submitted to the FDA in support of the new drug application.⁵⁶ Three of the company’s employees pleaded *nolo contendere* to charges that they had forged and manipulated the animal studies to minimize the apparent risks posed by MER-29.⁵⁷ As we learned in Chapter 3, the EPA during the same time period discovered that a testing contractor, Industrial Bio-Test Laboratories, had perpetrated systematic fraud in its routine pesticide testing operations.⁵⁸

alt causes to legitimacy – manufacturers skirt regs and the public loses interest

McGarity and Vagner, 08 [JDs, UT law professors specializing in enviro law and tort]

(Thomas and Wendy, *Bending Science: How Special Interests Corrupt Public Health Research*, p. 22-34
Harvard University Press https://books.google.com/books?hl=en&lr=&id=Ah6-__otORAC&oi=fnd&pg=PR7&dq=fda+AND+corrupt&ots=ToasirU8sq&sig=Xq04VSm0SyimbbjmKkvZpN9IPLU#v=onepage&q=fda%20corrupt&f=false)

-means even if whistleblower laws are lessened, public pressure lessens and huge drug companies dominate w/o enforced regs

Where Possible, Choose Ignorance One way for companies to avoid the dilemma of deciding whether to suppress damaging research findings is to avoid testing altogether.²³ As the handwritten notes on the agenda for a pharmaceutical company staff meeting revealingly noted: “If FDA asks for bad news, we have to give it, but if we don’t have it we can’t give it to them.”²⁴ The same is true for the information needed to resolve common law tort litigation. Huge gaps in scientific research relating to the impact of products and industrial activities on health and the environment serve as a testament to this tendency of many companies, consistent with rational

choice theory, to choose ignorance.²⁵ Even as late as 1984, an NAS panel found that **no toxicity testing** existed for more than 80 percent of all toxic substances used in commerce and by 1998, at least one-third of the toxic chemicals produced in the highest volumes still failed to satisfy **minimal testing standards** recommended by an international expert commission.²⁷ Anticipating the natural preference of some companies to resist safety research, Congress has enacted several product licensing statutes that require premarket health and safety testing as a condition to regulatory agency approval.²⁸ These statutes, however, apply only to pesticides, drugs, certain medical devices, and a small set of other suspect products.²⁹ For most other products and pollutants, affirmative testing requirements are effectively nonexistent.³⁰ Even when the authority does exist to require testing, the agencies generally need some limited evidence of harm before they can take meaningful postapproval regulatory action—a Catch-22 that reduces their ability to order more testing.³¹ The FDA, for example, has authority to require premarket testing of drugs and devices, but its postmarket testing authority has been quite limited until recently. A 2006 report of the NAS's Institute of Medicine noted that "once a drug is on the market, it can be difficult to compel sponsors or others to undertake appropriate comparative trials."³² Even when manufacturers have agreed to undertake postmarket clinical trials, they have not always completed them. The FDA reported in March 2006 that **65 percent** of the twelve hundred studies sponsors had agreed to undertake during several previous years had not even been initiated.³³ The result is that **dangerous drugs might have remained on the market while their manufacturers chose ignorance.** Examples include: Prozac—After a 1990 epidemiological study raised serious questions about Prozac's potential to cause some patients to commit suicide, an FDA advisory committee strongly recommended that the manufacturer conduct a large clinical study to probe the suicide question. The company hired a prominent scientist who met with the author of the earlier study, drew up protocols for the recommended study, and approached investigators about participating in the study. By then public pressure had subsided, and the company never conducted the more ambitious follow-up study. Without the study, the FDA was reluctant to take action to protect potential victims, and it did not require warnings on the high suicide risks that Prozac and similar drugs may have posed to children and adolescents until New York's attorney general brought a highly publicized lawsuit in 2004.³⁴

Plan doesn't go near far enough- alt causes to FDA inefficiency

Bloomberg 15- Bloomberg News is an international news agency headquartered in New York, United States and a division of Bloomberg L.P (The Editors- Bloomberg View; MAY 22, 2015; How to Fix the FDA: Carefully; 07/09/15;

<http://www.bloombergview.com/articles/2015-05-22/how-to-fix-the-fda-carefully>) JG

The process for approving new drugs in the U.S. takes a long time and costs a lot of money. But in trying to speed things up too much, Congress runs the risk of allowing drugs to reach the market that aren't necessarily safe. Some lawmakers -- led by Energy and Commerce Committee Chairman Fred Upton, a Republican from Michigan, and Diana DeGette, a Colorado Democrat -- assert that drugs are slow in coming because the Food and Drug Administration has been failing to innovate quickly enough. But last year the agency approved more new drugs than in any other year in almost two decades. In 2013, the median approval time for a new drug was about a year, an improvement over prior years and faster than that of the FDA's counterparts in Europe or Japan. Most new drugs in the U.S. now qualify for some form of expedited review. And two-thirds of drugs approved worldwide last year were first approved in the U.S. That doesn't mean the FDA can't be improved. The agency says it could do its job better if it had greater authority to hire staff directly. It also wants greater freedom from congressional rules that cap executive salaries at about a third of what drug companies pay. A bill that

may soon come up for a vote in the House would give the FDA both, as well as push to create still more avenues for expedited drug reviews.¶ But changing how the FDA operates can do nothing to shorten the long time -- almost 13 years -- that it takes a new drug to arrive at the FDA's doorstep. The discovery and development phase lasts an average of six and a half years, and clinical trials take six more.¶ Speeding up the first of these pre-FDA phases takes an investment in research. To encourage faster drug discovery, the House proposal would fund more research, granting the National Institutes of Health an extra \$10 billion over five years -- a timely injection of new money for an agency whose budget has been flat for a decade. But how can clinical trials be made to move faster without increasing the risk that unsafe drugs might be approved?¶ Congress wants to make it easier for drug companies to use changes in so-called biomarkers, such as cholesterol levels or plaque concentrations in the brain, as proxies for more traditional health outcomes that take longer to measure. It also wants the FDA to be more willing to accept clinical trials with fewer participants, and put more weight on evidence from outside the trials and testimony from patient groups.¶ Some of these ideas have promise. But the balance between political pressure and scientific caution is easily upset. Lawmakers need to give the FDA more flexibility without pushing it to weaken specific aspects of the approval process, especially clinical trials, in ways that the agency considers unsafe.¶ The legislation needs to be written to reflect this principle, and Congress will have to acknowledge that the gains from reform could well be modest and incremental. Modest change is the only safe kind.¶ To contact the senior editor responsible for Bloomberg View's editorials: David Shipley at davidshipley@bloomberg.net.

FDA Collapse Inev

backlash against the FDA is inevitable and the FDA fails anyway

Lamattina 14

(John, Forbes Contributor "Yale Study on FDA Approvals -- Informative or Irresponsible?" Forbes. 2/11/14.

www.forbes.com/sites/johnlamattina/2014/02/11/yale-study-on-fda-approvals-informative-or-irresponsible/)

The FDA is America's gatekeeper for access to new drugs. As such, it **gets a lot of scrutiny from the press, Congress, and generally anyone with a major stake in the decisions it makes. There are those who claim that the FDA is too lenient** in its decision making process **and that it unleashes unproven new drugs on an unsuspecting public** that presumes any medicine approved is safe and efficacious. **Others** will **assail the FDA as being far too conservative** and say that the agency is unnecessarily delaying access to new life-saving drugs because of its bureaucracy.¶ **Researchers at Yale** recently tried to bring more transparency to the FDA's decision making process by publishing a study entitled: "Clinical Trial Evidence Supporting FDA Approval of Novel Therapeutic Agents, 2005 – 2012". Here's the stated purpose of their study.¶ "Many patients and physicians assume that the safety and effectiveness of newly approved therapeutic agents is well understood; however, the strength of the clinical trial evidence supporting approval decisions by the US Food and Drug Administration (FDA) has not been evaluated."¶ Using the FDA's publicly available website, the Yale authors analyzed data for 188 novel therapeutic agents approved by the FDA over this period. Their results were highlighted in a Yale press release that trumpeted: "All FDA drug approvals not created equal". Lead author, Dr. Joseph Ross, summarized the results.¶ "We **found that** during the study period, **more than one-third of the drugs were approved on the basis of a single trial, without replication** and many other trials were small, short, and **focused on lab values, or some other surrogate metric of effect, rather than clinical endpoints like death.**..... **There was a lack of uniformity in the level of evidence the FDA used**..... Based on our study of the data, we cannot be certain that this expectation (FDA approval certifies safety

and efficacy) is necessarily justified, given the quantity and quality of variability we saw in the drug approval process.”¶ Needless to say, **these comments triggered numerous criticisms of the FDA** “All FDA drug approvals not created equal” was the lead for many stories covering this article. Others were more damning such as “Yale researchers chide the FDA for failing to enforce high R&D standards.” **Twitter also generated much comment and pharma critic Ben Goldacre’s remark was typical: “FDA approving new drugs on staggeringly weak evidence** as new JAMA paper shows.”

new congressional oversight report blasts the FDA

ANH 14

("Congress Chastises FDA: 'You're Not Listening!'" Alliance for Natural Health. 5/27/14.
www.anh-usa.org/congress-chastises-fda/)

“We found that FDA focused on perfecting their legal reasons for inaction,” a Senate committee wrote, “instead of protecting families.” Action Alert!¶ Last Friday, **the Senate Appropriations Committee criticized the FDA for ignoring doctors, patients, and** compounding **pharmacists** by issuing proposed new regulations on compounding pharmacies without sufficiently consulting these stakeholders. The language—which is worded stronger than any report language the ANH staff has previously seen—also directs the FDA to consult with interested parties before moving forward.¶ The Committee notes that the Food and Drug Administration has begun implementing the Compounding Quality Act by releasing guidances and working to appoint members to the Pharmacy Compounding Advisory Committee. **The Committee is concerned that the Food and Drug Administration is not meeting with any stakeholders before publicly releasing further guidance for public comment.** The Committee directs the Food and Drug Administration to meet with stakeholders to help inform the implementation of the Compounding Quality Act to ensure continued access to safe compounded drugs for which there is a clinical need.¶ The language scolding the FDA was inserted into a committee report at the request of Sen. Lamar Alexander (R-TN), who has committed himself to making sure stakeholders are heard: **“If FDA isn’t sitting down with doctors, patients, and pharmacists and communicating how it is implementing the law, then I will stay on FDA until it does.”**

Mercola Indict

Mercola’s a charlatan- his claims are unsubstantiated and hyperbolic

Barrett 14- retired psychiatrist, author, co-founder of the National Council Against Health Fraud, and the webmaster of Quackwatch (Barrett, Stephen; FDA Orders Dr. Joseph Mercola to Stop Illegal Claims; Quackwatch; <http://www.quackwatch.com/11Ind/mercola.html>; September 2, 2014.; 08/07/15) JG

Joseph Mercola, D.O., who practices in Schaumburg, Illinois, also operates one of the Internet's largest and most trafficked health information sites. In 2012, Mercola stated that his site had over 300,000 pages and is visited by "millions of people each day" and that his electronic newsletter has close 1,500,000 subscribers [1]. The site vigorously promotes and sells dietary supplements, many of which bear his name.¶ In 2004, Medical Economics reported that Mercola's practice employed 50 people and that he employed 15 people to run his newsletter, including three editors [2]. Much of his support has come from chiropractors who promote his newsletter from their Web sites. Two of his books hit the #2 sales rank on Amazon Books shortly after his newsletter plugged them for the first time.¶ For many years, Dr. Mercola and other staff members saw patients at his clinic, which was called the Optimal Wellness Center. However, in 2006, an article in Chicago Magazine reported that Mercola had stopped practicing medicine to focus on his Web site [3]. I did not see any mention of this on his Web site, and the site invited patients to come to his clinic—which was renamed Dr. Mercola's Natural Health Center—for detoxification, chiropractic, Dispensary, Emotional Freedom Technique (EFT), Functional Medicine Program, homeopathy, Neuro-Structural Integration Technique (NST), nutritional consultation, Nutritional Typing Test, thermography, Total Body Modification (TBM), and Active Isolated Stretching. In September 2014, the site announced that he had closed the clinic "in order to devote his full time and attention to research, education and increasing public awareness." [4]¶ Many of Mercola's articles make unsubstantiated claims and clash with those of leading medical and public health organizations. For example, he opposes immunization [5] fluoridation [6], mammography [7], and the routine administration of vitamin K shots to the newborn [8,9]; claims that amalgam fillings are toxic [10]; and makes many unsubstantiated recommendations for dietary supplements. Mercola's reach has been greatly boosted by repeated promotion on the "Dr. Oz Show."¶ Mercola's Profits¶ Mercola is very critical of drug company profits and proudly states:¶ Mercola.com does NOT accept any third-party advertising or sponsorship, and I am in no way tied into any pharmaceutical company or any other corporate "interest" whatsoever. So you get the real inside scoop on health issues, with practical advice that matters to you untainted by outside influence! [1]¶ He also states:¶ Mercola.com is not . . . a tool to get me a bigger house and car, or to run for Senate. I fund this site, and therefore, am not handcuffed to any advertisers, silent partners or corporate parents. . . . ¶ Profit generated from the sale of the products I recommend goes right back into maintaining and building a better site. A site that, startling as it may be with all the greed-motivated hype out there in health care land, is truly for you [11].¶ I don't doubt Mercola's sincerity—and I know nothing about how he allocates his income. But I recently made some interesting observations. The word "Mercola" on the labels of his "Dr. Mercola Premium Supplements" is service-marked. Records at the U.S. Patent and Trademark Office say that he began using the mark in commerce in 2000, applied to register it in 2009, and was granted registration in 2010. The registration address is for his home in South Barrington, Illinois, which the BlockShopper Chicago Web site states has 5,083 square feet and was purchased by Mercola in 2006 for \$2 million. The Bing Maps aerial view indicates that it is quite luxurious. ¶ In 2011, Mercola announced the formation of Health Liberty, a nonprofit coalition whose goals include promoting organic foods and targeting fluoridation, vaccination, genetically modified foods, and the use of amalgam fillings [12]. In a video accompanying the announcement, Mercola stated that he planned to donate \$1 million to catalyze the project. In addition to Mercola.com, The coalition members are:¶ National Vaccine Information Center (NVIC), which understates the benefits and exaggerates the risks of vaccination¶ Fluoride Action Network (FAN), the leading promoter of misinformation about fluoridation¶ Institute for Responsible Technology, which understates the benefits and exaggerates the risks of genetically modification of foods¶ Consumers for Dental Choice, which vigorously attacks amalgam use with misinformation, propaganda, lobbying, and lawsuits¶ Organic Consumers Association, which irresponsibly promotes unpasteurized milk and spreads false alarms about food irradiation, agricultural biotechnology, and vaccines.¶ The "health freedom" argument involves deception by misdirection. It focuses on individual freedom but does not consider how people who fail to protect their health put the rest of society at physical and/or financial risk. Failing to vaccinate, for example, decreases herd immunity so that contagious diseases spread more widely. In 2012, Mercola began calling his newsletter "Health Liberty Newsletter."¶ In 2013, Williamette Week reported that Mercola had donated a total of \$26,975 in cash and in-kind contributions that included polling and a YouTube video to support the efforts of the anti-fluoridation group that is opposing a fluoridation referendum in Portland, Oregon. The report also stated that "Mercola has questioned whether HIV causes AIDS, suggests that many cancers can be cured by baking soda, and warns parents not to vaccinate their children. He also says that animals are psychic." [13]¶ Better Business Bureau Report¶ Mercola markets his supplements through Mercola Health Resources, LLC. In 2011, after a customer complained that she thought a product she purchased was overpriced, I began checking whether the Better Business Bureau had received any complaints. I found that the company was rated C- on a scale of A+ through F. On February 1, 2012, the BBB reported that during the previous 36 months, there were 26 complaints—which is not an unusually high number for a high-volume business—but the report contained the following comments:¶ A recent review of consumer complaints filed with the BBB of Chicago & Northern Illinois against your Mercola Health Resources, LLC delineates a pattern of consumer allegations. Consumers are alleging that Mercola Health Resources does not honor the 100% money-back guarantee listed on your website. Customers have reported that refunds have not been provided for returns that were specifically covered under this guarantee. Consumers have also reported that they have experienced delivery issues. While www.mercola.com states that orders ship within 10 business days, consumers say they have waited much longer for their products. Customers allege that the company's service staff has been unable to provide explanations regarding this delay. Some consumers have also reported that Mercola provided them with shipment tracking numbers that were not valid with their respective carriers [14].¶ On November 26, 2013, I checked again and found that during the previous 36 months there had been 34 complaints, complaints but the Mercola Health Resources was rated A+.¶ FDA Warnings¶ In 2005, the FDA ordered Mercola and his Optimal Wellness Center to stop making illegal claims for products sold through his Web site [15]. The claims to which the FDA objected involved three products:¶ Living Fuel Rx, claimed to offer an "exceptional countermeasure" against cancer, cardiovascular disease, diabetes, autoimmune diseases, etc.¶ Tropical Traditions Virgin Coconut Oil, claimed to reduce the risk of heart disease and has beneficial effects against Crohn's disease, irritable bowel syndrome, and many infectious agents¶

Chlorella, claimed to fight cancer and normalize blood pressure.¶ In 2006, the FDA sent Mercola and his center a second warning that was based on product labels collected during an inspection at his facility and on claims made on the Optimum Wellness Center Web site [16]. This time the claims to which the FDA objected involve four products:¶ Vibrant Health Research Chlorella XP, claimed to "help to virtually eliminate your risk of developing cancer in the future."¶ Fresh Shores Extra Virgin Coconut Oil, claimed to reduce the risk of heart disease, cancer, and degenerative diseases.¶ Momentum Health Products Vitamin K2, possibly useful in treating certain kinds of cancer and Alzheimer's disease.¶ Momentum Health Products Cardio Essentials Nattokinase NSK-SD, claimed to be "a much safer and effective option than aspirin and other pharmaceutical agents to treating heart disease."¶ The warning letters explained that the use of such claims in the marketing of these products violates the Federal Food Drug and Cosmetic Act, which bans unapproved claims for products that are intended for curing, mitigating, treating, or preventing of diseases. (Intended use can be established through product labels, catalogs, brochures, tapes, Web sites, or other circumstances surrounding the distribution of the product.)¶ In 2011, the FDA ordered Mercola to stop making claims for thermography that go beyond what the equipment he uses (Medtherm2000 infrared camera) was cleared for. The warning letter said that statements on Mercola's site improperly imply that the Meditherm camera can be used alone to diagnose or screen for various diseases or conditions associated with the breast, they also represent that the sensitivity of the Meditherm Med2000 Telethermographic camera is greater than that of machines used in mammography. The statements to which the FDA objected included:¶ "Revolutionary and Safe Diagnostic Tool Detects Hidden Inflammation: Thermography"¶ "The Newest Safe Cancer Screening Tool"¶ "[b]ecause measuring inflammation through thermal imaging is a proactive, preventative method you can use for detecting disease, which significantly improves your chances for longevity and good health."¶ Additionally, thermograms provide: "Reliable and accurate information for diagnosis, treatment, and prognosisâ€"¶ "Yes, it's true. Thermograms provide you with early diagnosis and treatment assistance in such problems as cancer, inflammatory processes, neurological and vascular dysfunction, and musculoskeletal injury."¶ Thermography can benefit patients by detecting conditions including: Arthritis: "[d]ifferentiate between osteoarthritis and more severe forms like rheumatoid." Immune Dysfunction, Fibromyalgia and Chronic Fatigue, "Digestive Disorders: Irritable bowel syndrome, diverticulitis, and Crohn's diseaseâ€"¶ and "Other Conditions: including bursitis, herniated discs, ligament or muscle tear, lupus, nerve problems, whiplash, stroke screening, cancer and many, many others." [17]¶ In 2011, the Chicago Tribune reported that Mercola had not complied with the FDA's order and intended to "fight the FDA . . . if they decide to take it further." [18] In 2012, the Illinois Department of Financial and Professional Regulation asked Mercola to attend an informal conference to discuss a complaint that he was "making deceptive claims promoting thermography as a standalone diagnostic tool for detecting cancer and other diseases and is attacking the use of mammograms." Mercola's Web site still promotes thermography and trashes mammography, but the site stopped offering thermography appointments later that year—and Mercola's special report, "The Safe Breast Cancer Screening Test Your Doctor Isn't Telling You About," is no longer apparent.

No Pharma Link

Claims that the FDA is in bed with big Pharma are alarmist and just flat wrong

LaMattina 13 (LaMattina, John- the president of Pfizer Research and Development and Forbes Contributor, covers news concerned with the Pharmaceutical Industry; 8/07/2013; Is The FDA Being Compromised By Pharma Payments?;

<http://www.forbes.com/sites/johnlamattina/2013/08/07/is-the-fda-being-compromised-by-pharma-payments/>; Forbes.com; 08/07/15) JG

Is The FDA Being Compromised By Pharma Payments?¶ Comment Now Follow Comments ¶ In touting an upcoming special issue of the Journal of Law, Medicine and Ethics (JLME), Donald W. Light of the School of Public Health, University of Medicine & Dentistry of NJ, wrote an article entitled "Risky Drugs: Why The FDA Cannot Be Trusted". Last week I discussed one aspect of this article, Light's challenge that 90% of FDA approved drugs of the last 30 years are no more effective than existing drugs. However, the bulk of his essay focuses not on his views about pharma's competence but rather on his issues with the FDA. While I found a number of his comments troubling, the following stood out.¶ "The forthcoming article in JLME also presents systematic, quantitative evidence that since the industry started making large contributions to the FDA for reviewing its drugs, as it makes large contributions to Congressmen who have promoted this substitution for publicly funded regulations, the FDA has sped up the review process with the result that drugs approved are significantly more likely to cause serious harm, hospitalizations, and deaths."¶ This is a pretty damning comment. Basically, Light is saying that pharma paid congressmen to sponsor legislation that results in the FDA being beholden to pharma for funding for its work. Implicit in this is that, as a result of these large "contributions", the grateful FDA is rapidly approving medicines that are harmful.¶ A bit of history would be helpful to show the actual reasons why the pharma industry makes "contributions" to the FDA. Few remember that back in the late 1980s there was a "drug lag" in the U.S. versus other parts of the world. Because of a lack of

resources at the FDA, drugs were being approved at a much slower rate in the U.S. than in Europe. More than half of all drugs approved in the U.S. had been approved in Europe more than a year earlier. As a result, patients, physicians, advocacy groups, and pharmaceutical companies were all concerned that access to important new medicines was being denied to Americans.¶ To solve this problem, Congress enacted the Prescription Drug User Fee Act (PDUFA) of 1992. PDUFA provided a mechanism whereby charges were levied on pharmaceutical companies for each new drug application (NDA) filed. The revenues from these “user fees” were used to hire 600 new drug reviewers and support staff. These new medical officers, chemists, pharmacologists, and other experts were tasked with clearing the backlog of NDAs awaiting approval. Consequently, the FDA was able to reduce review times of NDAs to 12 months for standard NDAs and to 6 months for priority applications that involved significant advances over existing treatment. As a result of PDUFA, the timing of U.S. drug approvals began to mirror that of the rest of the world.¶ Congress clearly likes PDUFA as the act has been renewed five times since 1992. PDUFA-V was approved in 2012. Undoubtedly, this legislation helps to support the FDA and fuel needed growth. In 1995, The actual user fee charged to each company filing an NDA in 1995 was \$208,000. In 2014, the user fee will be \$2,169,100. If you assume that as many as 50 NDAs are filed in a year, Congress is passing on \$100 million of FDA funding costs to the industry.¶ Despite Light’s assertion, I can attest that pharma companies don’t relish making these payments. The FDA is a government agency and should be funded entirely by the federal government. But pharma companies don’t have a choice. If a company wants to bring a new medicine to patients, it has to pay the user fee just to get the drug reviewed. Furthermore, anyone who pays attention to FDA behaviors knows that the agency doesn’t automatically approve NDAs. Just in the last few months, the FDA has rejected, in the form of complete response letters, an insomnia drug from Merck, a migraine drug from Allergan, and a kidney cancer drug from Aveo. In fact, any suggestion of the FDA being beholden to the pharmaceutical industry due to the PDUFA user fees is comical to those familiar with the drug review process.¶ So, why should anyone care about Light’s views? Unfortunately, as an academic whose work is supported by the Safra Center for Ethics, his word carries a disproportionate amount of influence. These comments perpetrate the view that there is an unholy alliance between the FDA and the pharmaceutical industry, an alliance that threatens the health of patients. This might make for a Hollywood movie plot. Truth be told, such a conspiracy doesn’t exist.

Status Quo Solves FDA

FDA’s interim policy addresses all OIG recommendations (neg card)

OIG 14 (Department of Health and Human Services Office of Inspector General, Daniel R. Levinson, Inspector General for the Department of Health and Human Services Since 2008; Department of Health and Human Services Office of Inspector General Report, “Review of the Food and Drug Administration’s Computer Monitoring of Certain Employees in Its Center for Devices and Radiological Health”; This review was conducted by a 12-member team composed of individuals from OIG’s Immediate Office, Office of Audit Services, Office of Counsel to the Inspector General, Office of Evaluation and Inspections, Office of Investigations, and Office of Management and Policy (further methodology is given on page 23 of the pdf of the report); February 2014, OIG-12-14-01; <http://oig.hhs.gov/reports-and-publications/portfolio/20140226-FDA-Final.pdf>)/HB

FDA issued its interim computer-monitoring policy on September 26, 2013. In particular, the FDA's interim policy:

- establishes procedures requiring authorization by senior management and consultation with legal counsel;
- distinguishes between monitoring conducted at the behest of law enforcement and monitoring conducted for management purposes to minimize interference with law enforcement investigations;
- requires monitoring to be narrowly tailored in time, scope, and degree to accomplish the monitoring's objectives; and
- requires that the authorization describe the reason, factual basis, and scope of the monitoring.

Given this, FDA's interim policy addresses our five recommendations outlined above.²¹ HHS should determine whether all other individual OpDiv polices meet our recommendations above. HHS also should regularly review and, as necessary, update its Department-wide monitoring policies to ensure they are compatible with new and emerging technologies and methodologies. Information technology is continually changing, and a static monitoring policy could fail to address key implementation issues as capabilities evolve.

---Impact D

Econ Impact D

Empirics disprove the impact

Cooley 9

(Thomas-- Ph.D. in Economics, Professor of Economics and Dean of New York University's Stern School of Business, Financial booms and busts 'are inevitable'; Academic expects the next economic crisis to follow the same path as the one the world is experiencing now and it will involve a similar breakdown in confidence", South China Morning Post, November 25th 2009, December 1st 2009, Lexis Nexis,)

Another financial crisis is inevitable because booms and busts are simply part of the business cycle, a leading academic told a seminar organised by Hong Kong University of Science and Technology. Dr

Thomas F. Cooley, professor of economics and dean of New York University's Stern School of Business, recently spoke at a Global Finance Seminar Series event entitled "The Next Financial Crisis" at the Hong Kong Monetary Authority (HKMA) offices. Edmond Lau, executive director of the HKMA's monetary management department and a board member of the Treasury Markets Association, delivered opening remarks, while Reginald Chua, editor-in-chief of the South China Morning Post, later moderated a panel discussion between Cooley and K.K. Tse, executive vice-president of State Street Bank and Trust Company.

Cooley would not say when he thought **the next financial crisis would occur** but said it **definitely would come because booms and busts were part of the business cycle.** He said **the next crisis would have the same characteristics** and follow the same path as the present one - **flowing from a loss of confidence. "History is replete with examples of financial crises and bank panics,"** he said. **"Just in the United States alone, in the 20th century we had the panic of 1907, the stock market crash of 1929 and banking panics of the 1930s. Then we had a long period of relative success and calm, and then we had episodes such as the savings and loan crisis, and the failures of Continental Illinois Bank and Long Term Capital Management. "That's just in the US. In the past two decades we've had financial crises in Asia, Mexico,**

Chile, Sweden, Norway, Finland and Russia, so financial crises occur with some frequency, but what they don't do is occur with predictability." he said.

No escalation

Jervis 11

(Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, "Force in Our Times," Survival, Vol. 25, No. 4, p. 403-425)

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic downturn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

Pharma not k Econ

Pharma not key to growth –it's a profit motivated deception

Light and Lexchin 12

(Donald W Light professor, Joel R Lexchin professor 1Department of Psychiatry, University of Medicine and Dentistry of New Jersey, 2250 Chapel Avenue, Cherry Hill, NJ 08002, USA; 2York University, School of Health Policy and Management, Toronto, Ontario, Canada, 8/11, http://www.pharmamyths.net/files/BMJ-Innova_ARTICLE_8-11-12.pdf)

Pharmaceutical research and development: what do we get for all that money? Data indicate that the widely touted "innovation crisis" in pharmaceuticals is a myth. The real innovation crisis, say Donald Light and Joel Lexchin, stems from current incentives that reward companies for developing large numbers of new drugs with few clinical advantages over existing ones. Since the early 2000s, industry leaders, observers, and policy makers have been declaring

that there is an innovation crisis in pharmaceutical research. A 2002 front page investigation by the Wall Street Journal reported, "In laboratories around the world, scientists on the hunt for new drugs are coming up dry . . . The \$400 billion a year drug industry is suddenly in serious trouble."¹ Four years later, a US Government Accounting Office assessment of new drug development reported that "over the past several years it has become widely recognized throughout the industry that the productivity of its research and development expenditures has been declining."² In 2010, Morgan Stanley reported that top executives felt they could not "beat the innovation crisis" and proposed that the best way to deal with "a decade of dismal R&D returns" was for the major companies to stop trying to discover new drugs and buy into discoveries by others.³ Such reports continue and raise the spectre that the pipeline for new drugs will soon run dry and we will be left to the mercies of whatever ills befall us.⁴ The "innovation crisis" myth
The constant production of reports and articles about the so called innovation crisis rests on the decline in new molecular entities (defined as "an active ingredient that has never been marketed . . . in any form"⁵) since a spike in 1996 that resulted from the clearance of a backlog of applications after large user fees from companies were introduced (fig 1↓). This decline ended in 2006, when approvals of new molecular entities returned to their long term mean of between 15 and 25 a year (fig 2↓).⁶ Even in 2005, an analysis of the data by a team at Pfizer concluded that the innovation crisis was a myth "which bears no relationship to the true innovation rates of the pharmaceutical industry."⁷ So why did the claims and stories not abate? A subsequent analysis also concluded that the innovation crisis was a myth and added several insights.⁸ Based on US Food and Drug Administration records, Munos found that drug companies "have delivered innovation at a constant rate for almost 60 years." The new biologicals have been following the same pattern "in which approvals fluctuate around a constant, low level."⁸ These data do not support frequently heard complaints about how hard it is to get any new drug approved. They also mean that neither policies considered to be obstacles to innovation (like the requirement for more extensive clinical testing) nor those regarded as promoting innovation (like faster reviews) have made much difference. Even the biotechnology revolution did not change the rate of approval of new molecular entities, though it changed strategies for drug development.⁹ Meanwhile, telling "innovation crisis" stories to politicians and the press serves as a ploy, a strategy to attract a range of government protections from free market, generic competition.¹⁰

Disease Impact D

No extinction

York 14

(Ian, head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, "Why Don't Diseases Completely Wipe Out Species?" 6/4/2014, <http://www.quora.com/Why-dont-diseases-completely-wipe-out-species>)

But mostly diseases don't drive species extinct. There are several reasons for that. For one, the most dangerous diseases are those that spread from one individual to another. If the disease is highly lethal then the population drops, and it becomes less likely that individuals will contact each other during the infectious phase. Highly contagious diseases tend to burn themselves out that way.[¶] Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. Some hosts may be naturally resistant. Some pathogens will be less virulent. And either alone or in combination, you end up with infected individuals who survive.[¶] We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease.[¶] We can see indications of this sort of thing happening in the past, because our genomes contain many instances of pathogen resistance genes that have spread through the whole population. Those all started off as rare mutations that conferred a strong selection advantage to the carriers, meaning that the specific infectious diseases were serious threats to the species.

Whistleblowers Advantage

Solvency Answers

Alt Causes

Whistleblowers fail because of the lack of transparency in the SEC, not the lack of incentives

Cohan 14 (William D., American business writer. He has written books about the Wall Street industry and is a contributor to Vanity Fair, The Financial Times, Bloomberg BusinessWeek, The Atlantic, ArtNews, The Irish Times, The Washington Post, The New York Times, and Fortune Magazine, and author of ‘The Price of Silence: The Duke Lacrosse Scandal, the Power of the Elite, and the Corruption of Our Great Universities’ “William D Cohan on Wall Street whistleblowers” May 30, 2014 www.ft.com/cms/s/2/ce216134-e6c7-11e3-9a20-00144feabdc0.html , *cayla_*)

As a further harbinger of danger, Edwards points to the secret \$14m award the SEC made recently to an anonymous whistleblower at an unnamed financial institution. The SEC didn’t even reveal the nature of the wrongdoing the whistleblower uncovered, so both the company’s shareholders and the public remain in the dark about what was specifically uncovered and where. All that is known is that the SEC did bring a major enforcement action against a financial institution that resulted in a large penalty and the corresponding \$14m award to the whistleblower. “If you allow this – that the award can be made without naming the company or the type of fraud – it’s really nothing more than hush money,” she says. “How is it different? The SEC of course defends itself by saying, ‘We’re not revealing the name of the company or the nature of the fraud because we’re protecting the identity of the whistleblower.’ But the SEC is a disclosure agency, so they should have to establish that [not revealing the information] is really required in order to protect the whistleblower, if they’re going to in a sense subvert their mission . . . They really are not able to justify why they are silent about the name of the company or the nature of the fraud.” She believes the SEC’s failure to release publicly the details of the \$14m reward sends precisely the wrong message. “The one effect obviously it has is that it protects the reputation of the fraudulent corporation.” she adds. “[Reputational damage] is probably the main deterrent in cases like this, since there have been really no prosecutions of senior managers for fraud over a period of time on Wall Street. If even the name of the company is withheld by the SEC when it makes a bounty award, there’s no reputational risk, either. What’s the downside of trying to get away with it?” Dennis Kelleher, a former attorney at Skadden, Arps and now the CEO of Better Markets, Inc, a Washington-based non-profit organisation that is a leading advocate for tough banking regulations, says that the architects of the Dodd-Frank law – of whom he was one – were trying to balance the need for disclosure about financial wrongdoing with provisions to protect the whistleblower from public humiliation and retaliation. “The most important thing is to incentivise whistleblowers to come forward, and all the incentives previously were dramatically stacked against whistleblowers, and it’s still an incredibly high-risk action,” he says. Although critics remain, he thinks the new whistleblower provisions in Dodd-Frank strike the right balance. “I would be significantly more likely to encourage a whistleblower post-Dodd-Frank than pre-Dodd-Frank,” he says. Jordan Thomas, a former senior enforcement official at the SEC and now a partner at the law firm Labaton Sucharow, where he leads the firm’s whistleblower practice and represents Eric Ben-Artzi, agrees with Kelleher. He believes the fact that Dodd-Frank allows anonymity for whistleblowers facilitates the reporting of wrongdoing while offering them protection from retaliation, which is the point after all. “Essentially most whistleblower horror stories start with retaliation,” he says. “And to be retaliated against, you have to be known. The genius of Dodd-Frank was it created a way for people with knowledge to report without disclosing their identity to their employers or the general public. That has been a game changer because now people with knowledge are coming forward with a lot to lose, but they have a mechanism where they can report this misconduct without fear of retaliation or blacklisting.” He says the fact that the SEC could award \$14m to a single whistleblower whose identity has remained unknown, despite efforts by the media to uncover it, sends a powerful message that whistleblower identities will be protected. Maybe so. But then there is the message being sent by prosecutors who allow the big Wall Street banks to pay large fines to make their troubles disappear. Bea Edwards, for one, thinks that the government’s apparent policy of permitting Wall Street banks to purge their liability using their shareholders’ money will not deter bad behaviour. The fines – she specifically cites JPMorgan Chase’s \$13bn settlement last year with the government over its role in manufacturing and selling faulty mortgage-backed securities in the years leading up to the 2008 financial crisis – are merely seen as a cost of doing business, and are a major source of revenue for the US Treasury and a way for the SEC and the Justice Department, among others, to argue for a larger budget allocation from Congress. “It’s win-win for everybody [involved],” she fears. “The calculation for the bank is going to be, ‘OK, how much money can we make by doing this [bad behaviour] before we get caught?’ Are we going to be able to cover the fine, at the very least, and then make a fairly substantial profit and just pay the fine?” And that would explain why there aren’t any prosecutions, because if the DOJ starts prosecuting, then the gravy train kind of shuts down . . . Calculate how much money you can make doing ‘x’ or selling ‘y’ before getting caught at it, and what you think essentially you could settle for, and if what you can make is substantially more than what you can settle for, then you go forward. If getting caught means [there is] a whistleblower, then you just grind up that employee in the cost of doing business. If the employee whistleblower is lucky, he or she comes out of it with a successful anti-retaliation claim, three or four years after the blood was shed. Or the whistleblower, if successful, gets an amount of money that may make it possible to go on living – but it is certainly not an amount of money that caused real pain to a major financial institution on Wall Street.”

Alt cause to chilling of whistleblowers- no real legal protection

DW 15

(DW, US whistleblower laws offer no protection, <http://www.dw.com/en/us-whistleblower-laws-offer-no-protection/a-17391500>) JB

For years, would-be whistleblowers in the US intelligence community had no legal protections to shield them from retaliatory measures by their superiors. The Whistleblower Protection Act of 1989 covered most of the federal government with the glaring exception of the intelligence agencies. In an effort to close this legal gap, Congress passed the Intelligence Community Whistleblower Protection Act (ICWPA) a decade later. The law covers employees and contractors at the Central Intelligence Agency (CIA), the National Security Agency (NSA), the Defense Intelligence Agency (DIA), the National Imagery and Mapping Agency (NIMA) as well as the National Reconnaissance Office (NRO). But according to Thomas Drake, the act failed to adequately protect whistleblowers from retaliation. A former senior executive at the NSA, Drake blew the whistle on a failed surveillance program called Trailblazer. He used what the government calls "proper channels" to express his concerns about the program's exorbitant cost and its lack of privacy protections, reaching out to his immediate supervisor, the office of the inspector general, and the congressional intelligence committees. "I was reprimed against severely within the proper channels," Drake told DW. "I was identified as a troublemaker." Drake called the NSA's response to his whistleblowing activities "death by a thousand cuts administratively and bureaucratically," saying that the agency found ways to change his job and cut his responsibilities. Ultimately, the NSA re-organized the section he worked in, leaving him with nothing but a "paper title." Drake resigned from the agency in 2008.

Alt causes to FDA whistleblower intimidation- plan can't solve

Mercola 15- world-renowned physician and multiple New York Times bestselling author (Mercola, Dr. Joseph; 07/08/15; Shocking Story Reveals How the FDA Is Recklessly Abandoning Drug Safety - See more at: <http://healthimpactnews.com/2012/shocking-story-reveals-how-the-fda-is-recklessly-abandoning-drug-safety/#sthash.rJnRhWxM.dpuf>; Health Impact News; <http://healthimpactnews.com/2012/shocking-story-reveals-how-the-fda-is-recklessly-abandoning-drug-safety/>) JG

¶ Kavanagh was not surprised to learn about the agency's retaliation against the five whistleblowers, giving several examples of how they were personally intimidated, to the point of fearing for their lives, and the safety of their children!¶ "After FDA management learned I had gone to Congress about certain issues, I found my office had been entered and my computer physically tampered with," Kavanagh tells Rosenberg.¶ "... After I gave Representative Waxman's (D-CA) office a USB drive with evidence, FDA staff was admonished that it was prohibited to download information to USB drives. Then, after I openly reported irregularities in an antipsychotic drug review and FDA financial collusion with outsiders to Senator Grassley's office and the House Committee on Oversight and Government Reform, I was threatened with prison if I should release trade secret information to Congress... [T]he Food Drug and Cosmetics Act explicitly allows communication of trade secrets by FDA employees to Congress, but since most people are unaware of this, FDA management can use the threat of jail for violation of the Trade Secrets Act, not only to discourage reviewers, but in my case they got Senator Grassley's staff to destroy the evidence I provided them.¶ The threats, however, can be much worse than prison. One manager threatened my children – who had just turned 4 and 7 years old – and in one large staff meeting, I was referred to as a 'saboteur.' Based on other things that happened and were said, I was afraid that I could be killed for talking to Congress and criminal investigators."¶ We Now Know What Domestic Surveillance of Whistleblowers Looks Like ¶ The following video features attorney, Stephen Kohn, executive director of the National Whistleblowers Center and attorney for the FDA whistleblowers in the recently revealed FDA spy operation against them.¶ "For the first time, we now have a glimpse into what domestic surveillance of whistleblowers looks like in this country with the modern technological developments," Kohn says. "The agency [sought] to destroy the reputation of these whistleblowers forever."¶ - See more at: <http://healthimpactnews.com/2012/shocking-story-reveals-how-the-fda-is-recklessly-abandoning-drug-safety/#sthash.rJnRhWxM.dpuf>

SQ Solves

Status quo solves- Whistleblower Protection Enhancement Act of 2012 proves.

Canterbury 12, Director of Public Policy, is an experienced advocate, policy analyst, and public campaign strategist (Canterbury, Angela; Advocates Laud President Obama's Signing of Federal Whistleblower Reforms; 12/03/12; POGO; 06/12/15; www.pogo.org/about/press-room/releases/2012/20121203-advocates-laud-president-whistleblower-reforms.html?referrer=https://www.google.com/) JG

President Obama signed the Whistleblower Protection Enhancement Act (WPEA, S. 743) into law today, marking the finale of a more than decade-long campaign by the Make It Safe Coalition to restore and modernize federal whistleblower protections. The President's unwavering support of the WPEA, paired with Congress' sweeping endorsement by unanimous consent, demonstrates the strong mandate for a new day of accountability in the federal government. These reforms expand protections for federal employees who disclose wrongdoing and protect the public trust. ¶ Whistleblower advocates from organizations with diverse interests and ideologies who together waged a historic campaign for this landmark government accountability reform are enthusiastic about this victory for whistleblowers and taxpayers. ¶ Beth Moten, Legislative Director for American Federation of Government Employees, commented: "AFGE applauds the bipartisan, collaborative work of members of Congress, a diverse coalition of worker advocates and good government groups, and the Obama Administration resulting in the bill signed into law today. The Whistleblower Protection Enhancement Act provides many of the changes in law necessary to protect federal workers when they come forward to report fraud, waste, and wrongdoing in the workplace and to hold managers accountable when they retaliate. AFGE is especially pleased that the law applies to Transportation Security Officers, the federal workers dedicated to the safety of the flying public, and provides them with the same whistleblower protections as other federal workers." ¶ Tom Devine, Legal Director of Government Accountability Project, commented: "This reform took 13 years to pass, because it can make so much difference against fraud, waste and abuse. Over the years, earlier versions of this law had been called the Taxpayer Protection Act. Nothing could set a better context for fiscal cliff negotiations than a unanimous, bipartisan consensus to protect those who risk their careers to protect the taxpayers. The mandate for this law is that the truth is the public's business. The victory reflects strong bipartisan teamwork, as well as advocacy within the party, as Republicans often had to work harder at convincing wary colleagues. And it reflects relentless pressure from conservative stakeholders to whistleblowers and their champions throughout the last 13 years. Unique support came from President Obama, who was committed from day one of his term to signing this bill into law. Most Presidents have offered lip service for whistleblower rights, but President Obama fought to give them more teeth." ¶ Michael D. Ostrolenk, National Director of Liberty Coalition, commented: "With a lack of cooperation as a starting point in our present day political system, it's good to see a positive bi-partisan effort come to fruition. One cheer for President Obama, the Republican held House, and Democrat controlled Senate, and two cheers for the American people." ¶ Pete Sepp, Executive Vice President of National Taxpayers Union, commented: "Today an important chapter in the struggle to recognize whistleblowers for the tremendous service they provide taxpayers has been concluded. This bipartisan effort is proof positive that fiscal responsibility can be restored to Washington, one step at a time. We look forward to helping write the next chapter in the vital national conversation over how best to make government more efficient and accountable." ¶ Colleen M. Kelley, National President of National Treasury Employees Union, commented: "This bi-partisan effort represents a big step forward in restoring and modernizing whistleblower rights for federal workers. For example, it creates specific legal protection for scientific freedom, providing whistleblower protection rights to employees who challenge censorship, and makes it an abuse of authority to punish disclosures about scientific censorship. By protecting those who speak out, this law increases accountability and transparency in government." ¶ Angela Canterbury, Director of Public Policy for the Project On Government Oversight (POGO), commented: "Today marks a tremendous victory for a historic campaign for more government accountability. The reforms signed into law today will go a long way to change the fact that for far too long the truth about government wrongdoing could easily be suppressed through intimidation and retaliation against the truth-tellers. Federal workers will now have a fighting chance at justice when they face retaliation for blowing the whistle on waste, fraud, abuse, and other illegalities. Americans should be encouraged by this law's passage—it demonstrates extraordinary support for a better government that transcends the partisanship that so often characterizes Washington today. Today, the public's trust, health, and safety were put before politics." ¶ Keith Wrightson, Worker Safety and Health Advocate for Public Citizen's Congress Watch, commented: "President Obama and the 112th Congress have made a significant contribution to how civil employees will be treated when they identify workplace hazards. Civil employees can now live without fear of retaliation from their supervisors when disclosures are made." ¶ David Williams, President of Taxpayers Protection Alliance, commented: "This is a historic day for whistleblowers and taxpayers as the President signs the Whistleblower Protection Enhancement Act. Bi-partisan common sense prevailed and the country is one step closer to being a government of the people, by the people, for the people." ¶ Celia Wexler, Senior Washington Representative, Center for Science and Democracy, Union of Concerned Scientists, commented: "At a time when science seems to be routinely under attack in Congress, this legislative success is a breath of fresh air and a reminder that bipartisan cooperation is still possible. Passage of this bill will help American families, who depend on federal

agencies to protect them from unsafe drugs, defective consumer products, hazardous workplaces, and polluted air and water. But it also strongly supports the role of independent science as the foundation for federal policymaking. It sends a strong signal that federal scientists deserve respect.¶ The WPEA includes critically important upgrades to the broken system for federal whistleblowing to better serve taxpayers. Though it does not include every reform that we have sought and will continue to seek, the bill will restore and modernize government whistleblower rights by ensuring that legitimate disclosures of wrongdoing will be protected, increasing government accountability to taxpayers, and saving billions of taxpayer dollars by helping expose fraud, waste and abuse. Overall, the WPEA's provisions will restore free speech rights closed through arbitrary loopholes and create new protections for federal scientists and Transportation Security Administration officers. The bill also will strengthen due process rights, such as a two-year experiment in normal access to appeals courts (effectively breaking the Federal Circuit's monopoly on appellate review); provide compensatory damages; create whistleblower ombudsmen at Inspectors General offices; and strengthen authority by the U.S. Office of Special Counsel to help whistleblowers through disciplinary actions against those who retaliate and to file briefs in court supportive of whistleblower rights.¶ This hard fought victory could not have been achieved without the steadfast support of whistleblowers, advocates and nongovernmental organizations alike, who demonstrated a marathon commitment to the restoration of federal whistleblower protections throughout this more than a decade-long campaign. Congressional champions and their staff deserve praise and appreciation, especially retiring Sen. Daniel Akaka (D-Hawaii) and Rep. Todd Platts (R-Pa.), as well as Sens. Susan Collins (R-Maine), Charles Grassley (R-Iowa), Joseph Lieberman (I-Ct.), Claire McCaskill (D-Mo.), Patrick Leahy (D-Vt.) and Carl Levin (D-Mi.), and Reps. Darrell Issa (R-Calif.), Todd Platts (R-Pa.), Chris Van Hollen (D-Md.) and Elijah Cummings (D-Md.). A full list of Congressional sponsors can be viewed here: <http://bit.ly/TqyJCe>. We cannot thank the whistleblower community and these Congressional offices enough for their resolute commitment to the WPEA.

Uniqueness

WB Protections Up

their author concludes neg – internal whistleblower protections have increased hugely under Obama

Rubinfeld, 2013, [Reporter at WSJ.com's Corruption Currents covering news and trends concerning bribery, money laundering, sanctions breaches, whistleblowers and other issues of international corruption]

(Samuel, Jan 7, "Obama Expands Whistleblower Protections Amid Aggressive Enforcement" blogs.wsj.com/corruption-currents/2013/01/07/obama-expands-whistleblower-protections-amid-aggressive-enforcement/)

Is President Obama really waging, as critics contend, a war on whistleblowers? Jacquelyn Martin/Associated Press Former CIA officer John Kiriakou, left, is the first former CIA officer to be convicted of disclosing classified information to a reporter. The Obama administration has tried to prosecute more people under the Espionage Act than all previous presidencies combined, leading critics to proclaim that Obama is waging a “war on whistleblowers.” The World War One-era law was originally intended to prevent spies from getting a hold of national security information that could be used by the country’s enemies. The Obama administration prosecutions under the law, however, have concerned leaks to the media. The New York Times ran a profile over the weekend of the first former Central Intelligence Agency officer to be convicted of disclosing classified information to a reporter. At the same time, the rights and protections of some informants have expanded significantly during Obama’s first term in office, and the rights cover an increasing number of eligible people. “He’s done more to affirmatively protect whistleblowers than any other president,” said Angela **Canterbury**, director of public policy at the Project on Government Oversight, in an interview. She said that Obama wants to encourage internal reporting of wrongdoing. Obama believes that “if there are more protections for internal whistleblowers, there will be fewer leaks of national security information.” Canterbury said. “We share that belief, but that does not de-legitimize the need for external whistleblowers. Sometimes

information needs to be disclosed outside the government for there to be accountability,” she said. In the last few years, people blowing the whistle on securities violations won new rights, including access to a bounty, under the Dodd-Frank Act, federal contractors won new protections under the Whistleblower Protection Enhancement Act and intelligence and national security employees received protections under a presidential policy directive. “The directive on intelligence people is far and away more than anyone else has ever done,” Canterbury said. “That’s a remarkable action.” And buried in a defense bill were even more protections. A provision of the National Defense Authorization Act of 2013, signed into law late Wednesday, expanded protections for employees of the Defense Department and National Aeronautics and Space Administration. It also established a four-year “pilot program” to strengthen whistleblower protections for all other federal executive agency contractors and subcontractors.

Impact D

Food Safety Defense

FSMA solves for food security- whistleblowers aren't key

Taylor 15- contributing writer

(Michael, The Future is Now for the Food Safety Modernization Act, Food Safety News, <http://www.foodsafetynews.com/2015/03/the-future-is-now-for-the-food-safety-modernization-act/#.VaQmdJ3F98F>) JB

We all knew FSMA was a big deal when Congress passed it a little over four years ago. After a decade of illness outbreaks, import safety problems, and market disruptions that shook consumer confidence and imposed billions of dollars in costs on the food system, Congress mandated a paradigm shift to prevention — to establishing a modern system of food safety protection based not on reacting to problems but on preventing them from happening in the first place. That’s how we’ll achieve the food safety goals we all share — fewer illnesses, stronger consumer confidence in the system of protection, and a level playing field for American farmers and food companies. In addition to embracing these goals, Congress adopted a strong vision of how to achieve them. With broad input and support from industry and consumers alike, Congress said that a food safety system fit for the 21st century must be built on what the food industry itself has learned about how to make food safe and how to manage global supply chains, and it must harness the efforts of all food system participants — public and private, domestic and foreign — in a collaborative effort to see that those practical, effective, preventive measures are consistently followed. As big as that sounds — and it’s by far the biggest overhaul of the food safety system since the first national law was passed over a century ago — I don’t think any of us fully envisioned how much would have to be done and how much would have to change to make FSMA a success. The law itself spelled out the large number of regulations FDA must issue to establish the prevention framework. Indeed, FSMA made FDA responsible for some 50 specific deliverables in the form of rules, guidance for industry, new programs, and reports to Congress. FDA has been hard at work on these, with the major rules set to be final this year under court-ordered deadlines. You can see an inventory of what we’ve done since enactment of FSMA here on our FSMA web page. But we’ve learned that FSMA is about far more than new rules. It’s about how FDA changes fundamentally its approach to implementing food safety rules, including how FDA works with other governments and the food industry to achieve food safety success. That’s why FDA has devoted such huge effort over the past two years to rethinking every aspect of what will go into achieving high rates of compliance with the FSMA rules — for both home-grown and imported food — compliance that is

essential to food safety and to achieving the level playing field on food safety that American consumers and industry both demand.

Food Safety Impact D

Alt causes make food insecurity inevitable—water shortages, land degradation, deterioration of farming systems, climate change and competition between industrial and urban land users

The United Nations 11

(U.N, "Land degradation and water shortages threaten global food production
<http://www.un.org/apps/news/story.asp?NewsID=40533#.U1FCUmoo5Fc>) JB

28 November 2011 – Global food production is being undermined by land degradation and shortages of farmland and water resources, making feeding the world's rising population – projected to reach nine billion by 2050 – a daunting challenge, the United Nations Food and Agriculture Organization (FAO) said in a report unveiled today.¶ The past five decades have witnessed a significant rise in food production, but in many places the better yields have been associated with agricultural practices that have degraded the land and water systems, according to FAO's State of the World's Land and Water Resources for Food and Agriculture (SOLAW) report.¶ Farming systems "face the risk of progressive breakdown of their productive capacity under a combination of excessive demographic pressure and unsustainable agriculture use and practices," says the report.¶ Competition for land and water is increasing – including competition between urban and industrial users – as well as within the agricultural sector between livestock, staple crops, non-food crop, and biofuel production.¶ Climate change is expected to alter the patterns of temperature, precipitation and river flows upon which the world's food production systems depend, according to the report, which also notes that the problem could be more acute in developing countries, where quality land, soil nutrients and water are least abundant.¶ "The SOLAW report highlights that the collective impact of these pressures and resulting agricultural transformations have put some production systems at risk of breakdown of their environmental integrity and productive capacity." said Jacques Diouf, the FAO Director-General.¶ "These systems at risk may simply not be able to contribute as expected in meeting human demands by 2050. The consequences in terms of hunger and poverty are unacceptable. Remedial action needs to be taken now," he added.¶ Between 1961 and 2009, the world's cropland grew by 12 per cent, but agricultural production expanded 150 percent, thanks to a significant increase in yields of major crops, the report says.¶ One of the warning signs pointed out in the study is that rates of growth in agricultural production have been slowing in many areas and are currently only half of what they were at the height of the 'Green Revolution' – the period between the 1940s and the late 1970s when the world's agricultural productivity rose dramatically.¶ Overall, the report paints a picture of a world experiencing an increasing imbalance between availability and demand for land and water resources at the local and national levels.¶ The report for the first time provides a global assessment of the state of the planet's land resources.¶ A quarter of the land is highly degraded, while another eight per cent has moderate degradation, 36 per cent is classed as stable or slightly degraded and 10 per cent ranked as "improving."¶ The rest of Earth's land surface is either bare (around 18 per cent) or covered by inland water bodies (around two per cent).¶ Large parts of all the continents are experiencing land degradation, with particularly high incidence noted along the west coast of the Americas, across the Mediterranean region of Southern Europe and North Africa, the Sahel and the Horn of Africa, and throughout Asia.¶ The greatest threat is the loss of soil quality, followed by biodiversity loss and water resources depletion, the report notes.

Meltdown Impact D

Meltdowns don't cause lasting damage

Bosselman 07- Professor of Law Emeritus, Chicago-Kent College of Law

(Fred, "The New Power Generation: Environmental Law and Electricity Innovation: Colloquium Article: The Ecological Advantages of Nuclear Power," 15 N.Y.U. Env'tl. L.J. 1, 2007) JB

In 1986, an explosion at the Chernobyl nuclear power plant in the Ukraine caused the release of large amounts of radiation into the atmosphere.²⁴⁷ Initially, the Soviet government released little information about the explosion and tried to play down its seriousness, but this secrecy caused great nervousness throughout Europe, and fed the public's fears of nuclear power all over the [*46] world.²⁴⁸ Now a comprehensive analysis of the event and its aftermath has been made: In 2005, a consortium of United Nations agencies called the Chernobyl Forum released its analysis of the long-term effects of the Chernobyl explosion.²⁴⁹ The U.N. agencies' study found that the explosion caused fewer deaths than had been expected.²⁵⁰ Although the Chernobyl reactor was poorly designed and badly operated²⁵¹ and lacked the basic safety protections found outside the Soviet Union,²⁵² fewer than seventy deaths so far have been attributed to the explosion, mostly plant employees and firefighters who suffered acute radiation sickness.²⁵³ The Chernobyl reactor, like many Soviet reactors, was in the open rather than in an American type of pressurizable containment structure, which would have prevented the release of radiation to the environment if a similar accident had occurred.²⁵⁴ [*47] Perhaps the most surprising finding of the U.N. agencies' study was that "the ecosystems around the Chernobyl site are now flourishing. The [Chernobyl exclusion zone] has become a wildlife sanctuary, and it looks like the nature park it has become."²⁵⁵ Jeffrey McNeely, the chief scientist of the World Conservation Union, has made similar observations: Chernobyl has now become the world's first radioactive nature reserve... .²⁰⁰ wolves are now living in the nature reserve, which has also begun to support populations of reindeer, lynx and European bison, species that previously were not found in the region. While the impact on humans was strongly negative, the wildlife is adapting and even thriving on the site of one of the 20th century's worst environmental disasters.²⁵⁶ Mary Mycio, the Kiev correspondent for the Los Angeles Times, has written a fascinating book based on her many visits to the exclusion zone and interviews with people in the area.²⁵⁷ She notes that the fear that radiation would produce permanent deformities in animal species has not been borne out after twenty years; the population and diversity of animals in even some of the most heavily radiated parts of the exclusion zone is similar to comparable places that are less radioactive.²⁵⁸

Radiation impacts are exaggerated – Chernobyl disproves

Cravens, 07 – A published novelist

(Gwyneth, *The Power to Save the World*, pg. 99-100) JB

UNSCEAR also found that "the accident had a large negative psy-chological impact on thousands of people." Fear, born of ignorance of real risk coupled with anxiety about imagined harm, fostered epidemics of psychosomatic illnesses and elective abortions- perhaps as many as 200,000- because of dread of genetic mutants. Long-standing anxiety about government directives was exacerbated by the actions of Soviet officials during the first two years after the incident. Better management of the emergency, including adequate dissemination of facts, probably could have prevented much of this psychic damage, which also plagues war veterans and people displaced by natural disasters like major hurri-canes and floods. "Most of the world community agreed that the conclusions were what had been expected." Mettler said. "The Russians were in agreement. But at first, Ukraine and Belarus went nuts and claimed that all sorts of other things were happening. When we presented the findings in Vienna in 1992, the Ukrainians said that rates of TB, measles, and other diseases had gone up. I asked them and there for their data, and added, 'And, oh, by the way, include your data from the years preceding Chernobyl.' I got some data and had it translated and showed it to the audience. Certain diseases were down, others were up. So that data didn't support the Ukrainians' blanket statements. There was a great deal of discussion of thyroid cancer and leukemia. The claim that cancer rates in general went up didn't cut it for us, for a number of reasons. As I said, those separate groups, one in Hiroshima and one London, independently analyzed the data and made the conclusions. The conclusions have been borne out and continue to be borne out. There's been no change.

Nuclear Impact D

The NRC is keeping up to date with appropriate safety measures- no risk of failure

Kilisek and Anderson 15- Kilisek is a Global Energy & Natural Resources Analyst and Anderson is a writer

(Roman, Jared, US Nuclear Power Safety: Is the Glass Half Empty or Half Full?, <http://breakingenergy.com/2015/04/27/us-nuclear-power-safety-is-the-glass-half-empty-or-half-full/>) JB

For its part, the NRC says they have taken appropriate measures – without consideration of costs – to ensure US nuclear power plants operate safely while incorporating safety enhancement recommendations based on lessons learned from Fukushima. “The NRC concluded, based on the July 2011 report from a task force of senior managers, that U.S. nuclear power plants can continue to operate safely while the agency appropriately implements recommended enhancements. The NRC’s process set aside cost considerations in announcing firm new requirements for those enhancements within a year of the Fukushima accident,” NRC Public Affairs Officer Scott Burnell told Breaking Energy in an email. “The NRC process has appropriately incorporated new information since then [2011 Fukushima accident]. U.S. plants have already made great strides in enhancing their ability to maintain safety functions in the unlikely event they lose all a/c power,” Burnell added.

US nuclear reactors are very safe

NEI 15

(Nuclear Energy Institute, Safety: The Nuclear Energy Industry's Highest Priority, <http://www.nei.org/Master-Document-Folder/Backgrounders/Fact-Sheets/Safety-The-Nuclear-Energy-Industry-s-Highest-Prior>) JB

America’s 99 nuclear energy facilities are among the safest and most secure industrial facilities. Multiple automatic safety systems, the industry’s commitment to comprehensive safety procedures and stringent federal regulation keep nuclear energy facilities and neighboring communities safe. The U.S. Nuclear Regulatory Commission, an independent federal agency, strictly regulates commercial nuclear energy facilities. The agency evaluates performance in three strategic areas: reactor safety, radiation safety and security. NRC inspectors stationed at each facility provide oversight of operation, maintenance, equipment replacement and training. If the NRC believes a facility is unsafe, it will order it shut down. The industry and the NRC routinely analyze operational events worldwide to identify possible lessons for U.S. facilities. After the 2011 accident at the Fukushima Daiichi nuclear energy facility in Japan, the NRC issued new requirements and requested detailed information in several areas relevant to the accident in Japan. The industry is taking steps to implement the new requirements and to develop the information requested by the agency. The industry also has developed a diverse, flexible mitigation approach to address the major problem encountered at Fukushima: the loss of power to maintain effective cooling. Building on existing safety systems, the “FLEX” program involves stationing another layer of backup equipment at facility sites and regional depots. About 1,500 pieces of equipment have been purchased or ordered. All commercial nuclear energy facilities have emergency response procedures in the event of an accident or security event. These

procedures are evaluated regularly during drills involving facility personnel and local policy, fire and emergency management organizations. NRC and Federal Emergency Management Agency expert teams evaluate some of these drills. The nuclear energy industry is relentless in its pursuit of safety through quality facility construction, continuous preventive maintenance and ongoing reactor operator training. This approach doesn't just meet the standards created by the federal government—it exceeds them.

Environment Impact D

Environment resilient

Kareiva et al 12 – Chief Scientist and Vice President, The Nature Conservancy (Peter, Michelle Marvier -- professor and department chair of Environment Studies and Sciences at Santa Clara University, Robert Lalasz -- director of science communications for The Nature Conservancy, Winter, “Conservation in the Anthropocene,” <http://thebreakthrough.org/index.php/journal/past-issues/issue-2/conservation-in-the-anthropocene/>)

2. As conservation became a global enterprise in the 1970s and 1980s, the movement's justification for saving nature shifted from spiritual and aesthetic values to focus on biodiversity. Nature was described as primeval, fragile, and at risk of collapse from too much human use and abuse. And indeed, there are consequences when humans convert landscapes for mining, logging, intensive agriculture, and urban development and when key species or ecosystems are lost. But **ecologists** and conservationists **have grossly overstated the fragility of nature**, frequently arguing that once an ecosystem is altered, it is gone forever. Some ecologists suggest that if a single species is lost, a whole ecosystem will be in danger of collapse, and that if too much biodiversity is lost, spaceship Earth will start to come apart. Everything, from the expansion of agriculture to rainforest destruction to changing waterways, has been painted as a threat to the delicate inner-workings of our planetary ecosystem. The fragility trope dates back, at least, to Rachel Carson, who wrote plaintively in *Silent Spring* of the delicate web of life and warned that perturbing the intricate balance of nature could have disastrous consequences.²² Al Gore made a similar argument in his 1992 book, *Earth in the Balance*.²³ And the 2005 Millennium Ecosystem Assessment warned darkly that, while the expansion of agriculture and other forms of development have been overwhelmingly positive for the world's poor, ecosystem degradation was simultaneously putting systems in jeopardy of collapse.²⁴ The trouble for conservation is that **the data simply do not support the idea of a fragile nature at risk of collapse.** Ecologists now know that **the disappearance of one species does not necessarily lead to the extinction of any others, much less all others in the same ecosystem.** In many circumstances, **the demise of formerly abundant species can be inconsequential** to ecosystem function. **The American chestnut, once a dominant tree in eastern North America, has been extinguished by a foreign disease, yet the forest ecosystem is surprisingly unaffected. The passenger pigeon, once so abundant that its flocks darkened the sky, went extinct, along with countless other species from the Steller's sea cow to the dodo, with no catastrophic or even measurable effects.** These **stories of resilience are not isolated** examples -- **a thorough review of the scientific literature identified 240 studies of ecosystems following major disturbances** such as deforestation, mining, oil spills, and other types of pollution. **The abundance of plant and animal species as well as other measures of ecosystem function recovered,** at least partially, **in 173 (72 percent) of these studies.**²⁵ While global

forest cover is continuing to decline, it is rising in the Northern Hemisphere, where "nature" is returning to former agricultural lands.²⁶ Something similar is likely to occur in the Southern Hemisphere, after poor countries achieve a similar level of economic development. A 2010 report concluded that rainforests that have grown back over abandoned agricultural land had 40 to 70 percent of the species of the original forests.²⁷ Even Indonesian orangutans, which were widely thought to be able to survive only in pristine forests, have been found in surprising numbers in oil palm plantations and degraded lands.²⁸ **Nature is so resilient that it can recover rapidly from even the most powerful human disturbances. Around the Chernobyl nuclear facility,** which melted down in 1986, **wildlife is thriving,** despite the high levels of radiation.²⁹ In the Bikini Atoll, the site of multiple nuclear bomb tests, including the 1954 hydrogen bomb test that boiled the water in the area, the number of coral species has actually increased relative to before the explosions.³⁰ More recently, **the massive 2010 oil spill** in the Gulf of Mexico **was degraded and consumed by bacteria** at a remarkably fast rate.³¹ Today, coyotes roam downtown Chicago, and peregrine falcons astonish San Franciscans as they sweep down skyscraper canyons to pick off pigeons for their next meal. **As we destroy habitats, we create new ones:** in the southwestern United States a rare and federally listed salamander species seems specialized to live in cattle tanks -- to date, it has been found in no other habitat.³² Books have been written about the collapse of cod in the Georges Bank, yet recent trawl data show the biomass of cod has recovered to precollapse levels.³³ It's doubtful that books will be written about this cod recovery since it does not play well to an audience somehow addicted to stories of collapse and environmental apocalypse. Even that classic symbol of fragility -- the polar bear, seemingly stranded on a melting ice block -- may have a good chance of surviving global warming if the changing environment continues to increase the populations and northern ranges of harbor seals and harp seals. Polar bears evolved from brown bears 200,000 years ago during a cooling period in Earth's history, developing a highly specialized carnivorous diet focused on seals. Thus, the fate of polar bears depends on two opposing trends -- the decline of sea ice and the potential increase of energy-rich prey. The history of life on Earth is of species evolving to take advantage of new environments only to be at risk when the environment changes again. The wilderness ideal presupposes that there are parts of the world untouched by humankind, but today it is impossible to find a place on Earth that is unmarked by human activity. The truth is humans have been impacting their natural environment for centuries. The wilderness so beloved by conservationists -- places "untrammled by man"³⁴ -- never existed, at least not in the last thousand years, and arguably even longer.

Warming Impact D

Tipping points theory is wrong--zero data can reliably identify specific tipping points

Andrew C. **Revkin 9**, senior fellow at Pace University's Pace Academy for Applied Environmental Studies, has taught at Columbia's Graduate School of Journalism and the Bard College Center for Environmental Policy, March 29, 2009, "Among Climate Scientists, a Dispute Over 'Tipping Points'," The New York Times, online:
http://www.nytimes.com/2009/03/29/weekinreview/29revkin.html?_r=1&pagewanted=print

But **the idea that the planet is nearing tipping points** — thresholds at which change suddenly becomes unstoppable — **has driven a wedge between scientists who otherwise share deep concerns about** the implications of a human-warmed **climate**. Environmentalists and some climate experts are increasingly warning of **impending tipping points** in their efforts to stir public concern. The term confers a sense of immediacy and menace to potential threats from a warming climate — dangers that otherwise might seem too distant for people to worry about. **But** other

scientists say there is little hard evidence to back up specific predictions of catastrophe. They worry that the use of the term “tipping point” can be misleading and could backfire, fueling criticism of alarmism and threatening public support for reducing greenhouse gas emissions. “I think a lot of this threshold and tipping point talk is dangerous,” said Kenneth Caldeira, an earth scientist at Stanford University and the Carnegie Institution and an advocate of swift action to reduce carbon dioxide emissions. “If we say we passed thresholds and tipping points today, this will be an excuse for inaction tomorrow,” he said. While studies of climate patterns in the distant past clearly show the potential for drastic shifts, these scientists say, there is enormous uncertainty in making specific predictions about the future. In some cases, there are big questions about whether climate-driven disasters — like the loss of the Amazon or a rise in sea levels of several yards in a century — are even plausible. And even in cases where most scientists agree that rising temperatures could lead to unstoppable change, no one knows where the thresholds lie that would set off such shifts.

Mitigation and adaptation solves.

Mendelsohn 09 (Robert O., the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: <http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf>)

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well-being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long-range climate risks. What is needed are long-run balanced responses.

Groupthink Advantage

Groupthink Wrong

And, groupthink doesn't explain their scenario – intelligence is developed by individuals

Jervis 4

(Robert, Poli Sci Prof @ Colombia Univ, Consultant to the CIA, L.A. Times, 7/16, pg lexis//um-ef)

LOS ANGELES - In an unusual foray into psychological diagnostics, the Senate Intelligence Committee concluded last week that CIA analysts had succumbed to what it called a "groupthink" dynamic. According to the committee's report, the analysts suffered from a "collective presumption" that Iraq had acquired weapons of mass destruction and they blithely ignored any evidence to the contrary. **But was that indeed what happened?** "Groupthink" -- identified in the early 1970s by the late Yale psychologist Irving Janis -- refers to a process by which conformity grows out of deliberations in small groups. It can be quite powerful. The way Janis explained it, groupthink operates when individuals work closely together over a sustained period. It isn't merely that members of the group come to think alike but that they come to overvalue the harmonious functioning of the group. In their eagerness to reach consensus, they become inhibited from questioning established assumptions or from raising questions that might disturb their colleagues and friends. In this way, a group of intelligent individuals can confidently arrive at conclusions that are wildly removed from reality. Most social scientists agree that groupthink has contributed to many disastrous decisions in business, families and foreign policy. President John F. Kennedy and his top advisers, for instance, fell into a groupthink trap, believing that the landings of the Cuban exiles at the Bay of Pigs in April 1961 might overthrow Fidel Castro. Intense face-to-face meetings among the president's top foreign policy planners formed strong bonds that no one wanted to loosen. Richard Nixon's Watergate cover-up was in part maintained by the same dynamic. To many outsiders even at the time, it was obvious that the only way for Nixon to survive was to air the full truth early on. But the Nixon White House was a small group, closed-mouthed and predisposed to keeping everything secret. But although groupthink has played a part in past foreign policy decisions, it does not appear to explain the CIA's current intelligence failures. First of all, intelligence gathering is work done by individuals. Analysts read reports from the field and ask themselves how those reports fit with other reports and prevailing views, and then these individuals write their own summaries and conclusions for fellow analysts and superiors. Group discussions are generally built around what the individuals have come to believe. Furthermore, from what I have seen of them, intelligence analysts tend to be highly individualistic, if not intellectually combative. They have selected the career of an analyst rather than a more public and people-oriented career in part because they like to work on their own. There are, of course, some larger group meetings where members of the broader intelligence community convene. And as in any such group situations, there will be times when individuals shape the views they bring in anticipation of what they think will appeal to the others. But these meetings are not likely to be susceptible to groupthink. Many of them are large, which precludes the formation of close ties among participants. Indeed, many of the meetings are ad hoc, with different people participating at different times. Although the members probably know one another, the stability required for groupthink is rarely present. Finally, many intelligence officials these days -- unlike top political leaders -- are on guard against groupthink. They have read about decision-making pathologies and are wary of overvaluing the good feeling of the group. None of this is to say that the CIA's processes were as good as they should have been or that the desire not to rock the boat was absent. On the contrary, it appears that another dynamic was at work in this case. Intelligence officials, like the rest of us, hesitate to tell their bosses what they do not want to hear -- and may even, on occasion, convince themselves that alternative views are groundless. The Bush administration made it clear early on that it was seeking to prove the existence of WMD in Iraq -- not disprove it. The intelligence community was under pressure to deliver that evidence. There are lots of ways psychology can help explain what went wrong and how intelligence could be done better, but groupthink was not the main problem in this case.

Groupthink theory is wrong

Anthony **Hempell 4**, User Experience Consulting Senior Information Architect, "Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work., <http://www.anthonyhempell.com/papers/groupthink/>, March 3

In the thirty years since Janis first proposed the **groupthink** model, **there is still little agreement as to the validity of the model** in assessing decision-making behaviour (Park, 2000). **Janis' theory is often criticized because it does not present a framework that is suitable for empirical testing; instead, the evidence for groupthink comes from largely qualitative, historical or archival methods** (Sunstein, 2003). **Some critics go so far as to say that Janis's work relies on "anecdote, casual observation, and intuitive appeal rather than rigorous research"** (Esser, 1998, cited in Sunstein, 2003, p.142). While some studies have shown support for the groupthink model, the support tends to be mixed or conditional (Esser, 1998); some studies have revealed that a closed leadership style and external threats (in particular, time pressure) promote groupthink and defective decision making (Neck & Moorhead, 1995, cited by Choi & Kim, 1999); the effect of group cohesiveness is still inconclusive (Mullen, Anthony, Salas & Driskel, 1994, cited by Choi & Kim, 1999). Janis's model tends to be supported by studies that employ a qualitative case-study approach as opposed to experimental research, which tends to either partially support or not support Janis's thesis (Park, 2000). The lack of success in experimental validation of groupthink may be due to difficulties in operationalizing and conceptualizing it as a testable variable (Hogg & Hains, 1998; Park, 2000). Some researchers have criticized Janis for categorically denouncing groupthink as a negative phenomenon (Longley & Pruitt, 1980, cited in Choi & Kim, 1999). Sniezek (1992) argues that there are instances where concurrence-seeking may promote group performance. When used to explain behaviour in a practical setting, groupthink has been framed as a detrimental group process; the result of this has been that many corporate training programs have created strategies for avoiding groupthink in the workplace (Quinn, Faerman, Thompson & McGrath, 1990, cited in Choi & Kim, 1999). **Another criticism of groupthink is that Janis overestimates the link between the decision-making process and the outcome** (McCauley, 1989; Tetlock, Peterson, McGuire, Chang & Feld, 1992; cited in Choi & Kim, 1999). **Tetlock et al argue that there are many other factors between the decision process and the outcome. The outcome of any decision-making process, they argue, will only have a certain probability of success due to various environmental factors (such as luck).** A large-scale study researching decision-making in seven major American corporations concluded that decision-making worked best when following a sound information processing method; however these groups also showed signs of groupthink, in that they had strong leadership which attempted to persuade others in the group that they were right (Peterson et al, 1998, cited in Sunstein, 2003). Esser (1998) found that groupthink characteristics were correlated with failures; however cohesiveness did not appear to be a factor: groups consisting of strangers, friends, or various levels of previous experience together did not appear to effect decision-making ability. **Janis' claims of insulation of groups and groups led by autocratic leaders did show that these attributes were indicative of groupthink symptoms. Moorhead & Montanari conducted a study where they concluded that groupthink symptoms had no significant effect on group performance, and that "the relationship between groupthink-induced decision defects and outcomes were not as strong as Janis suggests"** (Moorhead & Montanari, 1986, p. 399; cited by Choi & Kim, 1999).

Congress Cant Solve

Congress can't solve groupthink

Posner and Vermeule, 7 – *Kirkland and Ellis Professor of Law at the University of Chicago Law School AND **professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 46-47)

The idea that Congress will, on net, weed out bad policies rests on an institutional comparison. The president is elected by a national constituency on a winner-take-all basis (barring the remote chance that the Electoral College will matter), whereas Congress is a summation of local constituencies and thus affords more voice to political and racial minorities. At the level of political psychology, **decisionmaking within the executive is prone to group polarization and other forms of groupthink or irrational panic,**⁵¹ **whereas the internal diversity of legislative deliberation checks these forces.** At the level of political structure, Congress contains internal veto gates and chokepoints—consider the committee system and the filibuster rule—that provide

minorities an opportunity to block harmful policies, whereas executive decisionmaking is relatively centralized and unitary. The contrast is drawn too sharply, because in practice the executive is a they, not an it Presidential oversight is incapable of fully unifying executive branch policies, which means that disagreement flourishes within the executive as well, dampening panic and groupthink and providing minorities with political redoubts.⁵² Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections. It is not obvious, then, that statutory authorization makes any difference at all. One possibility is that a large national majority dominates both Congress and the presidency and enacts panicky policies, oppresses minorities, or increases security in ways that have ratchet effects that are costly to reverse. If this is the case, a requirement of statutory authorization does not help. Another possibility is that there are internal institutional checks, within both the executive branch and Congress, on the adoption of panicky or oppressive policies and that democratic minorities have real influence in both arenas. If this is the case, then a requirement of authorization is not necessary and does no good. Authorization only makes a difference in the unlikely case where the executive is thoroughly panicky, or oppressively majoritarian, while Congress resists the stampede toward bad policies and safeguards the interests of oppressed minorities. Even if that condition obtains, however, the argument for authorization goes wrong by failing to consider both sides of the normative ledger. As for majoritarian oppression, the multiplicity of veto gates within Congress may allow minorities to block harmful discrimination, but it also allows minorities to block policies and laws which, although targeted, are nonetheless good. As for panic and irrationality, if Congress is more deliberative, one result will be to prevent groupthink and slow down stampedes toward bad policies, but another result will be to delay necessary emergency measures and slow down stampedes toward good policies. Proponents of the authorization requirement sometimes assume that quick action, even panicky action, always produces bad policies. But there is no necessary connection between these two things: expedited action is sometimes good, and panicky crowds can stampede either in the wrong direction or in the right direction. Slowing down the adoption of new policies through congressional oversight retards the adoption not only of bad policies, but also of good policies that need to be adopted quickly if they are to be effective.

Groupthink Impact D

No realistic scenario

Pillar, 13 -- Brookings Foreign Policy Senior Fellow

(Paul, "The Danger of Groupthink," The National Interest, 2-26-13, webcache.googleusercontent.com/search?q=cache:6rnyjYIVKY0J:www.brookings.edu/research/opinions/2013/02/26-danger-groupthink-pillar+&cd=3&hl=en&ct=clnk&gl=us)

David Ignatius has an interesting take on national security decision-making in the Obama administration in the wake of the reshuffle of senior positions taking place during these early weeks of the president's second term. Ignatius perceives certain patterns that he believes reinforce each other in what could be a worrying way. One is that the new team does not have as much "independent power" as such first-term figures as Clinton, Gates, Panetta and Petraeus. Another is that the administration has "centralized national security policy to an unusual extent" in the White House. With a corps of Obama loyalists, the substantive thinking may, Ignatius fears, run too uniformly in the same direction.

He concludes his column by stating that "by assembling a team where all the top players are going in the same direction, he [Obama] is perilously close to groupthink." We are dealing here with tendencies to which the executive branch of the U.S. government is more vulnerable than many other advanced democracies, where leading political figures with a standing independent of the head of government are more likely to wind up in a cabinet. This is especially true of, but not limited to, coalition governments. Single-party governments in Britain have varied in the degree to which the prime minister exercises control, but generally room is made in the cabinet for those the British call "big beasts": leading figures in different wings or tendencies in the governing party who are not beholden to the prime minister for the power and standing they have attained.

Ignatius overstates his case in a couple of respects. Although he acknowledges that Obama is "better than most" in handling open debate, he could have gone farther and noted that there have been egregious examples in the past of administrations enforcing a national security orthodoxy, and that the Obama administration does not even come close to these examples. There was Lyndon Johnson in the time of the Vietnam War, when policy was made around the president's Tuesday lunch table and even someone with the stature of the indefatigable Robert McNamara was ejected when he strayed from orthodoxy. Then there was, as the most extreme case, the George W. Bush administration, in which there was no policy process and no internal debate at all in deciding to launch a war in Iraq and in which those who strayed from orthodoxy, ranging from Lawrence Lindsey to Eric Shinseki, were treated mercilessly. Obama's prolonged—to the point of inviting charges of dithering—internal debates on the Afghanistan War were the polar opposite of this. Ignatius also probably underestimates the contributions that will be made to internal debate by the two most important

cabinet members in national security: the secretaries of state and defense. He says John Kerry “has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so.” The **heft matters, and Kerry certainly qualifies as a big** beast. Moreover, the discreet way in which a member of Congress would carry any of the administration’s water, as Kerry sometimes did when still a senator, is not necessarily a good indication of the role he will assume in internal debates as secretary of state. As for Chuck Hagel, Ignatius states “he has been damaged by the confirmation process and will need White House cover.” But now that Hagel’s nomination finally has been confirmed, what other “cover” will he need? It’s not as if he ever will face another confirmation vote in the Senate. It was **Hagel’s very inclination to flout orthodoxy, to arrive at independent opinions and to voice those opinions** freely that led to the fevered opposition to his nomination.

No Groupthink

No group think – data

Fuller et al ‘98

(Sally Rigs, School of Business Administration, University of Wisconsin and Ramon J. Aldag School of Business, University of Wisconsin—Madison, “Organizational Groupthink: Lessons from a Quarter Century of the Groupthink Phenomenon” *Organizational Behavior And Human Decision Processes*, Vol. 73, Nos. 2/3, February/March, pp. 163–184, 1998, http://liquidbriefing.com/twiki/pub/Dev/RefFuller1998/Organizational_tonypandy.pdf)

There could, of course, be a very simple explanation for this widespread acceptance: research relating to the phenomenon might be uniformly supportive. In fact, though, **our review of the groupthink literature** (Aldag and Fuller, 1993) **indicates** that this is not the case. For example, following that review, we noted that, . . . **most support for groupthink has come from retrospective case studies that have focused on decision fiascoes rather than comparing the decision-making processes associated with good versus bad decisions.** Experimental studies of groupthink have considered only a small portion of the model, often without a cohesive group and in situations inconsistent with Janis’s (1971, 1972, 1982, 1989) antecedents. Furthermore, **they have relied exclusively on student samples dealing with hypothetical or simulated decisions, with resultant problems for external validity. Military strategists, managers, politicians, or other “real-world” decision makers have never been used.** In the laboratory, many real-world group characteristics, including ongoing power relationships ORGANIZATIONAL TONYPANDY 167 and political maneuverings, have been necessarily ignored. Although student samples in laboratory settings may be valuable to address many issues relating to group problem solving, their use to examine groupthink is problematic. In addition, we have argued that **it is inappropriate to attempt to generalize from the “hot” decision situations characterizing the fiascoes (primarily major military policy decisions or groups facing natural disasters) on which early case evidence for groupthink was based.** We have also contended that **there is little support for the full groupthink model; in fact, in no study have all results been consistent with the model.** In addition, **Janis made no changes in, or additions to, the groupthink model despite evidence of the relevance of many additional variables, including group norms, the nature of the task, the degree of leader power, and stage of group development.** Indeed, our review of the research suggests that **the groupthink phenomenon per se lacks empirical support and rests on generally unsupported assumptions.** Failures to support groupthink predictions have regularly been viewed as evidence of partial support or as signals that the research methodology was flawed. In our view, **groupthink researchers and theorists have unwittingly acted, in Janis’s terms, as virtual mindguards of the groupthink phenomenon.**

Scheeringa 10

(Daniel, Was the Decision to Invade Iraq and the Failure of Occupation Planning a Case of Groupthink? Thesis submitted to the faculty of the Virginia Polytechnic Institute and State University in partial fulfillment of the requirements for the degree of Master of Arts In Political Science. pg. lexis)

In *Groupthink and Government*, Paul t“Hart undertakes a thorough examination of the theory. He examines the theory from social-psychological and political perspectives. He also applies groupthink theory to the Iran-contra scandal of the late 1980’s. In “Groupthink, Bay of Pigs and Watergate Reconsidered” Bertram Raven used groupthink theory to examine the decisions leading to the Watergate scandal. He concluded that while groupthink was a factor, other factors, such as Nixon’s influence and political considerations, also weighed on the group dynamic. Raven uses the Watergate example as evidence that groupthink does not necessarily lead to failure, which is the converse of the argument that failure is not necessarily caused by groupthink²⁴. In “Revisiting the Bay of Pigs and Vietnam Decisions 25 Years Later: How Well Has Groupthink Theory Stood the Test of Time?” Kramer contends that new historical information regarding Presidents Kennedy’s and Johnson’s decision-making processes shows 16

Informal checks on groupthink are sufficient

Kennedy 12

(Brandon Kennedy, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. “The Hijacking Of Foreign Policy Decision Making: Groupthink And Presidential Power In The Post-9/11 World pg lexis)

Neither the president nor the decision-making group members implement "hybrid" checks; the checks do, however, originate in the executive branch and directly affect the president and the group members. Hybrid checks relate to the bureaucratic machine and typically address the structural faults within the executive branch that can affect the core decision-making group. Although the president and his or her advisers constitute the insiders of the decision-making group, they ultimately belong [*676] to a larger organization - the executive branch - and thereby become part of the bureaucratic machine. 1. Inter-Agency Process The "inter-agency process" check involves getting approval for, or opinions about, a proposed decision from other agencies. n252 The inter-agency process is particularly common for national security and foreign policy decisions. n253 "Occasionally, it will operate at a higher level in principals' committees involving Cabinet-level or sub-Cabinet people and their deputies," thus directly checking the decision-making group members. n254 2. Intra-Agency Process Another similar check is the "intra-agency process," in which the circulation of proposed decisions within the agency empowers dissidents and harnesses a diversity of thinking. n255 If nothing else, the process catches errors, or at least increases the odds of avoiding them, given the number of people who must review or approve a document or decision within the agency. n256 3. Agency or Lawyer Culture The culture of a particular agency - the institutional self-awareness of its professionalism - provides another check. n257 "Lawyer culture" - which places high value on competency and adherence to rules

and laws - resides at the core of agency culture; n258 its "nay-saying" objectivity "is especially important in the small inner circle of presidential decision making to counter the tendency towards groupthink and a vulnerability to sycophancy." n259 [*677] 4. Public Humiliation A final check in this category is the "public humiliation" check. n260 This check only comes into play when the previous three have failed, and involves the threat to "'go public' by leaking embarrassing information or publicly resigning."

Russia Impact D

Conflicts will never go nuclear – prefer Russian generals

Ivashov 7

(Colonel General Leonid Ivashov, President of the Academy of Geopolitical Problems, 2007. Defense and Security, "Will America Fight Russia?" p. Lexis)

Numerous scenarios and options are possible. Everything may begin as a local conflict that will rapidly deteriorate into a total confrontation. An ultimatum will be sent to Russia: say, change the domestic policy because human rights are allegedly encroached on, or give Western businesses access to oil and gas fields. Russia will refuse and its objects (radars, air defense components, command posts, infrastructure) will be wiped out by guided missiles with conventional warheads and by aviation. Once this phase is over, an even stiffer ultimatum will be presented - demanding something up to the deployment of NATO "peacekeepers" on the territory of Russia. Refusal to bow to the demands will be met with a mass aviation and missile strike at Army and Navy assets, infrastructure, and objects of defense industry. NATO armies will invade Belarus and western Russia. Two turns of events may follow that. Moscow may accept the ultimatum through the use of some device that will help it save face. The acceptance will be followed by talks over the estrangement of the Kaliningrad enclave, parts of the Caucasus and Caspian region, international control over the Russian gas and oil complex, and NATO control over Russian nuclear forces. The second scenario involves a warning from the Kremlin to the United States that continuation of the aggression will trigger retaliation with the use of all weapons in nuclear arsenals. It will stop the war and put negotiations into motion.

We would crush them

Sharavin 7

(Alexander Sharavin, Director of the Institute of Political and Military Analysis, 2007. Defense and Security, "Will America Fight Russia?" p. Lexis)

The United States may count on a mass air raid and missile strike at objects of the Russian strategic nuclear forces and, perhaps, some objects of other branches of the Russian military. Plus, of course, at the military and political planning centers. Whatever targets may escape destruction on the first try will be bombed out of existence by repeated strikes. And Russia will have nothing to answer with. Even if some

elements of the strategic nuclear forces survive, they will fall prey to the American national missile defense. The American strategic missile forces in their turn will escape the war unscathed.

No Russia war---no motive or capability

Betts 13 Richard is the Arnold A. Saltzman Professor of War and Peace Studies @ Columbia. "The Lost Logic of Deterrence," Foreign Affairs, March/April, Vol. 92, Issue 2, Online

These continuities with the Cold War would make sense only between intense adversaries. Washington and Moscow remain in an adversarial relationship, but not an intense one. If the Cold War is really over, and the West really won, then continuing implicit deterrence does less to protect against a negligible threat from Russia than to feed suspicions that aggravate political friction. In contrast to during the Cold War, it is now hard to make the case that Russia is more a threat to NATO than the reverse. First, the East-West balance of military capabilities, which at the height of the Cold War was favorable to the Warsaw Pact or at best even, has not only shifted to NATO's advantage; it has become utterly lopsided. Russia is now a lonely fraction of what the old Warsaw Pact was. It not only lost its old eastern European allies; those allies are now arrayed on the other side, as members of NATO. By every significant measure of power -- military spending, men under arms, population, economic strength, control of territory -- NATO enjoys massive advantages over Russia. The only capability that keeps Russia militarily potent is its nuclear arsenal. There is no plausible way, however, that Moscow's nuclear weapons could be used for aggression, except as a backstop for a conventional offensive -- for which NATO's capabilities are now far greater. Russia's intentions constitute no more of a threat than its capabilities. Although Moscow's ruling elites push distasteful policies, there is no plausible way they could think a military attack on the West would serve their interests. During the twentieth century, there were intense territorial conflicts between the two sides and a titanic struggle between them over whose ideology would dominate the world. Vladimir Putin's Russia is authoritarian, but unlike the Soviet Union, it is not the vanguard of a globe-spanning revolutionary ideal.

whistleblowers neg updates

case

Whistleblowing bad

Whistleblowers are traitors, and the search for civil rights threatens the pre-eminence of the military-industrial complex

Vombatkere 13

(S.G. Vombatkere is a retired Major General, “Edward Snowden’s Wake-up Call : Cyber Security, Surveillance and Democracy”, Asian Tribune, <http://www.asiantribune.com/node/62920>, TMP)

Edward Snowden, in his courageous, principled expose, has brought out how USA's National Security Agency (NSA) has been spying on most nations in the world. This spying is clearly to establish or strengthen USA's political, economic and military global clout. India is the fifth-most spied-upon nation, even more than China and Russia. Considering that India is USA's strategic partner, spying on India is breach of faith. Iran tops the list (14 billion pieces of intelligence); then come Pakistan (13.5 billion), Jordan (12.7 billion), Egypt (7.6 billion), and India (6.3 billion). [Ref.1] It is piquant that India, USA's strategic partner, is in the “club” of Iran, Pakistan, Jordan and Egypt, where USA perceives “threat” to its global hegemony. USA has other strategic partners and doubtless they too are being spied upon, and many national leaders, notably of Turkey, Germany and Russia, have raised serious objections. But India is USA's junior and subservient strategic partner due to the long-term, built-in subservience of India's political and bureaucratic architects of the strategic alliance. There has been no official Indian protest and there is unlikely to be even a squeak on this sovereignty issue. However, people's voices have been raised, especially from within USA, against USA's presidentially-sanctioned, global electronic spying and surveillance. These voices are directed simultaneously at demanding recognition and protection of individual privacy rights, calling for accountability and transparency of U.S presidential and Congress decisions, and attempting to influence USA to pardon whistleblower Edward Snowden who is still in hiding. Snowden's expose on the heels of the commencement of the trial of that other courageous and righteous prisoner-of-conscience whistleblower Bradley Manning, is a grievous blow to the pride of NSA and the U.S establishment. Thus these whistleblowers are “traitors” who need to be punished severely because they have weakened USA against its “enemies”, self-created and self-imagined. Added to the list of “traitors” are the courageous people in The Guardian and Washington Post, like Laura Poitras and Glenn Greenwald, who actually brought Snowden's leaked information to public glare. It is now clearer than ever before that USA's official enemy is not this country or that, not Al Qaeda or Taliban, not this religion or that, but the spread of peace and real democracy, and the demands for human and civic rights, all of which threaten the pre-eminence of the military-industrial complex MNCs which run USA from behind a teflon curtain. Like all colonial powers of the past, this pre-eminence is based heavily on political, economic and military intelligence. In modern times it calls for surveillance and access to data and information from within and outside USA. Thus, U.S intelligence agencies would be particularly interested to access databases of various kinds, and real-time data as it is being created by land, ocean, aerial and space surveillance devices. ¶ With the kind of super-computing capability, global intelligence experience, and unparalleled military power and reach that USA possesses, this collated intelligence can be used for hegemonic aims.¶¶ These are stated in the Project for a New

American Century (PNAC) created in 1997 by a group of conservative American politicians, academics and policy brokers. PNAC aims to “shape a new century favourable to American principles and interests” and “make the case and rally support for American global leadership” [Ref.2].¶ Thus it is the business of every country to protect its databases from hackers, sleuths, mercenary spies and intelligence agents, who try to obtain intelligence by one or more of several fair or foul means.¶ System and data security The damage that can be wreaked by deliberate corruption or destruction of programs or data, or lifting of data without the knowledge of the rightful owner of the data, by illegal access into the operating system is enormous. For example, if the computer system of Indian Railways is tampered with, goods and passenger trains across the country can be brought to a halt, causing huge economic loss, with heightened accident risk. Or if, like NSA's Stuxnet program destroyed Iran's nuclear enrichment centrifuges, our nuclear power plants' systems are broken into, it can result in a nuclear disaster. Government of India (GoI) has listed “the civil aviation sector (ATC), railway passenger reservation system and communication network, port management, companies and organizations in power, oil and natural gas sectors, banking and finance and telecom sectors” as critical, apart from certain “strategic government departments such as space (ISRO), External Affairs Ministry (passport database), the Home Ministry's police and intelligence networks,.... the Prime Minister's Office (PMO), the NSCS and the Cabinet Secretariat”. [Ref.3]. Security of government data and data concerning its citizens is vital for any government. Government and private intelligence agencies (the services of the latter purchasable by the highest bidder) are engaged in acquiring or “mining” information from their own country and from other countries which are competitors in the political, economic or military senses. It is standard security practice, for instance, that computers which are connected to the internet are not connected with the LAN, so that there is no access to the system through the internet. Other security measures are physical security to ensure that data is not tampered with or copied by individuals who work within the system or obtain physical access to the system. However, for systems which are necessarily connected to the internet for their functioning (e.g., internet banking), it is a mere combination of motivation – money, display of capability, ideology, etc – and time-on-the-job, for an experienced hacker to crack firewall codes and find passwords to gain access to programs and data.¶ This has been demonstrated by hackers, detected and punished or not, who have broken into systems as varied as banks, strategic, military, scientific, technical or industrial databases around the world. Another method is to plant viruses or clandestinely embed special-purpose hardware and software into commercially supplied hardware devices and software systems to transmit data that passes through the system. Routinely, firewalls to prevent unauthorized access into systems, regular change of passwords at all levels within the system, and restricting physical access to system terminals are time-tested methods for system and data security.

Leaks hurt U.S. credibility and economy – the tech sector loses billions of dollars

Griffiths 7/3 (James Griffiths, Reporter for the South China Morning Post where he rights about Hong Kong politics, China, the internet, and security, with a degree in Law from the University of Liverpool, “Two years after Snowden, NSA revelations still hurting US tech firms in China: report,” South China Morning Post, 3 July 2015,

<http://www.scmp.com/tech/enterprises/article/1831657/nsa-spy-revelations-damaging-us-tech-firms-competitiveness-china>)

Revelations of digital surveillance by American spy agencies could end up costing US firms billions of dollars in lost business and lawmakers in Washington are falling short in their duty to address the issue, a US think tank has said. Tech firms, in particular, have underperformed in foreign markets following the leaks by former National Security Agency contractor Edward Snowden, according to a paper published by the Information Technology and Innovation Foundation. "Our original thought was once policy makers realised this was having an impact on business interests, they would take more aggressive action to address the concerns," Daniel Castro, ITIF vice president, told the South China Morning Post. He helped author the report. The ITIF predicted in 2013 that "even a modest drop" in the foreign market share for cloud computing could cost the US economy up to US \$35 billion by 2016. That now looks like a conservative estimate as the revelations of cyber-snooping have negatively affected "the whole US tech industry," the report said. Cloud computing firms and data centres have been some of the worst hit, with foreign companies choosing to avoid storing their data in the US following revelations about the NSA's digital surveillance programmes. A 2014 survey of British and Canadian businesses by Vancouver-based Peer 1 Hosting found that 25 per cent of respondents planned to pull data out of the US due to fears relating to data privacy. In February, Beijing dropped a number of major American tech firms from its official state procurement list, including network equipment maker Cisco Systems, Apple, and security firm McAfee. "The Snowden incident, it's become a real concern, especially for top leaders," Tu Xinquan, associate director of the China Institute of WTO Studies in Beijing, told Reuters in April. "In some sense, the American government has some responsibility for that. [China's] concerns have some legitimacy." The White House and US International Trade Administration declined to comment on the matter, when contacted by the Post. IBM, Microsoft and Hewlett-Packard have all reported diminished sales in China as a result of the NSA revelations, which first emerged in the summer of 2013. The NSA was found to have tapped into the servers of major internet players like Facebook, Google and Yahoo to track online communication, among other forms of digital surveillance.

[whistleblowers fail/backlash](#)

Whistleblowing fails – governments and organizations can undermine their reputations to illegitimate leaks.

Sawyer et al 6 (Kim R. Sawyer, Professor at the University of Melbourne's School of Historical and Philosophical Studies, Jackie Johnson, Professor at the University of Western Australia, and Mark Holub, Professor at the UWA Business School, "The Necessary Illegitimacy of the Whistleblower," 17 July 2006, <http://www.bmartin.cc/dissent/documents/Sawyeretal05.pdf>)

For the whistleblower, the negative correlation with the organization underscores their pragmatic legitimacy. And it is their whistleblowing that underscores their moral legitimacy and identity. Rothschild and Miethe (1999, p. 121) describe this well: "It became clear to us that for many of these individuals the act of whistle-blowing had become what sociologists refer to as a 'master status'. One's master status is the critical bedrock of one's personal identity; it is how we first label ourselves and are recognized by others. For most of our whistle-blowers, the experience of whistle-blowing and its aftermath have been so traumatic that their 'master status' is now defined by their act of whistle-blowing. Their new identity - one based on the act of whistle-blowing -

defines and engulfs nearly everything in their lives. Moral legitimacy takes over, and it is through moral legitimacy that the whistleblower expects their pragmatic legitimacy to be repaired. Whistleblowing then becomes a test of moral legitimacies, not just of the whistleblower and the organization, but of all their conferring entities. In the abstract, the moral legitimacy of whistleblowing is repeatedly reaffirmed. In increasing numbers, countries, states and organizations are adopting whistleblowing statutes to protect the unknown whistleblower. But in the particular, the story is different. **It is easy to undermine the moral legitimacy of a particular whistleblower by questioning their moral legitimacy in other areas.** While some have beatified whistleblowers,²² most would not view themselves in this way. They are just employees who reveal wrongdoing. Smearing the whistleblower is common. Smearing weakens the whistleblower's moral legitimacy and, by implication, the legitimacy of their whistleblowing. As Sawyer (2004, p.7) observes: "There are now good whistleblowers and bad whistleblowers. The good whistleblower is the whistleblower who lives in another country, or who works for another organization (preferably a competitor), or who blew the whistle 50 years ago. The bad whistleblower is the whistleblower in your own organization who blows the whistle now."

Company backlash means that whistleblowing fails – organizations fire or demote workers to destroy legitimacy and prevent further leaks.

Sawyer et al 6 (Kim R. Sawyer, Professor at the University of Melbourne's School of Historical and Philosophical Studies, Jackie Johnson, Professor at the University of Western Australia, and Mark Holub, Professor at the UWA Business School, "The Necessary Illegitimacy of the Whistleblower," 17 July 2006, <http://www.bmartin.cc/dissent/documents/Sawyeretal05.pdf>)

The **retaliation experienced by whistleblowers is well documented.** There are many case studies of prominent whistleblowers where the retaliation against whistleblowers is evidenced in its entirety.⁴ Case study information can also be extracted from the transcripts of formal inquiries, for example the Australian Senate Inquiry into Unresolved Whistleblowing Cases (1995).⁵ Systematic studies of whistleblowing show the scale and the scope of the retaliation. A 1990 study of 233 US whistleblowers cited in Grace and Cohen (1998) found that 90 percent had lost their jobs or were demoted, 27 percent faced lawsuits and 26 percent had psychiatric or medical referrals subsequent to blowing the whistle. A comprehensive survey of US whistleblowers by Rothschild and Miethe (1999) of 761 individuals finds that: • 69 percent of the whistleblowers lost their job or were forced to retire; • 64 percent received negative performance evaluations; • 68 percent had work closely monitored by supervisors; • 69 percent were criticized or avoided by co-workers; and • 64 percent were blacklisted from getting another job in their field. Whistleblowing and retaliation appear to co-exist. Indeed, Rothschild and Miethe (1999) find that whistleblowers experience reprisals regardless of their age, gender, educational attainment or years of employment in their current job. Only retaliations against African Americans appear to be at a higher rate than for other employees. Rothschild and Miethe (1999) identify three factors which influence retaliation: the supervisory status of the whistleblower; the degree of wrongdoing; and whether the whistleblower discloses to an external body. Reprisals are more likely if the whistleblower is a non-supervisor, if the wrongdoing is severe, and if the whistleblower blows the whistle to parties external to the organization. The incidence of retaliation against external whistleblowers is on average 10-15 percent higher than for internal whistleblowers. The Rothschild and Miethe (1999) study provides an insight into why

organizations retaliate against a whistleblower. By blowing the whistle, the whistleblower assumes a role different from other employees. Their identity is now defined by their whistleblowing, not by their prior performance. Their legitimacy is now the legitimacy of a whistleblower, not that of an employee. As a stakeholder, their legitimacy becomes important to the organization because it is negatively correlated with the legitimacy of the organization. And it is this negative correlation that determines the whistleblower's future. For an organization, its pragmatic legitimacy determines its operational viability. Organizations maintain their legitimacy with other entities through exchanges which increase the expected value of the other entity, through the joint influence of the organization and the other entity, and through shared values. For an individual, their pragmatic legitimacy can be similarly defined by their ability to exchange, influence and share values with other individuals and entities. When an organization retaliates against a whistleblower, they destroy the whistleblower's pragmatic legitimacy by destroying their ability to exchange, influence and share values with others. Dismissal, demotion, negative performance evaluations, and loss of authority all minimize the pragmatic legitimacy of the whistleblower. A notable US example is the case of James Alderson, the Chief Financial Officer of North Valley Hospital, who blew the whistle on the secret accounting practices of the Quorum Health Group. He could not have anticipated the consequences of his action. Within five days he was sacked, within three years he had filed a whistleblower lawsuit under the False Claims Act⁶, and in the next ten years his family lived in five different towns.⁷ Thirteen years after blowing the whistle, his case was settled. In the interim, the Hospital Corporation of America, the parent company of Quorum, had reimbursed the US government US\$840 million as a result of the whistleblower law suit. Alderson reflected "Yes, I would do it again. I can't believe it's over. But then again, it will never be over."⁸

Protections for people through "insider threat reforms" just promotes spying on colleagues, turns the chilling effect

Kuvachn 13, Writer, "Insider Threat" program promotes spying on colleagues", BORDC, <http://www.bordc.org/blog/insider-threat-program-promotes-spying-colleagues>, TMP)

On October 7, 2011 President Obama released Executive order 13587, presenting a program that was ignored by major media coverage until recently. The Executive Order purports to address "Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information," embedded in which was his introduction of the Insider Threat Task Force. Until a recent article by McClatchy, however, it had gone largely unacknowledged by those concerned with the safety of whistleblowers in the post-Bradley Manning era. Even now, with the "Where in the world is Edward Snowden?" conversation, the Insider Threat Program remains largely outside the realm of discussion despite its enormous implications for government transparency and the rights of whistleblowers. The Insider Threat Program relies largely on one modus operandi: government-mandated snitching. Federal agency employees and their supervisors are instructed to be on the look-out for and report "high-risk persons or behaviors." Though this may seem vague, the program kindly clarifies that some specific instances that would prompt the categorization of individuals as "high-risk" would be stress, divorce or financial problems. The program is a psychological "If you see something, say something," which potentially criminalizes anyone in the workplace who may be in an emotional slump. An individual going through a tough divorce, suffering the loss of a loved one, or struggling to make ends meet then has become the vaguely dangerous INSIDER THREAT. I

offer no exaggeration in this language: the program turns federal agencies like the Peace Corps, the Social Security Administration and the Educational and Agricultural Departments into noir-like environments, where each individual is potentially more paranoid and more guilty than the next. Though the "indicators" that may potentially signify threats are vague and, one might argue, not an employer's business (let alone the government's), the Program renders such individual behavior in the workplace a matter of national security. Officials stated that Bradley Manning, for example, "exhibited behavior that could have forewarned his superiors that he posed a security risk" - perhaps they would argue the same for Edward Snowden, who had been a "trusted insider" before his leak. The general consensus seems to be that concerning oneself with co-workers' personal lives is necessary to the safety of our country. Let's assume that some co-workers had suspected that Manning and Snowden might be "up to no good." If these co-workers did not snitch under the Insider Threat Program, they are now required to turn themselves or others in for failing to report breaches in security. The danger here, as the news-breaking McClatchy article pointed out, is that a tendency towards dangerous "group think" develops, "the kind that was blamed for the CIA's erroneous assessment that Iraq was hiding weapons of mass destruction, a judgment that underpinned the 2003 U.S. invasion." In the midst of "group think" danger and general paranoia, the Insider Threat Program continues to be fairly ineffective. Edward Snowden's success in leaking NSA secrets stands as a prime example of this: the Insider Threat Program was fully operational, but Snowden still managed to release sensitive government information. Snowden's successful release of information may lead to an even more aggressive mutation of the Insider Threat Program, perhaps involving some material reward for snitches. The McClatchy article quotes Kel McClanahan, a Washington lawyer who specializes in national security law, as saying, "The only thing they haven't done here is reward [snitching]...I'm waiting for the time when you turn in a friend and you get a \$50 reward." Though the Insider Threat Program seems almost a caricature, it cannot be taken lightly. It stands as yet another breach of privacy under the Obama presidency, and one that will likely become more aggressive in days to come. In addition to requiring snitching, the program equates leaking information to journalists (whether classified or not) with espionage. Not only are governmental employees at risk of being classified as an "Insider Threat" for having a bad day, but the general public is at risk of losing the information passed along to the media by whistleblowers like Manning and Snowden.

squo solves

the squo solves- supreme court ruling on the mclean case solves whistleblower protection

Chow 3/2 (Kimberly, Ethics & Excellence Legal Fellow, NYU School of Law, "Supreme Court decision is a victory for whistleblowers and the media," Poynter, Reporters Committee for Freedom of the Press, <http://www.poynter.org/news/324045/supreme-court-decision-is-a-victory-for-whistleblowers-and-the-media/>, March 2, 2015, silbs)

Were media lawyers asleep at the wheel when a major whistleblower case came through the Supreme Court this term? While all eyes were turned on Jim Risen and efforts to revise Justice Department policies on when it subpoenas reporters, were we missing the potential for a major precedent affecting sources? At first glance, the ruling in January in favor of federal air marshal Robert MacLean, who leaked information to an MSNBC reporter, looks unremarkable, and it received little attention from media lawyers at a time when the focus was on Risen. The crux of

the Court's decision was that a Transportation Security Administration ban on the unauthorized disclosure of sensitive security information was a regulation, not a law. But the broader holding – that agencies can't just pass regulations that insulate themselves from whistleblowing – is much more striking. In reinforcing the federal protections given to whistleblowers, the Court recognized the valuable role whistleblowers play in holding the government accountable. By extension, the news media that reports on their disclosures also scored a victory. Hogan Lovells partner Neal Katyal, who represented MacLean on a pro bono basis, called the decision “very significant protection for whistleblowers.” But he also pointed to the key ways in which it advances public interest journalism. “The MacLean decision recognizes that the media can and does play an important role in uncovering government corruption, abuse, and, frankly, inanity,” said Katyal, a former acting U.S. Solicitor General. “This is a first-rate example of how the media helped get Robert MacLean's message out and potentially stop a catastrophic decision to remove air marshals at a time of high terrorist threat.” Under federal law protecting whistleblowers, employees who disclose information revealing violations of any law, rule, or regulation or a substantial and specific danger to public health and safety are shielded from termination for their actions. There is an exception for disclosures that are specifically prohibited by law. In 2002, the TSA promulgated regulations banning the unauthorized disclosure of “sensitive security information,” which included details of federal air marshal missions. Along came federal air marshal MacLean, who became alarmed in 2003 when TSA cutbacks resulted in an announcement that no air marshals would accompany overnight flights from Las Vegas from July to August of that year. With the cutbacks coming in the wake of Department of Homeland Security warnings of the imminent threat of further terrorist airplane hijackings, MacLean tried to alert a supervisor and administrators to the danger of such a decision, with no success. He then contacted an MSNBC reporter about the cancellations, and when the TSA faced resulting backlash from several members of Congress, it reversed its decision on the Las Vegas flights. But after discovering that MacLean was the source of the leak, the TSA fired him for disclosing sensitive security information without authorization. The case that ultimately made its way to the Supreme Court hinged on the question of whether MacLean was a protected whistleblower under the federal law, or whether he had given up that protection by whistleblowing in defiance of a law, which in this case, DHS argued, was the TSA regulation banning disclosures. At the Supreme Court, Chief Justice Roberts and Justices Scalia, Thomas, Ginsburg, Breyer, Alito, and Kagan all agreed that the TSA regulation was not a law. As evidence, they pointed to other examples in the whistleblower statute when Congress referred to a “law, rule, or regulation.” And they showed that they understood the value of the whistleblowing process when they held that calling regulations laws would frustrate the purposes of the whistleblower statute by allowing agencies to protect themselves from it merely by making up regulations that specifically prohibited all whistleblowing. “The Court was categorical in saying that agencies can't write their own exceptions to the Whistleblower Act,” Katyal emphasized. The Court's decision resoundingly supports the right to disclose official wrongdoing that is illegal or puts the public in substantial danger. Members of the news media work closely with whistleblowers to make their revelations public. But for whistleblowers to feel comfortable telling the media their concerns, they need to know that the law will protect them. The Court's clampdown on agencies' attempts to erode that protection is a victory for accountability. The ripples from the Court's holding will be felt around the government. With the government increasingly citing national security concerns as reasons to prosecute whistleblowers such as Edward Snowden and Chelsea Manning, it's important for potential leakers to understand where their protection begins and ends. While Manning has been prosecuted under the Espionage Act, a law passed by Congress, the Court's

clarification that only laws and not regulations can prohibit whistleblowing is a significant step in favor of government accountability. At the end of the day, MacLean's case was not one where the media was likely to play an amicus or other kind of supporting role because the issues were not within its particular areas of expertise. So the snoozing is excused. But news organizations – and the public – stand to benefit from his victory.

circumvention

definitional issues

"Insider threat" in the context of the law is defined far too broad, "curtailing the insider threat program" is 100% arbitrary

NCSC No date

("National Insider threat policy",

http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Policy.pdf , TMP)

"Insider Threat" means the threat that an insider will use his or her authorized access, wittingly or unwittingly, to do harm to the security of United States. This threat can include damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or capabilities.

Vagueness of "the national insider threat policy" makes it impossible for effective curtailment

NCSC No date

- "common expectations" is arbitray
- "best practices" is arbitrary
- "Flexible implementation" is arbitrary
- "rights and liberty" is arbitrary

("National Insider threat policy",

http://www.ncsc.gov/nittf/docs/National_Insider_Threat_Policy.pdf , TMP)

The National Insider Threat Policy aims to strengthen the protection and safeguarding of **classified information** by: establishing **common expectations**; institutionalizing executive branch **best practices**; and enabling **flexible implementation** across the executive branch. A. Policy **Executive Order 13587** directs United States Government executive branch departments and agencies (departments and agencies) to establish, implement, monitor, and report on the **effectiveness of insider threat programs** to protect classified national security information (as defined in Executive Order 13526; hereinafter classified information), and requires the development of an executive branch program for the deterrence, detection, and mitigation of insider threats, including the safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure. Executive Order 12968 promulgates classified information access eligibility policy and establishes a uniform Federal personnel security program for employees considered for initial or continued access to classified information.

Consistent with Executive Orders 13587 and 12968, this policy is applicable to all executive branch departments and agencies with access to classified information, or that operate or access classified computer networks; all employees with access to classified information, including classified computer networks (and including contractors and others who access classified information, or operate or access classified computer networks controlled by the federal government); and all classified information on those networks. This policy leverages existing federal laws, statutes, authorities, policies, programs, systems, architectures and resources in order to counter the threat of those insiders who may use their authorized access to compromise classified information. Insider threat programs shall employ risk management principles, tailored to meet the distinct needs, mission, and systems of individual agencies, and shall include appropriate protections for **privacy, civil rights, and civil liberties.**

alternative issues

Alternative causes the plan wouldn't resolve ensure they'll still be exterminated – loopholes, definitions, and the burden of proof

Patrick 10

(Patricia Patrick, PhD, “Be Prepared Before You Blow the Whistle, Protection Under State Whistle-blowing Laws”, fraud magazine, <http://www.fraud-magazine.com/article.aspx?id=4294968656>, TMP)

STATE WHISTLE-BLOWING LAWS All the U.S. states have laws to protect public employees from retaliation. Most of the state whistle-blowing laws were **enacted to encourage public employees to report fraud, waste, and abuse in government agencies.** Some laws protect only public employees; others include government contractors and private-sector employees. Most of the states also have laws **covering private-sector employees. However,** many of these laws protect reports involving workplace safety. They were enacted decades ago to protect employees from retaliation when reporting occupational safety issues. Public and private employees can use them, but they might not apply to all situations. Over the years, reporting in other specific situations has been protected. Many states enacted anti-retaliation clauses for specific claims or industries. For example, Rhode Island has anti-retaliation clauses in statutes pertaining to gaming, nursing homes, health-care facilities, nonprofit hospitals, insurance fraud, health maintenance organizations; and asbestos abatement. Anti-retaliation clauses are designed to protect public and private employees working in specific cases. THE ESSENCE OF BLOWING THAT WHISTLE Whistle-blowing, as it relates to fraud, is the act of reporting fraud, waste, and abuse. Reporting any act of wrongdoing is considered whistle-blowing, regardless if it's reported by a public or private employee or to persons inside or outside of the victim organization. Anyone can report wrongdoing, but the level of protection an employee will receive will differ depending on whether they're public or private, to whom they report, the manner in which they report, the type of wrongdoing they report, and the law under which they report. Take the Texas Whistle-blower Act, for example. It protects public employees from retaliation who report violations of law to appropriate law enforcement agencies, providing the employee files a grievance within 90 days of when the employer's adverse employment action occurred or was discovered by the employee. The employee must initiate action under the grievance or appeal process of the governmental employer before filing a lawsuit. ¶ The employee must also report the violation in good faith, prove the retaliation is the result of the whistle-blowing, and identify the laws violated and the persons engaged in the violations. Employees can be compensated for their

losses, but the entity can defend itself by asserting its actions were unrelated to the whistle-blowing. This is an affirmative defense that can be asserted by any employer. Employers using an affirmative defense will admit they took the adverse personnel action but claim the action was due to events independent of the whistle-blowing. ¶ If you find Texas' Whistle-blowing Law daunting, you're probably not alone. My review of state-level lawsuits filed by whistle-blowers shows that it's difficult to receive protection under many of the state laws.¶ RESEARCH METHOD ¶ I selected a random sample of lawsuits from the statewide cases reported in the LexisNexis database between 1994 and 2009. I keyed in the search term "whistle-blower" and found 380 cases involving whistle-blowers who sued their employers for alleged retaliation following the reporting of a wrongful act.¶ I stratified the lawsuits chronologically by state and selected every fourth case to obtain a random sample of 95 cases. I conducted a content analysis of each case to identify: 1) the type of retaliation taken against the whistle-blower 2) the type of wrongdoing reported 3) the public policy issued 4) the outcome for the whistle-blower 5) the reason the whistle-blower won/lost the lawsuit 6) whether the whistle-blower was a public servant 7) the law used to file the case.¶ MOST WHISTLE-BLOWERS ARE FIRED **Seventy-four percent** of the whistle-blowers in my review **were terminated**. Another **6 percent** were **suspended** and **5 percent** were **transferred** against their wishes. **The remaining 15 percent were given poor evaluations, demoted or harassed**. The results, summarized in Exhibit 1 (below), indicate that retaliation occurs, although this review can't determine how often. 2010-SeptOct-WB-Fig1-types of retal Approximately 60 percent of the lawsuits were filed in the past 10 years; however, it's impossible to say why employees are increasingly turning to the courts to solve their problems. Perhaps employees are reporting wrongful acts more frequently and filing more frivolous lawsuits. It's also possible that employers are committing more acts of wrongdoing and retaliating more often. Then again, it's possible the rise is due to the increasingly litigious nature of American society. **The whistle-blowers in this sample didn't fare well in their lawsuits**. **Fifty-five percent lost their cases**. **Fourteen percent lost because they failed to prove their cases**. **Eleven percent failed to prove a causal connection between the alleged retaliation and the whistle-blowing**. Only 22 percent won their lawsuits. Of these, 2 percent were reinstated to their old jobs and 8 percent won damage awards. The remaining 23 percent of the cases were remanded for a new trial. To prevail, **employees will probably have to link their whistle-blowing to the retaliation**. This can be **difficult for employees** having problems in the workplace because employers will claim their adverse personnel actions were based on the **employees' poor performances** – **not the employees' decisions to blow the whistle**. **It's especially easy for employers to assert this claim if the person who conducted the retaliation claims no knowledge of the whistle-blowing**. GET TECHNICALITIES CORRECT ¶ Twenty-two percent of the whistle-blowers lost because they didn't comply with some technicality in the laws. As discussed previously, the laws are very specific on how whistle-blowers must report the wrongdoing. Failing to comply with any aspect of the law will result in a loss of protection. ¶ Six percent of the employees lost because they failed to exhaust all their internal remedies before reporting their concerns externally. Many laws require the employee to report internally first to give the employer an opportunity to correct the matter. This minimizes the potentially devastating impact that public reports can have on organizations when the claims don't have merit or could be handled more effectively internally. Internal reports can also allow the employer to conceal the unlawful activity, if they are so inclined. ¶ Another 5 percent lost because they failed to report the act of wrongdoing correctly. Some laws require the witness to report the wrongdoing in writing within a certain period of time after it's discovered. Other laws require the whistle-blower to state

the specific laws that were broken. The purpose of these requirements is to provide the employer with specificity so it can correct the problem.

Empirically, Whistleblower protections get circumvented

Zuckerman 12,

(Jason Zuckerman is Principal of Zuckerman Law and author of the Whistleblower Protection Law Blog. He serves as Plaintiff Co-Chair of the Whistleblower Subcommittee of the ABA Labor and Employment Law Section Employment Rights and Responsibilities Committee, "Congress Strengthens Whistleblower Protections for Federal Employees",

http://www.americanbar.org/content/newsletter/groups/labor_law/ll_flash/1212_abalel_flash/lel_flash12_2012spec.html, TMP)

On November 27, 2012, President Obama signed into law the **Whistleblower Protection Enhancement Act of 2012** (WPEA),¹ which will substantially strengthen whistleblower protections for federal whistleblowers. The legislation recognizes that whistleblowers are crucial in helping to expose waste, fraud, abuse, mismanagement and threats to public health and safety across the Federal government. Their disclosures save billions of dollars and even human lives. A recent study published by the Merit Systems Protection Board (MSPB) titled, "Blowing the Whistle: Barriers to Federal Employees Making Disclosures," found that, in 2010, approximately one-third of the individuals who felt they had been identified as a source of a report of wrongdoing perceived either threats or acts of reprisal, or both.² To ensure that federal employees will come forward with vital disclosures that make the government more efficient, transparent and accountable, the WPEA removes judicially-created loopholes that significantly narrowed the scope of protected whistleblowing under the Whistleblower Protection Act;³ enhances the remedies available to government whistleblowers who have suffered retaliation; strengthens the ability of the U.S. Office of Special Counsel (OSC)⁴ to hold managers accountable for retaliating against whistleblowers; affords whistleblower protections to all Transportation Security Administration (TSA) employees; and mandates broader outreach to inform federal employees of their whistleblower rights.⁵ Clarifying the Scope of Protected Disclosures When Congress enacted the Whistleblower Protection Act of 1989, it specifically protected "any disclosure" of covered forms of wrongdoing, i.e., any information that an individual reasonably believes evidences a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. See 5 U.S.C. § 2302(b)(8). **But** several Federal **Circuit decisions substantially narrowed the scope of protected conduct by creating loopholes that were contrary to Congressional intent.** Those decisions include: (1) *Horton v. Dep't of the Navy*,⁶ holding that disclosures to the alleged wrongdoer are not protected; (2) *Willis v. Dep't of Agriculture*, excluding from WPA protection a disclosure made as part of an employee's normal job duties;⁷ and (3) *Meuwissen v. Dep't of Interior*, holding that **disclosures of information already known are not protected.**⁸ As pointed out in a Senate report on the WPEA, these decisions were contrary to the plain meaning of the WPA and diverted attention from the real issue in WPA cases--whether the personnel action at issue in the case occurred because of the protected disclosure.

Espionage Act checks, and empirics prove even when one complies with protections, the government circumvents through loopholes in the courts

Greenberg 14,

(Jon Greenberg is a staff writer for pundit fact, two-time award winner from the Society of Professional Journalists for investigative reporting. "Greenwald: NSA leaker Snowden has no whistleblower protection", Pundit Fact, [http://www.politifact.com/punditfact/statements/2014/jan/07/glenn-greenwald/greenwald-nsa-leaker-snowden-has-no-whistleblower-/,](http://www.politifact.com/punditfact/statements/2014/jan/07/glenn-greenwald/greenwald-nsa-leaker-snowden-has-no-whistleblower-/) TMP)

Edward Snowden, the former National Security Agency contractor who revealed the reach of American intelligence into the private lives of its citizens, **is approaching a legal turning point.** He is at the midpoint in his one-year asylum granted by Russia. What lies beyond is uncharted territory. The New York Times editorial board said the government should grant Snowden clemency and a plea arrangement that contains a limited punishment. Others, including White House National Security Adviser Susan Rice, have said Snowden should return without conditions and "have his day in court." In the view of Glenn Greenwald, the investigative journalist who was one of the first to gain access to Snowden's stolen documents, **a fair trial is the last thing that awaits the whistleblower** if he comes back without a deal. "Under the Espionage Act, you're not allowed to come into court and say 'I was justified in disclosing this information'," Greenwald said on CNN's The Lead. "There is no whistleblower exception in the Espionage Act." Greenwald's debate with Ruth Marcus of the Washington Post made for good television. But we wanted to dig deeper into Greenwald's point about Snowden. There are two pieces to this puzzle. What does the law say and could Snowden reasonably expect to tell his side of the story in a trial? Limited protections for the intelligence community **The Espionage Act of 1917** makes it a crime punishable by death or imprisonment to share "**information relating to the national defense**" with anyone who might want to do harm to the United States. Snowden faces two counts of unauthorized communication under that law. **The Espionage Act contains no explicit whistleblower protection**, said Bob Turner, a national security expert at the University of Virginia who has been critical of Greenwald and thinks Snowden should face the death penalty. However, Turned noted that while the 1917 law is silent, a law passed in 1998, the Intelligence Community Whistleblower Protection Act, does provide government workers with options. Under that law, Snowden could have raised his concerns with the Inspector General's Office at the NSA or spoken to congressional intelligence committees. A separate federal law protects whistleblowers more generally but that only applies to sharing unclassified information, not the secret materials that Snowden had in hand. "Had Mr. Snowden taken his information to the House or Senate intelligence committees, that would clearly not have violated the Espionage Act," Turner said. "And if it did, his conduct would have been protected by the more recent 1998 whistleblower statute." But others familiar with this legal landscape told us that no matter what, Snowden was still vulnerable. **The Intelligence Community Whistleblower Protection Act**, for instance, **does not prohibit agencies** from retaliating against employees, said Elizabeth Goitein, co-director of the Brennan Center's Liberty and National Security Program at New York University School of Law. Goitein said President Barack Obama helped matters slightly when he issued a presidential order preventing retaliation against federal employees. But that order did not explicitly address the rights of contractors such as Snowden. And Goitein added, neither that directive nor the whistleblower law "bars the government from criminally prosecuting whistleblowers." In 2010, NSA staffer Thomas Drake tried to use proper channels to report allegations of improper contracting but wound up the target of an investigation, said Kathleen

McClellan, the national security and human rights counsel for the Government Accountability Project, a whistleblower advocacy group. "Drake followed the Intelligence Community Whistleblower law to a 'T'," McClellan said. "He went to the Department of Defense inspector general and both congressional intelligence committees and it did not protect him from retaliation." In fact, it made him the target of an investigation. "Federal agents wrongly went after Drake in pursuit of a separate matter and charged him with multiple felonies, according to a report from the Committee to Protect Journalists. "When it became clear that whatever Drake had shared with the press was either not classified or already in the public domain, the government's felony case collapsed. A federal judge said it was "unconscionable" that Drake and his family had endured "four years of hell."" Restrictions within the courtroom Greenwald said Snowden would not be allowed to justify his actions in court. On this front, we can't offer a definitive assessment. We don't know what matters government prosecutors would permit into the courtroom, and we don't know how a judge would rule on the government's motions. However, recent trials under the Espionage Act make it clear that Snowden could expect no guarantee that he would be able to tell a jury why his violations might serve the country's national interests. What he and his lawyers could present might be tightly constrained. "The executive branch has asserted the sole authority to determine what remains a secret," McClellan said. "The way these Espionage Act prosecutions have gone, it has not been fair to the defendants. It has not followed what you would expect in a traditional trial." Turner of the University of Virginia said he thinks public sympathy for Snowden is so broad, he might do fine with a jury. "All he needs to walk free is a single juror who views him as a 'hero'," Turner said. But whether any juror would hear a single reference to Snowden's claims to a higher purpose is also unclear. In 2012, a federal judge ruled that former CIA worker John Kiriakou could not present evidence about his reasons for going public with accounts of U.S. waterboarding during interrogations. Kiriakou was charged with disclosing classified information under the Espionage Act. "Any claim that he acted with a salutary motive, or that he acted without a subversive motive, when he allegedly communicated NDI (national defense information) to journalists is not relevant to this case," the judge wrote. The trial of leaker Bradley (now Chelsea) Manning -- who gave troves of classified information to WikiLeaks -- followed similar lines, with the important difference that those proceedings took place in a military courtroom. Our ruling Greenwald said that if Snowden returned to the United States, he would have no protections under the Espionage Act and would not be allowed to justify his actions in court. In terms of the law, Greenwald is literally correct. Two other legal documents, however, could have provided Snowden some potential protections before he shared classified information with the press. But once he did, no law offers Snowden any shelter.¶ Greenwald's further claim on what Snowden could say in his defense is less clear because it depends on what government prosecutors would do. We can't assess the accuracy of any statement about future outcomes. However, it is clear that there is ample precedent to show that Snowden would have no guaranteed opportunity to explain his motivations.¶ Folding in that ambiguity, we rate the claim Mostly True.

politics

link

whistleblowing is controversial in congress but Obama is a staunch opponent and has condemned twice as many whistleblowers than all other presidents combined

Gosztola 13 (Kevin, American journalist, author, and documentary filmmaker known for work on whistleblowers and national security, "Obama's Hawkish Policy on Leaks Was Adopted to Make an Example Out of Someone," <http://firedoglake.com/2013/07/21/obamas-hawkish-policy-on-leaks-was-started-to-make-an-example-out-of-someone/>, July 21, 2013, silbs)

Congress' role in supporting the administration's crackdown has been a key factor in enabling the prosecutions of leakers. After leaks on Obama's secret "kill list," covert cyber warfare against Iran and a CIA underwear bomb plot sting operation in Yemen, the Senate, led by the typically over-zealous chairwoman of the Senate Intelligence Committee, Dianne Feinstein, pushed anti-leaks proposals. The measures could have forced intelligence agency employees to surrender their pension benefits if they were found to have disclosed information without proper authorization and prohibited certain former intelligence agency employees from taking jobs as "consultants" or entering into contracts with media organizations. However, the proposals failed to pass because Sen. Ron Wyden decided to respond to the concerns of open government and press groups. Just as he did after WikiLeaks began to release the documents that Pfc. Bradley Manning, who is on trial at Fort Meade, provided to the media organization, Sen. Joe Lieberman renewed his call for an "anti-leaks" law in America. His call for the law went nowhere. Retired general James Cartwright is being investigated for his role in leaking information on cyber warfare against Iran and the Stuxnet virus. That the administration may go after a former high-ranking general is seen as an unprecedented escalation in the war on leaks. Unmentioned in the Times story is the development of a neo-McCarthyist "Insider Threat" program that encourages all government agency employees to look over their shoulder and inform on their colleagues if they see any "indicators" that their colleagues might be spies or individuals that would leak and forsake their duty to safeguard classified information. The crackdown on leaks that threatens press freedom and government employees' First Amendment rights has been possible particularly because Obama is a Democratic president. [The Bush] Justice Department prosecuted only one official under the Espionage Act for disclosing national security secrets, a Pentagon analyst first investigated in 2004 and convicted in 2006. As a conservative, President Bush would have faced a greater public backlash had he sought to imprison leakers, said Gabriel Schoenfeld, a senior scholar with the Hudson Institute, a conservative-leaning research organization. Mr. Bush "was not willing to spend the political capital," Mr. Schoenfeld said. "This president is very hawkish on this." Progressive or liberal forces, particularly those tied into the establishment, simply are unwilling to dissent and take issue with this aggressive policy as they would if Bush was still in power or if a Republican was president. (Of course, this statement applies to his expansion of executive power around drones and a global assassination program as well as top secret government surveillance programs that violate the Fourth Amendment.) Up until former NSA contractor Edward Snowden's disclosures on secret surveillance programs, it has not been unpopular for Obama to pursue leaks aggressively. A recent Quinnipiac poll of American voters, however, found that 55 percent considered Snowden to be a whistleblower (versus 34 percent who considered him to be a traitor). Snowden is charged with violating the Espionage Act, but this poll suggests, if he ever did go on trial in the US, the public would be much less supportive of his prosecution than the prosecution of Manning. Eight Americans have been charged under the

Espionage Act by the Obama administration for leaking (seven for leaking to the press). That is more than twice as many as all previous presidential administrations combined.

Obama loves the ITP and is extremely hostile towards whistleblowers

Ditz 13 (John, journalist, “The Obama Administration's Hostility to Whistleblowers Is Both Immoral and Illegal,” http://www.huffingtonpost.com/jason-ditz/obama-insider-threat_b_3588818.html, July 16, 2013, silbs)

Faced with a public backlash at the revelation of NSA surveillance against the average American citizen, the Obama Administration has responded with a new program, dubbed the "Insider Threat" program, which aims to preempt future whistleblowers from speaking out. The system works by encouraging government workers to rat out any coworkers they suspect of being potentially inclined to blow the whistle before any leaks are even attempted, with an eye toward rooting out potential "threats" and intimidating rank-and-file workers against even daring to risk revealing information about government crimes and abuses. It wasn't supposed to be this way. President Obama ran his initial campaign on a pledge for transparency and a promise to enhance whistleblower protection, both of which have been scrapped. Instead, the administration now forwards the narrative that whistleblowers by their very nature are a threat to national security, and that all government actions that aren't explicitly publicized by the White House are secrets as a matter of course. Government hostility to whistleblowers is nothing new, of course. Though the claims of grave danger stemming from making the public and "the enemy" (in many cases the two seem identical for the career bureaucrat) never pan out, whistleblowers have always faced threats both overt and covert, and attempted retaliation from all levels of government.

Obama has aggressively cracked down on whistleblowers- he'll fight any reform

Gosztola 13 (Kevin, American journalist, author, and documentary filmmaker known for work on whistleblowers and national security, “Obama’s Hawkish Policy on Leaks Was Adopted to Make an Example Out of Someone,” <http://firedoglake.com/2013/07/21/obamas-hawkish-policy-on-leaks-was-started-to-make-an-example-out-of-someone/>, July 21, 2013, silbs)

President Barack Obama’s administration has developed a reputation for aggressively prosecuting whistleblowers or individuals responsible for national security leaks. The policy adopted by the administration was influenced by former director of national intelligence, Dennis Blair, who requested a “tally of the number of government officials or employees who had been prosecuted for leaking national security secrets,” according to the New York Times. Sharon LaFraniere of the Times reports: In the previous four years, the record showed, 153 cases had been referred to the Justice Department. Not one had led to an indictment. That scorecard “was pretty shocking to all of us,” Mr. Blair said. So in a series of phone calls and meetings, he and Attorney General Eric H. Holder Jr. fashioned a more aggressive strategy to punish anyone who leaked national security information that endangered intelligence-gathering methods and sources. “My background is in the Navy, and it is good to hang an admiral once in a while as an example to the others,” said Mr. Blair, who left the administration in 2010. “We were hoping to get somebody and make people realize that there are consequences to this and it needed to stop.” [emphasis added] Such a comment from Blair is significant because critics of Obama’s policy on leaks (including this writer) have suggested the policy on leaks was about making an example out of someone in order to send a message to others in government not to leak or think about blowing the whistle on national security policies or programs. This comment would seem to validate that suggestion. Furthermore, one notices that the “aggressive strategy to punish anyone who leaked national

security information” does not seem to have been put together with any interest in whether it was the intent of individuals to “endanger intelligence-gathering methods and sources.” The unauthorized disclosures themselves would be enough to prove that an act had taken place that needed to be punished to the greatest extent possible and create a climate similar to what might result if the nation actually had an Official Secrets Act that purely criminalized unauthorized disclosures by security or intelligence employees regardless of intent. It was found that 153 leak cases had been referred to the Justice Department. Fourteen suspects had been identified, as of 2009. Zero of those had been prosecuted. Would it be possible to have 14 suspects and decide none of them needed to be prosecuted? The decision to become much more aggressive on leaks than the previous administration of President George W. Bush was a result of high-ranking officials in the Obama administration and pressure from Congress. The answer would, therefore, appear to be “no.”

Obama will push against the aff- he’s been the most aggressive of any president on national security leaks

Masnick 13 (Mike, editor and entrepreneur, CEO and founder of Techdirt, a weblog that focuses on technology news and tech-related issues, “Obama Administration Has Declared War On Whistleblowers, Describes Leaks As 'Aiding The Enemy'”
<https://www.techdirt.com/articles/20130620/18182823551/obama-administration-has-declared-war-leakers-claims-any-leak-is-aiding-enemy.shtml>, tech dirt, silbs, June 21, 2013, silbs)

None of that has happened. Instead, as we’ve discussed repeatedly, President Obama has been the most aggressive President ever in attacking whistleblowers and bringing the full weight of the law down on them. In fact, in 2012, rather than promote protecting whistleblowers in his campaign, the campaign bragged about how it cracked down on whistleblowers: President Obama has done more than any other administration to forcefully pursue and address leaks of classified national security information.... The Obama administration has prosecuted twice as many cases under the Espionage Act as all other administrations combined. Under the President, the Justice Department has prosecuted six cases regarding national security leaks. Before he took office, federal prosecutors had used the Espionage Act in only three cases.

the Enhancement Act proves Congress is doing everything it can to prevent intelligence leaks- protections are being cut

Wilmoth 12 (Mary Jane, Secretary, Treasurer, and Public Interest Law Fellow for the National Whistleblowers Center, “Congress Slams National Security Whistleblowers Again!”
<http://www.whistleblowersblog.org/2012/12/articles/government-whistleblowers/national-security/congress-slams-national-security-whistleblowers-again/>, December 19, 2012, silbs)

As part of a House/Senate Conference approved Tuesday, Congress passed an “Enhancement Act” for Department of Defense contractors. These contractors already had a right to go to federal court and obtain a jury trial. However, this new “Enhancement Act” creates a “National Security Exception” that does not exist in the current law. The new amendment states that whistleblower protections “shall not apply to any disclosure made by an employee of a contractor, sub-contractor, or grantee of an element of the intelligence community.” See section 827(e). The Committee members also approved an amendment to expand protection previously only available to employees of DOD contractors to cover employees of all federal contractors. Although this is a significant step forward, this amendment also exempted the intelligence

committee and has a four-year sunset provision. In other words, if Congress does not reenact it in four years it terminates.

Insider threat programs have massive support from the president and congress

GAO 15 (Government Accountability Office, “INSIDER THREATS DOD Should Strengthen Management and Guidance to Protect Classified Information and Systems,”
<http://www.gao.gov/assets/680/670570.pdf>, June 2015, silbs)

Since the 2010 disclosures, Congress and the President have taken actions to try to prevent additional unauthorized disclosures of classified information by insiders. In 2011, Congress—citing damage to national security, the effect on military operations, and harm to the reputation and credibility of the United States resulting from the 2010 disclosures—called for DOD to establish an insider-threat program.⁵ In 2011, the President issued Executive Order 13587 (E.O. 13587) that directed structural reforms to ensure responsible sharing and safeguarding of classified information on computer networks consistent with appropriate protections for privacy and civil liberties.⁶ In 2012, the President issued the national insider-threat policy that required agencies to implement insider-threat programs by May 2013.⁷ A 2014 House Committee on Armed Services report included a provision that GAO assess DOD’s efforts to protect information and systems from insider threats. The President also directed each agency’s insider-threat program to include six minimum standards: (1) designation of senior official(s); (2) information integration, analysis, and response; (3) insider-threat program personnel; (4) access to information; (5) monitoring user activity on networks; and (6) employee training and awareness.⁸

the Obama administration and congress are implementing stricter reforms to prevent leaks than ever

Hexis 14 (“Federal government hopes to protect itself from insider threats.”
<http://www.hexiscyber.com/news/hot-topics/federal-government-hopes-protect-itself-insider-threats>, Hexis Cyber Solutions, silbs)

The federal government is taking steps to prove its commitment to protecting itself from insider threats, going so far as to create an official agency specifically geared toward combating this type of network vulnerability. National Insider Threat Task Force created to face new challenges To this end, the Obama Administration created the National Insider Threat Task Force, which will bring together a variety of separate but related security disciplines (link is external) in an effort to curb breaches that originate from inside federal networks, Nextgov reported. According to task force director Patricia Larsen, employees on the new team will have to be a blend of counterintelligence analyst, human resources professional and information security professional. This blend will be critical, as the task force must find a way to navigate the technological and human landscape, rooting out "bad actors" without hamstringing the work routines of compliant workers. The move to contain insider threats comes after a year of cyberattacks on federal agencies that led to employees' personal data being stolen and sensitive government and military intelligence getting leaked to the public. Investigations into the breaches showed that attackers had considerable insider knowledge. Task force creation coincides with new bill passed by Congress The creation of the National Insider Threat Task Force is just one of many examples to which one could point as a sign of the growing importance of cybersecurity in the effort to keep the U.S. safe from its enemies. On the legislative side, The International Business Times reported that the Senate recently passed a bill called The Cybersecurity Act, which would give the

Department of Homeland Security and its partners to set standards (link is external) for how agencies and private entities should handle cybersecurity. The bill will establish guidelines for protecting workers' privacy, verifying third-party software and hardware, detect insider threats, protect data stored in the cloud and monitor the network for malicious activity. As part of the overall package of legislation, a greater number of agencies will be required to implement continuous monitoring solutions as part of a standard cybersecurity arsenal, and based on an early report, this will be a big part of what the task force does going forward. Nextgov explained that the task force will need to synthesize intelligence from a wide variety of sources, including the vast troves of network data that the continuous monitoring turns up. Big data analysis will be critical to refine the algorithms that define "normal" network activity and flags potential malicious activity.

congress is cracking down on whistleblowers- all reforms are a cover to increase classifies information security and to stifle leaks

Abbott 13 (Maxwell, Counsel for CMD, "Bills in Congress Crack Down on Whistleblowers," <http://www.truth-out.org/opinion/item/20777-bills-in-congress-crackdown-on-whistleblowers>, Truth Out, December 21, 2013, silbs)

President Obama was elected on a platform that included promises for increased transparency and openness in government. Despite this rhetoric, Obama has prosecuted more whistleblowers than any administration in history and overseen the massive growth of the NSA's surveillance apparatus. In November, the Senate (S. 1681) and House (H.R. 3381) Intelligence Committees each released their own version of the "Intelligence Authorization Act for Fiscal Year 2014." This was an opportunity for Congressional leadership to address one of the defining issues of our time and either take a stand for increased transparency or continue down an Orwellian path of pervasive secrecy. A review of each chamber's proposed legislation demonstrates that "1984" is the future. Stopping "Insider Threats" The bills contain provisions which will intensify efforts to stop whistleblowers or "insider threats," no doubt inspired by Edward Snowden and his release of sensitive NSA documents. The House version of the funding bill provides \$75 million of increased funding specifically for classified information protection. According to Tom Devine, Legal Director of the Government Accountability Project, "the 'insider threat' program is a cover for a witch hunt of whistleblowers." In a purported effort to demonstrate support for the principles of openness and transparency, the House and Senate Intelligence Committee bills will provide protections for "legitimate" whistleblowers. But the committees believe legitimacy in whistleblowing is not due to the accuracy of the information disclosed, how much harm it spares the American people, or how much it benefits the democratic process, but rather whether or not the information is reported to proper authorities, such as "lawmakers, inspectors general and intelligence community leaders." Notably missing from this list is the media, and history shows that whistleblowers who do use "proper channels" first are rarely rewarded.

Katko and other republicans will hate the plan- they're focused on security breaches resulting from insider threats and want to lock down on leaks

Weiner 15 (Mark, Washington correspondent, "Rep. John Katko chairs hearing on insider threat from airline, airport employees (watch live)," February 3, 2015, http://www.syracuse.com/news/index.ssf/2015/02/rep_john_katko_chairs_hearing_on_insider_threat_from_airline_airport_employees_w.html, silbs)

WASHINGTON, D.C. -- A month after authorities charged current and former Delta Airlines employees with smuggling 153 guns onto planes, U.S. Rep. John Katko wants to know how homeland security officials will prevent future insider threats from airline and airport employees. Katko, R-Camillus, on Tuesday will lead a House Homeland Security subcommittee hearing on the issue, the first time he will chair a hearing as a member of Congress. "This hearing stems from a recent series of security breaches in which loaded firearms were brought onto commercial airplanes by employees with airport access privileges," Katko said. "Fortunately, these incidents did not end in tragedy, but there is much to be learned from what occurred." The former federal organized crime prosecutor, elected in November, spent years tackling gang violence and guns on the streets of Syracuse. Now he will use that expertise as Congress asks how airline employees could run a gun smuggling operation between airports in Atlanta and New York City. Prosecutors said guns were smuggled past security and onto 20 flights from May to September. The smuggling succeeded because some airports allow airline baggage handlers, cleaning crews and other employees to bypass Transportation Security Administration screening checks, prosecutors said. U.S. Sen. Charles Schumer, D-N.Y., last month said it is "mind boggling" that all airline employees do not pass through TSA screening before entering planes. Katko's Subcommittee on Transportation Security will meet at 2 p.m. Tuesday to hear from witnesses that include Mark Hatfield, acting deputy administrator of the Transportation Security Administration, and Gary D. Perdue, the FBI's deputy assistant director of the counterterrorism division. Miguel Southwell, general manager of Hartsfield-Jackson Atlanta International Airport, also is due to testify Tuesday. "Nearly 14 years after 9/11, terrorists have adapted to our security protocols in ways that require us to be agile, resourceful and responsive," Katko said before the hearing. "I am confident we can improve access control and employee screening measures at our airports."

Intellectual Privacy HSS

1NC

1NC — Quantitative Privacy CP

United States federal intelligence and law enforcement agencies should be required to obtain an individualized Title III “super-warrant” in order to conduct surveillance using technologies that have the capacity to facilitate broad and indiscriminate surveillance that intrudes upon reasonable expectations of quantitative privacy.

The counterplan solves the case and is net-beneficial.

First, the counterplan’s technology-based approach is the best way to protect privacy.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Granting law enforcement unfettered access to twenty-first century surveillance technologies like aerial drones, DAS, and sweeping data collection efforts, implicates these same Fourth Amendment interests. n49 This does not mean that law enforcement should be barred from conducting searches using modern surveillance technologies. Instead, in the present, as in the past, n50 all that the Fourth Amendment requires is a set of policies and practices that limit the discretion of law enforcement, provide for meaningful judicial review, and effect a reasonable accommodation of both the legitimate interests of law enforcement in preventing, detecting, and prosecuting crime, and the privacy interests of citizens subject to surveillance. n51 Here [*71] again, the work of information privacy law scholars offers important guidance in striking that balance. n52

Until now, most proposals for defending Fourth Amendment interests in quantitative privacy have focused on a case-by-case method called the “mosaic theory.” n53 Under this approach, the Fourth Amendment is implicated whenever law enforcement officers gather “too much” information during the course of a specific investigation. n54 Critics of the mosaic theory have rightly wondered how courts will determine whether investigators have gathered too much information in any given case and how officers in the midst of ongoing investigations will know whether the aggregate fruits of their efforts are approaching a Fourth Amendment boundary. n55 The best solution that mosaic advocates have so far been able to muster is to draw bright, if arbitrary, lines based on how long officers use an investigative method or technology. n56 These kinds of solutions fail to satisfy because they are under inclusive, over inclusive, and also sidestep important conceptual and doctrinal questions. n57 We therefore propose an alternative.

Rather than asking how much information is gathered in a particular case, we argue here that Fourth Amendment interests in quantitative privacy demand that we focus on how information is gathered. In our view, the threshold Fourth Amendment question should be whether a technology has the [*72] capacity to facilitate broad and indiscriminate surveillance that intrudes

upon reasonable expectations of quantitative privacy by raising the specter of a surveillance state if deployment and use of that technology is left to the unfettered discretion of law enforcement officers or other government agents. n58 If it does not, then the Fourth Amendment imposes no limitations on law enforcement's use of that technology, regardless of how much information officers gather against a particular target in a particular case. n59 By contrast, if it does threaten reasonable expectations of quantitative privacy, then the government's use of that technology amounts to a "search," and must be subjected to the crucible of Fourth Amendment reasonableness, including judicially enforced constraints on law enforcement's discretion. n60

The form and timing of Fourth Amendment constraint under our proposal would depend upon the technology at issue, the law enforcement interests it serves, and the privacy interests it threatens. n61 The most common way to implement Fourth Amendment regulations is to require officers to secure warrants from a detached and neutral magistrate before engaging in a search. n62 For some technologies, that model will remain the best approach; but it is not the only alternative. Although ultimate authority to review constitutional sufficiency must remain with the judiciary as a constitutional matter, n63 our technology-centered approach allows for a range of more bespoke arrangements. For example, Congress might create a tailored regime along the lines of the Title III Wiretap Act. n64 Alternatively, [*73] a law enforcement agency might collaborate with civil liberties groups and other interested parties to develop regulations and administrative control structures n65 similar to the consent decrees that are often used to resolve constitutional challenges against police surveillance tactics and practices. n66 As part of these efforts, designers and developers of surveillance technologies might incorporate constraints on the aggregation and retention of data along with use and access limitations, providing a set of Fourth Amendment pre-commitments that preserve law enforcement interests while minimizing threats to privacy. n67

Second, the plan's "intellectual privacy" approach fails and risks oppression.

Citron and Gray 13 — Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, and David Gray, Associate Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, 2013 ("Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards," *Harvard Law Review Forum* (126 Harv. L. Rev. F. 262), May, Available Online to Subscribing Institutions via Lexis-Nexis)

Although Richards aptly captures the dangers to intellectual freedom posed by technologically enhanced surveillance, we fear his policy prescriptions are both too narrow and too broad because they focus on "intellectual activities" as a necessary trigger and metric for judicial scrutiny of surveillance technologies. n45 Our concerns run parallel to arguments we have made elsewhere against the so-called "mosaic [*267] theory" of quantitative privacy n46 advanced by the D.C. Circuit n47 and four Justices of the Supreme Court in *United States v. Jones*. n48 Our argument there supports our objection here: by focusing too much on what information is gathered rather than how it is gathered, efforts to protect reasonable expectations of privacy threatened by new and developing surveillance technologies will disserve the legitimate interests of both information aggregators and their subjects.

One reason we are troubled by Richards's focus on "intellectual activities" as the primary trigger for regulating surveillance technology is that it dooms us to contests over which kinds of

conduct, experiences, and spaces implicate intellectual engagement and which do not. n49 Is someone's participation in a message board devoted to video games sufficiently intellectual to warrant protection? What about a telephone company's records showing that someone made twenty phone calls in ten minutes' time to a particular number without anyone picking up? Would we consider the route someone took going to the library an intellectual activity? Is it the form of the activity or what is being accomplished that matters most?

Setting aside obvious practical concerns, **the process of determining which things are intellectual necessarily raises the specter of oppression.** Courts and legislators would be required to select among **competing conceptions of the good life**, marking some "intellectual" activities as worthy of protection, while denying that protection to other "non-intellectual" activities. Inevitable contests over the content and scope of "intellectual privacy" will be, by their nature, subject to the whims and emergencies of the hour. n50 **In the face of terrorist threats, decisionmakers will surely promote a narrow definition of "intellectual privacy,"** one that is capable of licensing programs like Virtual Alabama and fusion centers. Historically, decisionmakers have limited civil liberties in times of crisis and reversed course in times of peace, n51 but the post-9/11 period shows no sign of the pendulum's swinging [*268] back. Given the nature of political and judicial decisionmaking in our state of perpetually heightened security, protection, even of "intellectual privacy," is most likely to be denied to the very outsiders, fringe thinkers, and social experimenters whom Richards is most concerned with protecting. n52

Finally, the counterplan solves the case but avoids the [Third Party Doctrine DA](#).

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 ("The Right to Quantitative Privacy," *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Among the strengths of our technology-centered approach is that it can guard against these concerns without needing to effect dramatic changes to the third-party doctrine. To see why, it is necessary to say a bit more about the doctrine's conceptual structure. Although it overstates matters a bit to suggest that the third-party doctrine relies on "the premise that an individual has no reasonable expectations of privacy in information voluntarily disclosed to third parties," n477 there is no doubt that the third-party doctrine has the same basic conceptual foundation as the public observation doctrine. Although the universe of persons with whom we share information about our movements in public is, at least in theory, larger than the universe of people with whom we share, say, information about our financial transactions, in both cases the act of sharing affects our reasonable expectations of privacy. As we have argued at length in this Article, however, **surveillance technology may raise Fourth Amendment issues independent of our expectations of privacy** in the discrete bits of information gathered by that technology. The result would not be any different just because the information is shared with a small group of people rather than the public at large. In either case, **Fourth Amendment interests in quantitative privacy will be implicated if the technology used to gather the information raises the specter of a surveillance state by facilitating programs of broad, indiscriminate surveillance.**

[*142] Let us return to the example of DAS. The System's core function is to aggregate data from diverse sources, including traffic cameras, toll cameras, surveillance cameras, cell phone providers, GPS-based services, credit card companies, banks, and internet service providers. Although most of the data coming into DAS when considered discretely would not implicate reasonable expectations of privacy under either the third-party doctrine or the public observation doctrine, DAS nevertheless epitomizes the surveillance state because its very function is to facilitate a program of broad and indiscriminate surveillance. Its deployment and use should therefore be subject to Fourth Amendment regulation.

The result should not be different if the aggregator is a private entity acting as a state-agent rather than the government itself. Take as an example the data broker Acxiom, which uses proprietary technology to collect and mine a mind-boggling array of data about people from various public and third-party sources, including social network activity, property records, public-health data, criminal justice sources, car rentals, credit reports, postal and shipping records, utility bills, gaming, insurance claims, divorce records, browsing habits compiled by behavioral advertisers, and purchasing histories gathered using vendor discount cards, among other sources. n478 Chris Hoofnagle has dubbed data brokers like Acxiom as "Big Brother's Little Helpers" because government and law enforcement are among their most important clients. n479 With this level of government engagement, there is little doubt that Acxiom and its kin are state agents, at least when conducting business for or on behalf of the government. n480 Thus, Acxiom's activities should be subject to Fourth Amendment review when it is acting as an arm of the government.

None of this requires abandoning or modifying the third-party doctrine. It remains true that we have no Fourth [*143] **Amendment complaint if a third party with whom we share information gathers that information in traditional ways and passes it along to the government.** There is also no Fourth Amendment issue just because investigators collect a detailed mosaic of personal information on a suspect. Rather, **it is the means that matter.** Thus, **the Fourth Amendment would not be implicated if a third party used pen registers or similar technology to gather evidence for the government because these technologies are too limited to facilitate the sort of broad and indiscriminate surveillance characteristic of a surveillance state.** n481 **By contrast, the data aggregation technologies deployed by Verizon and other telecommunications companies to provide the FBI and the NSA with "telephony metadata" for all calls "between the United States and abroad" and all calls "wholly within the United States, including local telephone calls" n482 implicate "different constitutional principles."** n483 **By virtue of their scale and scope, these data aggregation capacities epitomize a surveillance state when put at the service of government.** n484 **Verizon's use of these technologies at the behest government agencies should therefore be subject to Fourth Amendment regulation.**

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Overview/Explanation

Instead of centering privacy protection on the *type of content* being collected, the counterplan adopts a technology-centered approach. If a particular technology has the capacity to facilitate broad and indiscriminate surveillance that intrudes upon reasonable expectations of quantitative privacy, it may only be used pursuant to an individualized warrant. This is a better way to protect privacy because it broadly regulates dangerous surveillance technologies — that’s Gray and Citron.

There are two net-benefits:

One — Oppression. The plan requires the government to define what counts as an “intellectual activity.” For example, do video games count? What about travel routes? Hashing out these definitions is inherently oppressive because it requires a subjective value judgment. This takes out and turns the case because government will inevitably lawyer away protections for the dissenters and deviants that the affirmative celebrates — that’s Citron and Gray.

Two — Third Party Doctrine DA. The plan overturns the doctrine by holding that intellectual records are protected even though they have been given over to a third party. The counterplan maintains the third party doctrine because it takes a technology-centered approach — that’s Gray and Citron.

They Say: “Permute – Do Both”

1. Links to Oppression DA. The perm still requires the government to define what *does* and *doesn’t* count as “intellectual.” Only the counterplan alone avoids these definitional battles.

Citron and Gray 13 — Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, and David Gray, Associate Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, 2013 (“Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards,” *Harvard Law Review Forum* (126 Harv. L. Rev. F. 262), May, Available Online to Subscribing Institutions via Lexis-Nexis)

Richards might argue that his account of "intellectual privacy" and his definition of "intellectual activities" are sufficiently capacious to obviate these concerns. Yet this very capaciousness proves our point. Whether "intellectual privacy" and "intellectual activities" will be read narrowly or broadly, and for that matter, what might constitute a narrow or broad reading, inevitably will be contested just as hotly as the borders of inclusion and exclusion. To draw a loose parallel, the debates among legal positivists and natural law theorists did not abate when Hart expanded the

descriptive scope of positivism n53 or when Dworkin did the same for naturalism. n54 To the contrary, they simply expanded the number of battlefronts so that we now see bloody contests within both camps as well as between them.

2. Links to [Third Party Doctrine DA](#). The perm holds that records are protected even though they are turned over to a third party. Only the counterplan [alone](#) takes a technology-centered approach that leaves the third party doctrine intact.

3. [No Double Solvency](#). The counterplan [alone](#) is the best way to protect intellectual privacy. The perm is [net-worse](#).

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Although we live in a world of total surveillance, we need not accept its dangers -- at least not without a fight. **As Richards rightly warns, unconstrained surveillance can be profoundly harmful to intellectual privacy. It would be wrong, however, to conflate symptom and cure. What is most concerning, for us is the rapid adoption of technologies that increasingly facilitate persistent, continuous, and indiscriminate monitoring of our daily lives. Although harms to intellectual privacy are certainly central to our understanding of the interests at stake, it is this specter of a surveillance state that we think ought to be the center of judicial, legislative, and administrative solutions, not the particular intellectual privacy interests of individuals.**

They Say: “Doesn’t Solve Intellectual Privacy”

1. The Counterplan [Casts a Wider Net](#). Focusing on the [technology used](#) rather than [content collected](#) is a more effective strategy for protecting privacy.

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The Supreme Court has acknowledged the weight of these sorts of concerns in the context of Fourth Amendment debates. For example, in *Kyllo v. United States*, the Court was invited to limit Fourth Amendment protection to activities in the home that can be regarded as "intimate." n55 Writing for the Court, Justice Scalia demurred precisely because he thought the Court had neither the qualifications nor the authority to determine what is and is not "intimate." n56 He

therefore focused on the invasiveness of the technology itself -- a heat detection device -- and its potential to render a wide range of activities in the home, whether "intimate" or not, subject to government surveillance. n57 By our lights, this is a wise path to follow. Although we find persuasive Richards's description of the harms inflicted by totalizing surveillance on intellectual privacy, we are not persuaded that the law should use "intellectual activities" as a trigger for judicial scrutiny or as a special category for judicial treatment any more than the Court should use "intimacy" as a signal for Fourth Amendment regulation.

Rather than assigning primary importance to "intellectual activities" and presumably providing less protection against the acknowledged [*269] perils of broader types of surveillance, the law's focus should be on the dangers of totalizing surveillance. Information privacy scholars n58 and surveillance studies theorists n59 alike have long adhered to this approach, and for good reason. Technologies like Virtual Alabama and the fusion-center network amass, link, analyze, and share mass quantities of information about individuals, much of which is quotidian. What is troubling about these technologies is not what information they gather, but rather the broad, indiscriminate, and continuous nature of the surveillance they facilitate. n60 Video cameras may be trained on street corners, drugstore aisles, or a school's bathroom entrances. The information they gather likely does not implicate intellectual activities. They nonetheless create and sustain the kind of surveillance state that is anathema to liberty and democratic culture. n61 Fusion centers rely upon data-broker dossiers, much of which has nothing to do with intellectual endeavors. There is no doubt, however, that continuously streaming all of this information into the information-sharing environment facilitates the sort of broad and indiscriminate surveillance that is characteristic of a surveillance state.

2. Prefer Issue-Specific Evidence. Regulating technologies is a better way to protect intellectual privacy.

Citron and Gray 13 — Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, and David Gray, Associate Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, 2013 ("Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards," *Harvard Law Review Forum* (126 Harv. L. Rev. F. 262), May, Available Online to Subscribing Institutions via Lexis-Nexis)

There are two ways we might seek to protect quantitative privacy in an age of expanding surveillance technology. One strategy would focus on the aggregations of information assembled with respect to a particular person. This "mosaic" approach presents serious practical concerns along the lines we described with regard to intellectual privacy. n75 As Professor Orin Kerr asks, where would we draw the line between aggregations that are and are not too invasive? n76 How would we treat discrete aggregations assembled by different actors if the sum of those wholes would cross the invasiveness threshold, wherever it is drawn? n77 More importantly, we do not see how this approach could actually preserve reasonable expectations of quantitative privacy. The harm is done, after all, by being watched in a totalizing way -- or by the awareness that one might be so watched. n78 Limiting the scope of information dossiers does little to address those concerns. In light of these challenges, we have argued elsewhere for regulating the technologies

themselves. n79 Our arguments there strongly suggest that Richards's [*272] goal of protecting intellectual privacy would also be better served by adopting a technology-centered approach.

3. Err Neg. The counterplan solves *without* risking the DAs. They outweigh.

Citron and Gray 13 — Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, and David Gray, Associate Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, 2013 (“Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards,” *Harvard Law Review Forum* (126 Harv. L. Rev. F. 262), May, Available Online to Subscribing Institutions via Lexis-Nexis)

Here again, we think that a technology-centered approach that seeks to protect quantitative privacy is far more promising. Not only would it avoid the constitutional and practical challenges of individual litigation based on the trigger and metric of intellectual privacy, a focus on the technology would also open the door to a wide range of alternative regulatory frameworks that could more efficiently and reliably strike a reasonable compromise between the legitimate interests of government and the privacy interests of citizens. n85 For example, an independent board of experts, such as the Privacy and Civil Liberties Oversight Board (PCLOB), could perform an analysis of the privacy and civil liberties risks posed by surveillance technologies. n86 PCLOB, now fully staffed, n87 could mandate safeguards for the use of surveillance technologies that raise the specter of a surveillance state and make recommendations based on their privileged access to security analyses, piercing the veil secrecy that Richards laments. n88 Board members, vetted for top-secret national security clearances, could attain a comprehensive view of domestic surveillance technologies that [*274] would enable them to recommend procedural protections for quantitative privacy to prevent governmental abuse. n89 Such procedural protections would by nature protect the intellectual privacy interests at the heart of Richards's proposal without the drawbacks of using intellectual privacy as a trigger and metric of action.

4. Only the Counterplan Solves. The plan doesn't go far enough to curtail the surveillance state.

Citron and Gray 13 — Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, and David Gray, Associate Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, 2013 (“Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards,” *Harvard Law Review Forum* (126 Harv. L. Rev. F. 262), May, Available Online to Subscribing Institutions via Lexis-Nexis)

The continuous and indiscriminate surveillance they accomplish is damaging because it violates reasonable expectations of quantitative privacy, by which we mean privacy interests in large aggregations of information that are independent from particular interests in constituent parts of that whole. n68 To be sure, the harms that Richards links to intellectual privacy are very much at stake in recognizing a right to quantitative privacy. But rather than being a function of the kind of information gathered, we think that the true threats to projects of self-development and

democratic culture lie in the capacity of new and developing technologies to facilitate a surveillance state.

5. Prefer NSA-Specific Evidence. The counterplan better curtails harmful surveillance.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Recognizing a constitutional interest in quantitative privacy buttresses Fourth Amendment defenses against a surveillance state. Until now, practical limitations inherent to many investigative techniques, cultural constraints on mutual surveillance, and existing Fourth Amendment doctrines have provided a virtual guarantee that traditional investigative techniques would not produce the kind of broad and indiscriminate monitoring that raises the specter of a surveillance state. There simply are not enough police officers to follow all of us all of the time. As a society, we have stalwartly resisted the temptations of mutual surveillance that sustained many totalitarian states. Fourth Amendment doctrine has also preserved an archipelago of safe spaces and activities beyond the gaze of government agents. As a consequence, we have until now sustained a fairly stable balance between government power and private citizenship that allows us to pursue projects of self-development free from fear that the government is watching.
n485

Recent technological developments, such as the NSA's broad and indiscriminate data collection, aggregation, and retention programs, New York's Domain Awareness System, aerial drones, and GPS-enabled tracking devices threaten to alter this balance. By their nature, these technologies make possible the monitoring of everyone all the time. As consequence, granting the government unfettered access to these technologies opens the door to a surveillance state and the tyranny it entails. It is therefore at the point of unfettered access to those technologies that the Fourth Amendment should intervene. As we have argued here, this technology-centered approach to quantitative privacy holds great promise in our continuing efforts to strike a reasonable balance between the competing interests of law enforcement and citizen privacy while preserving the critical service of the Fourth Amendment as a bulwark against the rise of a surveillance state.

They Say: “CP Not Enforceable”

The counterplan solves — litigation will effectively enforce restrictions on surveillance tech.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota*

Law Review (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Fourth Amendment debates about quantitative privacy have so far been dominated by discussion of the "mosaic" theory. n249 Under the mosaic theory, Fourth Amendment interests would be determined on a case-by-case basis by assessing the quality and quantity of information about a suspect gathered in the course of a specific investigation. n250 The United States Court of Appeals for the District of Columbia adopted this approach in the predecessor to *Jones*. n251 The concurring opinions in *Jones* also appear to endorse the mosaic theory. n252 In the months after *Jones*, prominent quantitative privacy advocates have come forward to expand, explore, and defend the mosaic approach. n253 At the same time, the mosaic approach has been a target for pointed criticism on both doctrinal and practical grounds. n254 We think that the Fourth Amendment and the privacy issues at stake, as we have described them here, suggest taking a different tack.

In our view, the threshold Fourth Amendment question raised by quantitative privacy concerns is whether an investigative technique or technology has the capacity to facilitate broad programs of indiscriminate surveillance that raise the specter of a surveillance state if deployment and use of that technology is left to the unfettered discretion of government. n255 There are a number of ways that the Fourth Amendment status of a surveillance technique or technology could be determined. The most obvious would be for anyone who knows that he or she has been subject to surveillance by a novel technology, or dramatically improved existing technology, to file a civil suit seeking equitable relief or even damages. n256 In such an action, [*102] a court would first need to determine whether the technology at issue should be subject to Fourth Amendment regulation. Among the important factors that a court would need to consider are: (1) the inherent scope of a technology's surveillance capabilities, be they narrow or broad; (2) the technology's scale and scalability; and (3) the costs associated with deploying and using the technology. If a court finds that a challenged technology is capable of broad and indiscriminate surveillance by its nature, or is sufficiently inexpensive and scalable so as to present no practical barrier against its broad and indiscriminate use, then granting law enforcement unfettered access to that technology would violate reasonable expectations of quantitative privacy. n257

The critical goal, of course, will be to tailor an approach that satisfies Fourth Amendment standards by reflecting a clear understanding and appreciation of both the law enforcement and privacy interests at stake. n258

Once a surveillance technology has been identified as implicating the Fourth Amendment, and a reasonable approach to limiting law enforcement's access and discretion has been devised, subsequent litigants would have the option of challenging law enforcement's conformance with the regulatory scheme (be it a warrant regime or some other means), the constitutionality of law enforcement's conduct regardless of the scheme, or both. For students of criminal procedure, there is no surprise here. After all, defendants subject to physical searches of their homes are at liberty to challenge the constitutionality of local warrant procedures, n259 the constitutionality of a warrant, n260 and [*103] even the constitutionality of law enforcement's conduct during a warranted search. n261 Thus, although the technology-centered approach to conceptualizing and defending Fourth Amendment rights to quantitative privacy proposed here is novel, its application would not require straying from well-traveled litigation pathways.

They Say: “CP Creates Confusion”

The counterplan is better at line-drawing than the plan.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Critics contend that recognizing a quantitative dimension to Fourth Amendment privacy creates thorny practical challenges. n378 Among the most nettlesome is drawing lines between quanta of information that implicate reasonable expectations of privacy and those that do not. n379 Justice Scalia levels this charge in *Jones*, pointing out that Justice Alito's concurring opinion does not explain why short-term monitoring is acceptable but "a 4-week investigation is 'surely' too long." n380 Orin Kerr has echoed Justice Scalia's concerns. n381 Kerr has also expressed reservations about how to parse mosaics that are aggregated using a variety of techniques and technologies. n382

Although these line-drawing challenges may have some traction against a mosaic theory of quantitative privacy, n383 they have no bite at all against our technology-centered proposal. Whereas a case-by-case approach to quantitative privacy requires courts to evaluate the Fourth Amendment interests implicated by individual mosaics, a technology-centered approach interrogates the potential for abuse inherent in a given surveillance technology. As new surveillance technologies become available, courts will need to determine whether those technologies have the capacity to facilitate the sorts of broad programs of indiscriminate surveillance that raise constitutional concerns about a surveillance state. If a particular technology does not raise these concerns, then the Fourth Amendment simply does not apply. If it does, then the government will only be allowed to use that technology when it can meet the demands of Fourth [*127] Amendment reasonableness. n384 To be sure, assessments of reasonableness - by balancing the interests of law enforcement and citizens - present their own challenges; but they are both familiar and inherent to Fourth Amendment itself. n385 They are also downstream struggles. Under our approach, the upstream question of whether use of a technology constitutes a search at all is answered as a general matter for that technology rather than on a case-by-case basis. n386

The counterplan is more enforceable than the plan.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Our technology-centered approach also helps to clarify or resolve other practical challenges leveled against quantitative privacy. For example, in Jones, Justice Alito argues that, "longer term GPS monitoring in investigations of most offenses impinges on expectations of privacy." n393 This suggests that whether an investigative technology constitutes a Fourth Amendment search relates in part to the seriousness of the crime under investigation. As Justice Scalia rightly points out for the majority, "there is no precedent for the proposition that whether a search has occurred depends on the nature of the crime being investigated." n394 As our technology-centered approach makes clear, however, there is simply no argumentative clash here.

Justice Scalia is surely right that the nature of the offense being investigated has no relevance to the upstream question of whether law enforcement conduct constitutes a "search." Citizens do not possess greater expectations of privacy in less serious crimes. n395 The seriousness of an offense is, however, highly relevant to the downstream question of whether a search is "reasonable." n396 As we pointed out in Part III, assessing Fourth Amendment reasonableness is a matter of balancing citizen interests with those of law enforcement. Law enforcement naturally has a weightier interest in detecting and prosecuting more serious crimes than it does for minor offenses. n397 When weighing [*129] the reasonableness of a search, the seriousness of the offense being investigated is therefore relevant. n398 Likewise, courts can, and should, consider the seriousness of the offense being investigated as a factor when determining whether law enforcement officers acted reasonably during a search or seizure. n399 Thus, a court would be far more likely to grant a warrant for GPS-enabled tracking for a month if probable cause exists to believe both that the target is directing a large drug conspiracy and that the tracking will produce additional important evidence, as was in fact the case in Jones, but less likely to grant a similar warrant for a person suspected of perpetrating occasional minor speeding offenses.

Critics might grant us these points, but argue that our technology-centered approach comes with its own baggage. For example, a skeptic might argue that focusing on the technology begets its own line-drawing problems. n400 Specifically, they [*130] might argue that DAS and drones represent easy examples of technologies that raise quantitative privacy concerns, but that courts inevitably will confront technologies whose Fourth Amendment status is not as clear. These are not new problems for Fourth Amendment law, of course. n401 To the contrary, they are endemic to the reasonableness inquiry that lies at the heart of contemporary Fourth Amendment doctrine. n402 We therefore accept the inevitability of close cases. In doing so, however, we emphasize that the systemic burden of close cases will be much lighter under a technology-centered approach than they would be under a mosaic theory. That is because, whether it is a close call or not, once the Fourth Amendment status of a technology has been established, the threshold question of whether use of that technology constitutes a Fourth Amendment search does not need to be litigated in every case where the technology is used. By contrast, under a mosaic approach, whether a particular aggregation of information constitutes a search is a question that must be litigated de novo in every case because, like snowflakes, every mosaic will necessarily be unique. n403 We are also confident that the factors for evaluating the surveillance threat posed by a particular technology, such as scale, scope, and cost, are likely to be fewer and easier to apply with greater predictability than the many variables that would inform a mosaic analysis, where the idiosyncratic dispositions of judges likely would hold more than the usual sway. n404

They Say: “CP Gets Circumvented”

The counterplan *won't* get circumvented.

Gray and Citron 13 — David Gray, Professor of Law at the University of Maryland School of Law, holds a J.D. from New York University, and Danielle Keats Citron, Lois K. Macht Research Professor of Law at the University of Maryland School of Law, Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, holds a J.D. from Fordham University, 2013 (“The Right to Quantitative Privacy,” *Minnesota Law Review* (98 Minn. L. Rev. 62), November, Available Online to Subscribing Institutions via Lexis-Nexis)

Critics of our technology-centered approach might also argue that law enforcement officers and agencies acting in their strategic modes will simply avoid Fourth Amendment regulation by making minor changes to regulated surveillance technologies in an ongoing game of "technological whack-a-mole." n405 Here again, these sorts of strategic games are not without precedent. For example, the advent of designer drugs has allowed [*131] manufacturers to simply change the chemical formulation of their products to avoid criminal liability - at least until the law catches up. n406 Similar games are played in the patent world. n407 The solution in these contexts is often to focus on function rather than precise chemical structure. n408 That same approach holds considerable promise in the present context to block attempts by law enforcement circumnavigate Fourth Amendment regulations. n409

This discussion does not exhaust all of the practical challenges that proposals to defend reasonable interests in quantitative privacy must face. It nevertheless provides good grounds for believing that they can be met, and that our technology-centered approach offers a far better alternative than proposals for case-by-case methods based on the mosaic theory.

Internet Liberalization Bad Northwestern

China

Negative

1nc

Curtailing surveillance liberalizes the internet

(**Castro 2015**, Daniel Castro, Director for the Center for Data Innovation at ITIF, Vice President of ITIF, member of the Federal Commerce Data Advisory Council, June 2015, Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness, Information Technology and Innovation Foundation, http://www2.itif.org/2015-beyond-usa-freedom-act.pdf?_ga=1.114044933.369159037.1433787396)

The ability of companies—both tech and traditional—to easily share data across borders has brought a vast array of benefits to countries, companies, consumers, and economies through increased efficiency, decreased costs, and improved services.²⁶ And yet nations have continued to erect barriers to cloud computing and cross-border data flows, much to their own detriment.²⁷ While some defenders of these policies have asserted that they are designed to increase the privacy or security of their citizens' data, it is clear that they are also motivated by misguided self-interest. By creating rules that advantage domestic firms over foreign firms, many countries believe they will build a stronger domestic tech industry or gain short-term economic value, such as jobs in domestic data centers. In reality, these policies unwittingly limit the ability of a country's own firms to innovate by shielding them from international competition.²⁸ These policies not only limit the number of services that a country's citizens and businesses can enjoy, but also harm that country's productivity and competitiveness.[¶] Some countries used U.S. surveillance laws to justify data protectionism even before Snowden's NSA revelations. For example, when Rackspace built data centers in Australia in 2012, an Australian competitor stirred up fears that the United States would use the Patriot Act to track Australian citizens as a means to force Rackspace out of Australia.²⁹ In addition, this same Australian company funded a report calling on Australian policymakers to impose additional regulations designed to put foreign cloud computing competitors at a disadvantage.³⁰ However, since the recent NSA revelations, the use of privacy concerns to justify protectionist barriers has grown significantly.[¶] Amid growing anti-U.S. sentiment, Europe has seen calls for data localization requirements, procurement preferences for European providers, and even a "Schengen area for data"—a system that keeps as much data in Europe as possible—as ways to promote deployment of cloud services entirely focused on the European market.³¹ France and Germany have even started to create dedicated national networks: "Schlandnet" for the former and the "Sovereign Cloud" for the latter.³² The French government has gone so far as to put €150 million (\$200 million) into two start-ups, Numergy and Cloudwatt, to create a domestic infrastructure independent of U.S. tech giants.³³ Furthermore, some groups have invoked U.S. cyberespionage to argue that European citizens are not adequately protected and are calling for the removal of the "safe harbor" agreement—an agreement that allows Internet companies to store data outside of the European Union. Yet if this were removed it would cut Europeans off from many major Internet services.³⁴ There is also an increasingly distressing trend of countries, such as Australia, China, Russia, and India, passing laws that prevent their citizens' personal information from leaving the country's borders—effectively mandating that cloud computing firms build data centers in those countries or risk losing access to their markets. For example, in 2014 Russia implemented and Indonesia began considering policies that would require Internet-based companies to set up local data centers.³⁵ These policies are often a veiled attempt to spur short term economic activity by creating data-center jobs. However, this benefit is often outweighed by the substantial cost of building unnecessary data centers, a cost that is eventually passed along to the country's citizens. Several U.S. tech giants, such as Apple and Salesforce, have already started to build their data centers abroad to appease foreign watchdogs and privacy advocates.³⁶ For example, Amazon started running Internet services and holding data in Germany for its European business partners in an effort to downplay threats of online spying.³⁷ Protectionist policies in China have further strained the U.S. tech industry. In January 2015, the Chinese government adopted new regulations that forced companies that sold equipment to Chinese banks to turn over secret source code, submit to aggressive audits, and build encryption keys into their products.³⁸ While ostensibly an attempt to strengthen cybersecurity in critical Chinese industries, many western tech companies saw these policies as a shot across the bow trying to force them out of China's markets. After all, the Chinese government had already launched a "de-IOE" movement—IOE stands for IBM, Oracle and EMC—to convince its state-owned banks to stop buying from these U.S. tech giants.³⁹ To be sure, the Chinese government recently halted this policy under U.S. pressure.⁴⁰ However, the halted policy can be

seen as a part of a larger clash between China and the United States over trade and cybersecurity. Indeed, these proposed barriers were in part a quid pro quo from China, after the United States barred Huawei, a major Chinese computer maker, from selling its products in the United States due to the fear that this equipment had “back doors” for the Chinese government.⁴¹ Since the Snowden revelations essentially gave them cover, Chinese lawmakers have openly called for the use of domestic tech products over foreign goods both to boost the Chinese economy and in response to U.S. surveillance tactics. This system of retaliation has not only led to a degradation of business interests for U.S. tech companies in China, but also disrupted the dialogue between the U.S. government and China on cybersecurity issues.⁴² **RECOMMENDATIONS**¶ The free and open Internet that powers the globally networked economy is dependent on the ability of individuals and companies to engage in commerce without geographic restrictions. To turn back the tide of technology protectionism, U.S. trade negotiators will need a stronger hand to play. They cannot go to other nations and tell them to not discriminate against U.S. tech firms if the U.S. intelligence system continues to follow policies that threaten their citizens and businesses. As a result, it is incumbent on the Congress and the Obama administration to take the lead in showing the world the best standards for transparency, cooperation, and accountability.

Controlled internet key to regime stability—Middle East proves

Cheng 11, Dean Cheng is the senior research fellow at the Heritage Foundation’s center for Asian Studies and Foreign Affairs. Cheng earned a bachelor's degree in politics from Princeton University in 1986 and studied for a doctorate at MIT. “Middle East Lessons for China: Internal Stability”, 3/21/11 <<http://www.heritage.org/research/reports/2011/03/middle-east-lessons-for-china-internal-stability>>

Chinese leadership worries in this regard predate the current turmoil in the Middle East. There have been growing numbers of “mass incidents” resulting from a range of factors, including growing income inequality exacerbated by regional disparities and concerns about corruption.^[4] Chinese analysts have noted that the situation is made worse by local officials’ failure either to take responsibility for their shortcomings or undertake remedial actions promptly. Zhou Yongkang’s comments regarding the need to “detect conflicts and problems early on” suggest that this remains a problem. Zhou, whose portfolio on the Politburo Standing Committee includes maintaining law and order, emphasized the ongoing need to improve “social management.”^[5] To this end, there have been some efforts by the CCP to undertake corrective measures. In particular, the corruption issue has led to several high-profile actions. In April 2010, the mayor of Zhuanghe (in Liaoning province in northeast China) was fired after he ignored a mass protest against corruption in city government. More recently, Chinese Railway Minister Liu Zhijun was fired as part of an investigation of graft within the ministry. Liu, who had held the post since 2003, is the most senior official to be investigated on corruption charges in five years. His dismissal on the eve of the National People’s Congress likely signals a renewed anti-corruption effort. The new wrinkle in the Chinese efforts to maintain social stability—and the CCP’s hold on power—is the Internet. The ability of netizens to connect via the Internet, organize protests, and communicate information has led to a growth in “Web mass incidents (wangluo qunti shijian).” The unrest in the Middle East provides an indication of where such protests might eventually lead if the security services are unable to curtail them. In this light, American decision makers need to think about American strategic communications efforts, especially with regard to China.

CCP collapse spurs Korean War with China and US draw-in

Perkinson 12, Jessica Perkinson (Hayes) works for the Propane Education and Research Council. She was formerly the program coordinator at the Center for Asian Studies at American University. She received her MA from American University in International Relations. “The Potential For Instability in the PRC: How The Doomsday Theory Misses the Mark”, 4/19/12, <http://aladinrc.wrlc.org/bitstream/handle/1961/10330/Perkinson_american_0008N_10238display.pdf?sequence=1>

Though the potential consequences of Chinese political instability for the international community are grave and vast, there are few regions of the world whose cooperation with China is more important than that of the United States. The hegemonic leader of the international system and of all major international institutions for more than the last two decades, the stability and continuation of the US’s growing cooperation with China are more critical to the stability of the entire global order than any other relationship. Because the United States continues to grow both its economic and security commitment not only with China, but with the entire East Asian region, it is increasingly critical that

China's government maintain a stable and secure internal environment. Various aspects of US national security that could be affected by Chinese political instability include its military commitment to East Asian countries such as South Korea, 94 Taiwan and Japan, its interests in the denuclearization of Iran, and the stability of its already volatile economy. Among the US's three military commitments in the East Asian region that could be affected by political instability in China, one that has grown rapidly in recent years and continues to reap benefits for the US is its alliance with South Korea. China plays a significant role in this alliance, as it continues to balance against North Korea and prevent South Korea from being pulled into a serious conflict with the North that would call for US intervention. In order to maintain stability on the Korean Peninsula, China has continued to grow its trade with North Korea to offset the effects of international sanctions that may drive North Korea to do something drastic. As is evident from Table 2, North Korea continues to rely on China's continued stability for its own stability, which in turn affects the stability, or at least predictability, of the North-South relationship. This is critical to US national security in order to avoid being pulled into a conflict on the Korean Peninsula in which the US would have to defend South Korea from North Korea, and possibly from a China sympathetic to the North Korean plight.

U-Censorship Now

China's increasing censorship now—new restrictions prove

Dou 15, Eva Dou writes about China's technology industry for The Wall Street Journal. She covers China's cybersecurity issues. Dou previously was the Journal's technology reporter in Taiwan, "China's Great Firewall Gets Taller", 1/30/15, < <http://www.wsj.com/articles/chinas-great-firewall-gets-taller-1422607143>>

China's **government has unveiled a smarter and stricter Internet filter, riling web users and widening the divide between China's Internet and the World Wide Web.** A recent upgrade to China's web filters, commonly referred to as the Great Firewall, has made it more difficult to use services called virtual private networks to circumvent the country's blocks to U.S. services like Google and Facebook. Chinese officials confirmed a crackdown on VPNs this week, saying that new measures were needed as the Internet evolved. In the past week, major VPN providers such as Astrill have reported disruptions to their services. The move is further indication of China's desire to create a parallel Internet environment that it can more easily control. The web filters serve a dual purpose of screening out content critical of the Chinese government and providing protection for China's own growing web firms against stronger overseas rivals. The upgraded firewall also comes as Beijing is calling for U.S. technology companies to submit to intrusive security inspections, according to U.S. business groups. This time, China appears to have made the blocking of VPN connections more automated and dynamic. said Liviu, who runs a VPN service based in Romania and requested his surname to be withheld to avoid reprisal. Whereas China's firewall previously blocked connections known to be VPNs, since late last year it also appears to automatically find and block connections that it thinks are likely to be VPNs, he said. "Now it seems they are doing it automatically," he said. "You can apply some clever rules for the firewalls that will not trigger blocks."

CCP insecure now—tightening restrictions

Cook 14 Sarah Cook is the Senior Research Analyst for East Asia at Freedom House. "Stability in China: Lessons from Tiananmen and Implications for the United States" 5/15/14, < <https://freedomhouse.org/article/stability-china-lessons-tiananmen-and-implications-united-states#.VbZRe9NVjZE>>

One consistent thread that emerges from the above research is the CCP's heightened sense of insecurity and perceived threat from a wide range of content and sources. This includes information that at first glance may not appear even remotely related to the political system, but whose circulation could have profound implications for the financial and physical well-being of both Chinese citizens and foreigners. This heightened sense of insecurity and the CCP's efforts to intensify control are partly in response to growing frustration over censorship among both media workers and the Chinese citizenry at large, as well as increasing distrust of state media, particularly among younger Chinese. Meanwhile, with more than half of China's population now accessing the internet, some political content going viral despite domestic censors' efforts, and Chinese citizens getting better at

finding ways around the so-called Great Firewall, the CCP's nervousness of overseas news trickling in has increased. Yet, as the Chinese authorities expand the targets of censorship, increase the cost of non-compliance, and issue arbitrary regulatory decisions, they also risk reinforcing the very trends they fear. In many cases, public discontent over censorship or injustice does not appear to have dissipated, even if it has been pushed underground, while the actions of the authorities have provoked anger and disillusionment. From this perspective, the regime's efforts at retaining its legitimacy and hold on power in the short-term may in fact be undermining them in the medium- to long-term. Based on the new CCP leadership's actions over the past year and a half, there appears little hope of the regime significantly and voluntarily loosening information controls. On the contrary, exercising such control seems to be an even higher priority and the focus of an even more concerted effort than under the previous leadership. Any policy responses by the United States should take this into consideration as their starting point. Rather than trying to convince the Chinese authorities that information openness is to their benefit, a more effective approach would be to identify points of leverage or loopholes that take advantage of weaknesses within the censorship apparatus or proactively pressure the Chinese government to change its behavior.

Censorship Key

Internet censorship is key to stop movements

Zhang and Yen 02 Erping Zhang is the executive director at the Association for Asian Research and a Mason Fellow at Harvard University. Kaishin Yen is a writer and graduate of Columbia's School of International Affairs. "Censorship— Communist China's 'Success Story'" 12/8/2002, <<http://www.asianresearch.org/articles/938.html>>

Since June 2002, over 2,400 Internet cafes in Beijing alone have been shut down for "security reasons" and the numbers are even higher in the rest of China. All Internet services are required to install filtering software to block prohibited sites and monitor some 45 million Chinese Internet users. Why is CCP marshaling so much energy and manpower to censor the Internet? Guo Liang of the Chinese Academy of Social Sciences in Beijing told the Committee to Protest Journalists (CPJ) a couple of years ago: "Mao Zedong said that to have power you need two things: the gun and the pen ... The Communist Party has the gun, but the Internet is now the pen. If they lose control of it, something will happen to challenge their authority." Incidentally, the CPJ lists Jiang Zemin among the top ten enemies of the world press. The Party has always known that media can alter reality in the minds of the people. As far back as the 1920s, when the CCP was still in its infancy, it had already set up a Department of Propaganda modeled after Stalin's system. In 1957, Mao began his first public purge of outspoken intellectuals. Millions were sent to jail, "re-education" camps and mental institutions for expressing their opinions. Thus began the CCP's success story of muzzling the people. Mao also tried to destroy traditional Chinese culture and values in an effort to better allow the foreign transplant of Communist ideology to take root and grow. The Anti-Confucius campaign in the early 70s, for example, was aimed at removing all Confucian influence on Chinese society through burning books and denunciation of the ancient and deeply ingrained teachings. Mao also censored information from outside sources, distrusting the motives of Western nations and believing that isolation, or "self-reliance," was in the best interests of China. The Chinese people did not have access to short-wave radios until he passed away in 1976 because listening to foreign radio stations was considered an act of treason. Mao's Bamboo Curtain successfully fended off almost all information and influence from overseas, particularly from the "revisionist" Soviet Union and the "imperialist" United States, for decades. In the early 80s, Deng Xiaoping initiated economic reforms in a move towards a market economy. When Deng realized a certain degree of freedom of conscience and expression also came with the package, there were some initial setbacks with dissidents arrested and a clampdown on free speech. Nonetheless, economic reform continued with marked success and free expression among the populace also continued to find its outlets throughout the 80's. All that was to come to an abrupt end, of course, on June 4, 1989 as students were butchered by soldiers on Tiananmen Square. To this day, despite its popular support, the democracy movement is denounced by the CCP as a "counter-revolutionary rebellion." Since that time, the Department of Propaganda has beefed up its role as both the CCP's news watchdog and generator of news. Every province in China, every city, and every workplace has a propaganda division to ensure that the press and other information outlets are consistent with the message or policy from Beijing. Foreign investors in China have also received instructions that they must allow the government to set up CCP branch committees in their joint venture corporations so that Chinese employees will not be contaminated by foreign "unhealthy elements."

The Internet is a valuable tool to challenge CCP rule- Shishou riots prove its on the brink now

O'Brien 09, Robert O'Brien is a 2008 graduate of George Washington University and a current Fulbright Scholar in the People's Republic of China. "How China's Angry Youth Use the Internet to Magnify Their Voices and Impact International Relations", August 2009, < <http://www.cartercenter.org/resources/pdfs/peace/china/CEG-review-issue3.pdf>>

While the public discourse on the Internet will not directly challenge CCP rule, it may complicate governance. The scale of public protests over official corruption is likely to be increased by public use of the Internet. This can be seen in the recent cases in Shishou, where already smoldering public resentment against local officials was ignited by the death of a 24 year old resident named Tu Yuangao. Local residents and the family of Tu Yuangao's considered his death suspicious, and rumors of police and government coverage sparked public protests. News and images of the event, transmitted online via Twitter postings and pictures, helped ignite public protests and precipitate much greater public participation than would have been possible without the Internet. It is reported that 40,000 protestors took to the streets, smashing police cars and fire trucks and setting the hotel alight. The government responded by sending in 10,000-armed military police. What this incident shows is that widespread discontent can be easily influenced by information online, and while it may not lead to an organized political opposition, it can increase government costs in maintaining order. Finally looking at a longer time frame the Internet may also aid in the development of civil society and bolster public policy discourse, leading to acute pressure for an increasingly participatory form of governance. As detailed by Yang Guobin in his article The Internet and Civil Society in China: a preliminary assessment, reforms in China have resulted in the emergence of a timid civil society as social organizations have proliferated, social organizations and individuals enjoy more autonomy, and a genuine public sphere has emerged. The Internet has played a central party in this development, creating greater space for public discourse. Despite challenges and weakness in each of these achievements, this overall trend increases the development of a freer civil society and strengthens deliberative mechanisms.

Controlled internet key to regime stability—Middle East proves

Cheng 11, Dean Cheng is the senior research fellow at the Heritage Foundation's center for Asian Studies and Foreign Affairs. Cheng earned a bachelor's degree in politics from Princeton University in 1986 and studied for a doctorate at MIT. "Middle East Lessons for China: Internal Stability", 3/21/11 <<http://www.heritage.org/research/reports/2011/03/middle-east-lessons-for-china-internal-stability>>

Chinese leadership worries in this regard predate the current turmoil in the Middle East. There have been growing numbers of "mass incidents" resulting from a range of factors, including growing income inequality exacerbated by regional disparities and concerns about corruption.^[4] Chinese analysts have noted that the situation is made worse by local officials' failure either to take responsibility for their shortcomings or undertake remedial actions promptly. Zhou Yongkang's comments regarding the need to "detect conflicts and problems early on" suggest that this remains a problem. Zhou, whose portfolio on the Politburo Standing Committee includes maintaining law and order, emphasized the ongoing need to improve "social management."^[5] To this end, there have been some efforts by the CCP to undertake corrective measures. In particular, the corruption issue has led to several high-profile actions. In April 2010, the mayor of Zhuanghe (in Liaoning province in northeast China) was fired after he ignored a mass protest against corruption in city government. More recently, Chinese Railway Minister Liu Zhijun was fired as part of an investigation of graft within the ministry. Liu, who had held the post since 2003, is the most senior official to be investigated on corruption charges in five years. His dismissal on the eve of the National People's Congress likely signals a renewed anti-corruption effort. The new wrinkle in the Chinese efforts to maintain social stability—and the CCP's hold on power—is the Internet. The ability of netizens to connect via the Internet, organize protests, and communicate information has led to a growth in "Web mass incidents (wangluo qunti shijian)." The unrest in the Middle East provides an indication of where such protests might eventually lead if the security services are unable to curtail them. In this light, American decision makers need to think about American strategic communications efforts, especially with regard to China.

AT: Econ turn

Censorship is key to keep Chinese internet companies competitive

Luckerson 14, Victor Luckerson is a technology reporter for Time Magazine. Previously he was the editor-in-chief of the Crimson White Newspaper, and recipient of numerous technology and journalism awards. He received his B.S. in Journalism from the University of Alabama. “Why China Is a Nightmare for American Internet Companies”, 2/27/14, <<http://time.com/10178/why-china-is-a-nightmare-for-american-internet-companies/>>

The censorship issue presents a quandary for tech companies that often espouse free speech as part of their core ethos. It could also be a financial problem, since abiding by the government’s often vague censorship directives can be expensive. “The existing Chinese microblogging sites have had to invest in huge armies of individuals who spend their time looking through the content and determining what should or shouldn’t be removed,” says Ryan Budish, a fellow at Harvard’s Berkman Center for Internet and Society. “You can’t exactly just move in there and do business. It’s a very different framework.” LinkedIn may be better positioned to succeed in China than its competitors because of the nature of its content. It’s not exactly known as a platform for mobilizing dissidents in the same way Twitter and Facebook are. That could mean less attention from the Chinese government and less man-hours needed to comb through potentially incriminating posts. Still, there are other issues that face American Internet companies in China. The country is already heavily connected online with a variety of its own social networks. Sina Weibo, a microblogging service that serves as a kind of hybrid of Facebook and Twitter, boasts 61.4 million daily active users. WeChat, a Chinese messaging and commerce service somewhat similar to WhatsApp, has 272 million monthly users worldwide. Because the government exerts so much control over the Internet, it can easily throttle loading speeds for newcomers so they can’t easily compete with these Chinese-owned incumbents. Google services have been slowed in this way in recent years, according to the Wall Street Journal. As American companies try to finagle their way into the People’s Republic, their Chinese counterparts will arrive on American shores this year. Sina Weibo has been quietly testing an English version of its social network and is reportedly prepping a U.S. IPO for the second quarter of this year. WeChat launched a promotional campaign earlier this year to lure in more American users. Long siloed off from each other, American and Chinese Internet firms may soon become direct competitors.

Chinese internet companies are key players in China’s economy

Lewis 5/16/15 Dev Lewis is the digital media and content coordinator at Gateway House. His research focus is China and India-China relations. “From Alibaba to Xiaomi, why Modi must chase China’s booming tech companies”, <http://qz.com/406335/from-alibaba-to-xiaomi-why-modi-must-chase-chinas-booming-tech-companies/#>

Xiaomi, now the fifth largest smartphone vendor in the world, has already sold more than 1 million units in India since it entered the market a year ago. It is such a craze that at its March launch event of its latest Mi 4 phone in New Delhi, it drew a crowd of thousands of young, Indian “fans” eager to be a part of the Xiaomi story. What makes these Chinese companies so special? They are competitive, use unique marketing means, and understand technology. Xiaomi has quickly become the “hipster” alternative to existing competitors in India such as Samsung and Micromax. It has generated a buzz on social media and has been selling phones through flash sales exclusively through Indian e-retailers. Xiaomi has less than 4% of the smartphone market share in India so far, and wants to grab a larger share. Building on Indian prime minister Narendra Modi’s Make in India push, Xiaomi now plans to set up a local manufacturing unit and service centres by the end of 2015. As a further endorsement of its serious intent in India, the venerable corporate titan Ratan Tata on April 27 announced an undisclosed personal investment into the company. China’s two largest internet giants, Alibaba Holdings Group, an e-commerce company, and Tencent Holdings, an internet services and entertainment company, have noticed Xiaomi’s India success. They are already big investors in Silicon Valley—and India’s young e-commerce space is alluring for them. Alibaba, flush from a \$25 billion IPO in New York in September last year—the world’s largest—announced it would invest \$575 million into One97’s Paytm, an Indian mobile wallet, similar to Alibaba’s own very successful Alipay. It is currently in talks with Micromax, India’s largest smartphone maker, for a 25% stake, amounting to \$1.25 billion, in Micromax. What changed from the China of pure copycat companies and technology? Service became the key. Tencent has been making its own inroads into India’s growing mobile space through its flagship messaging app, We Chat (Weixin in Chinese)—hugely successful in China with 396 million users. While Whatsapp and Facebook messenger are still the dominant mobile messaging apps in India, in just under a year We Chat grew by 2,350%, and now has 27% of India’s mobile messaging market. What changed from the

China of pure copycat companies and technology? Service became the key. China's first generation of internet companies—Tencent, Alibaba, and Baidu—are playing the game with unique, innovative consumer technologies. For instance, Alibaba's Alipay, introduced in 2004, allowed users without credit cards to shop online most Chinese didn't then have credit cards. Today, Alibaba's Alipay and Tencent's Tenpay handle over \$200 billion worth of transactions and make up 60% of mobile payment in China. Alibaba is a leader in biometric identification integration into mobile payment systems and is pioneering a facial recognition software called 'smile to pay.' All these services will be a part of the infrastructure that will create the world's first e-banks—completely online banks where all transactions are conducted virtually—five of which are expected to become operational in 2015, two of which are backed by Tencent and Alibaba. Alibaba is valued at \$253 billion, Tencent at \$135 billion and Baidu at \$80 billion. They have become crucial players in the Chinese economy, driving the country towards a private capital and consumption-driven economy.

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CCP collapse spurs Korean War with China and US draw-in

Perkinson 12, Jessica Perkinson (Hayes) works for the Propane Education and Research Council. She was formerly the program coordinator at the Center for Asian Studies at American University. She received her MA from American University in International Relations. "The Potential For Instability in the PRC: How The Doomsday Theory Misses the Mark", 4/19/12, <http://aladinrc.wrlc.org/bitstream/handle/1961/10330/Perkinson_american_0008N_10238display.pdf?sequence=1>

Though the potential consequences of Chinese political instability for the international community are grave and vast, there are few regions of the world whose cooperation with China is more important than that of the United States. The hegemonic leader of the international system and of all major international institutions for more than the last two decades, the stability and continuation of the US's growing cooperation with China are more critical to the stability of the entire global order than any other relationship. Because the United States continues to grow both its economic and security commitment not only with China, but with the entire East Asian region, it is increasingly critical that China's government maintain a stable and secure internal environment. Various aspects of US national security that could be affected by Chinese political instability include its military commitment to East Asian countries such as South Korea, 94 Taiwan and Japan, its interests in the denuclearization of Iran, and the stability of its already volatile economy. Among the US's three military commitments in the East Asian region that could be affected by political instability in China, one that has grown rapidly in recent years and continues to reap benefits for the US is its alliance with South Korea. China plays a significant role in this alliance, as it continues to balance against North Korea and prevent South Korea from being pulled into a serious conflict with the North that would call for US intervention. In order to maintain stability on the Korean Peninsula, China has continued to grow its trade with North Korea to offset the effects of international sanctions that may drive North Korea to do something drastic. As is evident from Table 2, North Korea continues to rely on China's continued stability for its own stability, which in turn affects the stability, or at least predictability, of the North-South relationship. This is critical to US national security in order to avoid being pulled into a conflict on the Korean Peninsula in which the US would have to defend South Korea from North Korea, and possibly from a China sympathetic to the North Korean plight.

China's on the brink now—censorship is the only thing stabilizing the region

Shambaugh 15 David Shambaugh is a professor of political science and international affairs at George Washington University, and is one of the United States' most prominent experts on contemporary China. The Ministry of Foreign Affairs, named him the second-most influential China expert in the United States. "The Coming Chinese Crackup", 3/6/15, <<http://www.wsj.com/articles/the-coming-chinese-crack-up-1425659198>>

On Thursday, the National People's Congress convened in Beijing in what has become a familiar annual ritual. Some 3,000 "elected" delegates from all over the country—ranging from colorfully clad ethnic minorities to urbane billionaires—will meet for a week to discuss the state of the nation and to engage in the pretense of political participation. Some see this impressive gathering as a sign of the strength of the Chinese political system—but it masks serious weaknesses. Chinese politics has always had a theatrical veneer, with staged events like the congress intended to project the power and stability of the Chinese Communist Party, or CCP. Officials and citizens alike know that they are supposed to conform to these rituals, participating cheerfully and parroting back official slogans. This

behavior is known in Chinese as biaotai, “declaring where one stands,” but it is little more than an act of symbolic compliance. Despite appearances, China’s political system is badly broken, and nobody knows it better than the Communist Party itself. China’s strongman leader, Xi Jinping, is hoping that a crackdown on dissent and corruption will shore up the party’s rule. He is determined to avoid becoming the Mikhail Gorbachev of China, presiding over the party’s collapse. But instead of being the antithesis of Mr. Gorbachev, Mr. Xi may well wind up having the same effect. His despotism is severely stressing China’s system and society—and bringing it closer to a breaking point. Predicting the demise of authoritarian regimes is a risky business. Few Western experts forecast the collapse of the Soviet Union before it occurred in 1991; the CIA missed it entirely. The downfall of Eastern Europe’s communist states two years earlier was similarly scorned as the wishful thinking of anticommunists—until it happened. The post-Soviet “color revolutions” in Georgia, Ukraine and Kyrgyzstan from 2003 to 2005, as well as the 2011 Arab Spring uprisings, all burst forth unanticipated. China-watchers have been on high alert for telltale signs of regime decay and decline ever since the regime’s near-death experience in Tiananmen Square in 1989. Since then, several seasoned Sinologists have risked their professional reputations by asserting that the collapse of CCP rule was inevitable. Others were more cautious—myself included. But times change in China, and so must our analyses. The endgame of Chinese communist rule has now begun, I believe, and it has progressed further than many think. We don’t know what the pathway from now until the end will look like, of course. It will probably be highly unstable and unsettled. But until the system begins to unravel in some obvious way, those inside of it will play along—thus contributing to the facade of stability. Communist rule in China is unlikely to end quietly. A single event is unlikely to trigger a peaceful implosion of the regime. Its demise is likely to be protracted, messy and violent. I wouldn’t rule out the possibility that Mr. Xi will be deposed in a power struggle or coup d’état. With his aggressive anticorruption campaign—a focus of this week’s National People’s Congress—he is overplaying a weak hand and deeply aggravating key party, state, military and commercial constituencies. The Chinese have a proverb, waiying, neiruan—hard on the outside, soft on the inside. Mr. Xi is a genuinely tough ruler. He exudes conviction and personal confidence. But this hard personality belies a party and political system that is extremely fragile on the inside. Consider five telling indications of the regime’s vulnerability and the party’s systemic weaknesses. First, China’s economic elites have one foot out the door, and they are ready to flee en masse if the system really begins to crumble. In 2014, Shanghai’s Hurun Research Institute, which studies China’s wealthy, found that 64% of the “high net worth individuals” whom it polled—393 millionaires and billionaires—were either emigrating or planning to do so. Rich Chinese are sending their children to study abroad in record numbers (in itself, an indictment of the quality of the Chinese higher-education system). Just this week, the Journal reported, federal agents searched several Southern California locations that U.S. authorities allege are linked to “multimillion-dollar birth-tourism businesses that enabled thousands of Chinese women to travel here and return home with infants born as U.S. citizens.” Wealthy Chinese are also buying property abroad at record levels and prices, and they are parking their financial assets overseas, often in well-shielded tax havens and shell companies. Meanwhile, Beijing is trying to extradite back to China a large number of alleged financial fugitives living abroad. When a country’s elites—many of them party members—flee in such large numbers, it is a telling sign of lack of confidence in the regime and the country’s future. Second, since taking office in 2012, Mr. Xi has greatly intensified the political repression that has blanketed China since 2009. The targets include the press, social media, film, arts and literature, religious groups, the Internet, intellectuals, Tibetans and Uighurs, dissidents, lawyers, NGOs, university students and textbooks. The Central Committee sent a draconian order known as Document No. 9 down through the party hierarchy in 2013, ordering all units to ferret out any seeming endorsement of the West’s “universal values”—including constitutional democracy, civil society, a free press and neoliberal economics. A more secure and confident government would not institute such a severe crackdown. It is a symptom of the party leadership’s deep anxiety and insecurity.

Affirmative

Non-ug

China will curtail the firewall now- WTO pressure

Holden 14, Kevin Holden is a freelance journalist based in Asia. ****Internally cites the co-directors of the European Centre for International Political Economy and Andrew Nathan, an expert on Chinese Censorship Policies at Columbia University.** “Breaking through China’s Great Firewall”, 6/30/14, < <http://thediplomat.com/2014/07/breaking-through-chinas-great-firewall/>>

This new American resolve to publicly confront Chinese hackers could also portend a growing willingness in Washington to challenge the Great Firewall in the WTO. Yet Andrew Nathan, an expert on Chinese Internet censorship policies at Columbia University, suggests that Beijing might balk at a WTO ruling that strikes down its barriers to American newspapers, British news sites and Google’s provision of access to information across the World Wide Web. “I believe that information control is too important for the Chinese government to sacrifice it,” says Nathan, who also heads Columbia’s Center for the Study of Human Rights. But the co-directors of the European Centre for International Political Economy say the chances of China’s refusing to comply with a WTO decision against its cyber-blockades are virtually zero. China’s reputation as a member in good standing of the global group is too important, they say, to jeopardize in any way. The WTO is the leading guardian of China’s expansion into a trading superpower, they add, with the People’s Republic’s worldwide trade surpassing \$4 trillion last year. With the stakes so high, China cannot afford to risk being seen as resisting the group’s rules and rulings.

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Self-censorship checks rebellion- and even if, citizens criticize the local government not Beijing

Zhang 15 Yuxin Zhang is a Congressional aide. Previously, he was a research fellow at Asia Policy Point, a think tank in Washington, D.C. He is the executive director of the Heisei Sedai Association of Future Leaders of East Asia. He is a member of the National Committee on US-China Relations as well as Young Professionals in Foreign Policy. “China: Self-Censorship Displaces Western Threats”, 3/3/15, < <http://thediplomat.com/2015/03/china-self-censorship-displaces-western-threats/>>

But we have entered a new millennium. If one doesn’t see harsh criticisms about the Chinese central government on Weibo or WeChat, one would assume they are being removed by the Internet “supervisors” (wang-luo-guan-li-yuan) under the leaders’ instructions (ling-dao-zhi-shi). They are not. They don’t appear because most Chinese people don’t post them. Chinese society has moved into an era of self-censorship where people themselves automatically “purify” the Internet environment. There are too many interests at stake to attack the CCP online. You could lose your job. You would be “invited” to “drink a cup of tea” (qing-he-cha, meaning you’ll be asked to have a talk with some officials in the government). You may be held in detention. You might go to prison. Your life could be at risk. By the end of 2014, more than 500 million Chinese were online. Western academics are optimistic about this number, believing advances in digital communications will revolutionize China, even though Facebook, YouTube, and Google are all blocked. Their pivotal argument is that technology makes information flow and collective action easier, citing the Arab Spring as evidence. Transnational quantitative research suggests an association between exposure to the Internet and demands for democracy in the Middle East. Yet China is different. Like Egyptians or Tunisians, Chinese people harbor anger. The difference between China and the Middle East is that general disaffection in China is more likely to be directed at local government, instead of Beijing. Unlike people in the Middle East, Chinese use the Internet in a way that helps to consolidate the CCP’s rule. Rather than criticizing the CCP or the central government, Chinese nationals choose to vent their anger at local government. Additionally, the majority has successfully been convinced that there is such a thing as a “foreign force” harming China’s national interests. Chinese people are accustomed to what I call “patriocracy,” leadership inherited from one’s predecessor or the past. As a consequence they are not highly motivated to overthrow the central

government. As long as the mechanisms of self-censorship and propaganda continue to work effectively to stabilize Chinese society, the education minister need not worry.

Alt causes—intellectual property and a culture of innovation

Bao 13 Beibei Bao is a China analyst at the Rhodium Group. “How Internet Censorship Is Curbing Innovation in China”, 4/22/13, < <http://www.theatlantic.com/china/archive/2013/04/how-internet-censorship-is-curbing-innovation-in-china/275188/>>

The hindering effect of Internet control on homegrown innovation, as Meng sees it, is far-reaching yet less explicit than causing efficiency loss or service instability. When he studied at the prestigious Peking University in Beijing, the school charged (and still charges) students \$1.50 a month for unlimited domestic Internet use, but \$14.50 for unlimited access to the World Wide Web. Meng sensibly chose the lower rate. “I didn’t need to visit foreign websites,” he explained. “Nobody talked about them, and I didn’t feel curious about them at all. It wasn’t until I came to Wandou Labs that I felt like the world was flat.” Meng’s experience wasn’t at all unusual, and it reflects something deeper in China’s Internet policy. Bishop believes the Great Firewall is simply a symptom, not the cause, of much broader issues that are actually hampering creativity and innovation across the economy. “If people say ‘if only we didn’t have the Great Firewall, we would have innovation and creativity’, I think that’s actually not true,” said Bishop. “I think the fact the Great Firewall exists is indicative of a much broader approach to how you educate people and how you manage the economy.” Bishop’s point of view resonates with that of a few other sophisticated China observers, including Wang Haiyan, the China-born and U.S.-educated managing partner of the China India Institute, a Maryland-based consultancy. Wang said that China lacks the right mix of conditions that feed real innovation, including free flow of information from across society, strong intellectual property rights, and an education and culture that encourages people to think creatively and speak up for themselves. Web censorship, she said, is only part of the government’s efforts to control information flow.

No !

CCP decline will be peaceful—spurs needed social and economic reform

Lee 15 Peter Lee writes on East and South Asian affairs and their intersection with US foreign policy. Peter Lee blogs at China Matters and his columns appear in Asia Times Online and elsewhere. “Twilight of the CCP and Shambaughism”, 3/14/15, <<http://www.internationalpolicydigest.org/2015/03/14/twilight-of-the-ccp-and-shambaughism/>> //ak

But his objective, I believe, will be to leave a party/state/economic structure that cannot easily be screwed up even by a Chinese Gorbachev. If the CCP regime collapses, I believe the regime will degrade relatively gracefully—and the longer Xi is in power and can effectively advance his agenda, the more graceful that decline will be. In particular, I believe a failure of governance at the Center will be answered by the devolution of actual power to the coastal provinces: Guangdong, Shanghai etc. Without a strong Center to restrain them and by shedding the incubus of the poorer provinces, provincial heavyweights will pursue their own paths to political power and economic advantage—that may or may not involve appeasing the urban well-to-do with political liberalization or even the hollowing-out or sidelining of the CCP, locally and eventually at the national level. But my prediction is that in the near, medium, and long term, China will be run by jerks in suits. . . just like the rest of the world. It is also a process that has little to do with the central shibboleth of Shambaughism: the need for political as well as economic reform to rescue the PRC from its looming national cul-de-sac. Or as he put it in his op-ed: “Until and unless China relaxes its draconian political controls, it will never become an innovative society and a ‘knowledge economy’—a main goal of the Third Plenum reforms. The political system has become the primary impediment to China’s needed social and economic reforms. If Mr. Xi and party leaders don’t relax their grip, they may be summoning precisely the fate they hope to avoid.” But using political reform as a diagnosis of China’s ills, and its panacea, isn’t quite a logical and evidentiary slam dunk, in my opinion. Letting 100 flowers bloom may not be the only or even the most practical way of handling the big challenges and risks that China is facing.

No CCP collapse – economic strength and lack of dissent among students

Liu 11, Yao Liu is a PhD candidate at Stanford University, specializing in political science, China, and economic studies. He was formerly a junior policy analyst for the Federal Government of Canada and received a Masters of Arts from the University of Toronto.

“Governing the Restless and Young in Contemporary China: in Search for the Chinese Communist Party’s Ruling Logic”,
1/10/11<https://tspace.library.utoronto.ca/bitstream/1807/25769/5/Liu_Yao_201011_MA_thesis.pdf>//ak

Chen Yun’s “bird cage” logic has survived and thrived in the realm of post-Tiananmen university governance: the party-state simultaneously strengthened its control measures and expanded the zone of political opportunity and tolerance.¹³⁹ For example, the reestablishment of control institutions on campus is accompanied by the creation of new outlets such as the USVO program for political participation, and heightened internet monitoring is parallel with greater toleration of subtle anti-hegemonic political expressions. Furthermore, unprecedented economic development since 1989 has allowed the party-state to be ever more responsive to, and effective in managing, potential crises which could trigger student unrest. The CCP is also, to use the word of many students, “fortunate” to have such leaders as Hu and Wen, who are capable of utilizing the media to mediate psychologically between the party’s not-so-desirable control measures and an increasingly informed and self-centered generation of university students. More than twenty years of relative tranquility in Chinese universities, with several instantaneous but well-managed bursts of nationalistic sentiments, might well suggest that the party’s cage—both institutional and ideational—is well and alive. And it really seems to be so, according to some university students themselves. The four-city, seven-university survey shows that the majority of the student respondents believe that the party’s institutions are still playing significant roles in campus governance and student life. It also unequivocally suggests that “big political ideas” promoted by the party are perhaps genuinely endorsed by the majority of the student respondents (with political fear being ruled out through statistical test). Of course, as stated at the very outset, this thesis examines only one particular aspect in contemporary state-society relationship in China, which contains a patchwork of numerous, variegated aspects and elements. Yet, I hope, by examining the state-student relationship in relative detail, that I have shed a provocative new light on the ways of looking at the overall state-society relationship. In 2007, Yu Keping—one of President Hu’s key advisors, at least allegedly—wrote his famous article “Democracy is a Good Thing”, in which he argues that the party must achieve “dynamic stability” rather than “static stability” of the society, the former of which refers to channelling people’s desires and dissents, and the latter constraining them.¹⁴⁰ In the case of governing university students, the CCP has undoubtedly experimented with both constraining and channelling. And this might become increasingly manifest in the party’s overall approach to governing Chinese society—an approach that combines both “static control” and “dynamic control”, and an approach that increasingly resembles an ever growing “bird cage”.

Econ Turn

Internet freedom key to innovation and government austerity

Bao 13 Beibei Bao is a China analyst at the Rhodium Group. “How Internet Censorship Is Curbing Innovation in China”,
4/22/13, < <http://www.theatlantic.com/china/archive/2013/04/how-internet-censorship-is-curbing-innovation-in-china/275188/>>

In the eyes of Michael Li, founder and CEO of Chuangtouquan, this inefficiency costs China dearly, especially in the area of indigenous innovation. China’s lack of innovation derives partially from entrepreneurs not knowing enough about the latest trends, something attributable to the closed nature of the country’s Internet. Slow traffic -- even with tools to hop over the Great Firewall -- also hinders creativity. For example, if people are unable to watch videos without frequent buffering on YouTube, they may get frustrated in the process of seeking inspiration. “I didn’t need to visit foreign websites. Nobody talked about them, and I didn’t feel curious about them at all.” “In this Internet era, we invested so much money and effort to build an Intranet. This is very distressing,” Li said. *** The Chinese government has invested heavily to build the Great Firewall, part of what the Ministry of Public Security called the “Golden Shield Project” that kicked off in May 2001. The project is a complex system that monitors all levels of information flow within the state and across China’s borders. Its total cost remains a state secret, but the state-run China Central Television (CCTV) was quoted by one of the participating developers, Guangdong Hong’an Group, as saying that the investment had already reached 6.4 billion RMB, or \$770 million, in 2002.

CCP Turn

Internet freedom bolsters CCP rule

MacKinnon 10 Rebecca MacKinnon is the Director of the Ranking Digital Rights project at the New America Foundation, author of "Consent of the Networked: The Worldwide Struggle for Internet Freedom", and an adjunct lecturer at the University of Pennsylvania Law School and visiting affiliate at the Center for Global Communication Studies at UPenn's Annenberg School. She received her AB in government from Harvard University. "Networked Authoritarianism in China and Beyond: Implications for global Internet freedom" 10/11/10< http://iis-db.stanford.edu/evnts/6349/MacKinnon_Libtech.pdf>

In his book *Technological Empowerment: The Internet, State, and Society in China*, Yongnian Zheng points out that the success or failure of online activism in China depends on its scope and focus, and that some online activism – particularly at the local level, or targeting specific policy issues over which there are divisions or turf-wars between different parts of the government – can actually serve to bolster regime legitimacy.¹⁷ The most spectacularly unsuccessful online movements (and the ones leading to the most brutal crackdowns both online and offline) tend to be those that advocate various forms of political "exit," including calls for an end of one-party rule by the Chinese Communist Party, and greater political autonomy or independence for particular ethnic or religious groups. When a movement or group challenges the regime's overall legitimacy, the people involved with it can expect to be silenced – either through censorship, intimidation, or arrest depending on the situation – because all power-holders in the system have a common interest in doing so. "When the regime is threatened by challengers," Zheng writes. "The soft-liners and hard-liners are likely to stand on the same side and fight the challengers."¹⁸ On the other hand, successful online movements in China are usually characterized by what Zheng calls the 'voice' option, or what other¹⁶ Ibid., p. 243¹⁷ Yongnian Zheng, *Technological Empowerment: The Internet, State, and Society in China*, (Stanford University Press, 2008)¹⁸ Ibid., p. 164¹⁰ political scientists call the "cooperation option." Such online insurgencies actually provide ammunition to reformist leaders or liberal local bureaucrats in their power struggles against hard-line conservative colleagues. "Voice" activism helps reduce political risks to reformist officials, who can point to online sentiment and argue that without action or policy change there will be more unrest and public unhappiness. Zheng writes: "The voice does not aim to undermine or overthrow the state. Instead, through a voice mechanism, the state can receive feedback from social groups to respond to state decline and improve its legitimacy."¹⁹ Thus, rising levels of online activism in China cannot automatically be interpreted as a sign of regime instability or vulnerability. Nor do rising levels of online activism necessarily signal impending democratization. One must examine what kind of online activism is succeeding and what kind of online activism is failing. If "voice" activism is for the most part succeeding while "exit" activism is systematically being stifled and crushed – thanks to high levels of systematic censorship and surveillance, in addition to the lack of an independent or impartial judiciary – one can in fact conclude that the Chinese Communist Party has adapted to the Internet much more successfully than most Western observers realize. The "Iron Curtain 2.0" mentality criticized by Tsui may indeed have blinded many Western policymakers, human rights activists, and journalists to what is really happening in China. In 2005 New York Times columnist Nicholas Kristof wrote breathlessly: "it's the Chinese leadership itself that is digging the Communist Party's grave, by giving the Chinese people broadband."²⁰ Zheng's analysis, however, supports the opposite conclusion: that the Internet is a subtle and effective tool through which the CCP is actually prolonging its rule, bolstering its domestic power and legitimacy, while enacting no meaningful political or legal reforms.

Democracy Promotion

Negative

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Obama cutting democracy promotion now—funding and UN address prove

Dettmer 14 Jaime Dettmer reports about Capitol Hill, U.S. politics and national security and the American intelligence community. Currently, as well as reporting on the Mideast for the Daily Beast, he broadcasts also for Voice of America, and has variously been based out of Beirut, Tripoli and Istanbul. “Obama To Cut Middle East Democracy Programs”, 1/2/14, <<http://www.thedailybeast.com/articles/2014/01/02/obama-administration-plans-decrease-in-funding-for-middle-east-democracy-promotion.html>>

A planned decrease by the Obama administration in funding for democracy promotion and election support in the Middle East is prompting alarm among activists. They say cuts are likely to be more severe than first realized and that the White House appears to be giving up on democracy in the region and downgrading its advancement as a policy priority. In the run-up to Christmas, State Department officials briefed American non-profits funded by the U.S. Agency for International Development (USAID) about cuts in funding. They were told no money was being earmarked for democracy and governance assistance programs in Iraq and that, for Egypt, the administration was adopting a wait-and-see approach until after a January 15 referendum on a newly-drafted constitution. No extra funding for democracy promotion is being earmarked for Libya, whose transition from autocracy following the toppling of Libyan strongman Muammar Gaddafi has been plagued by lawlessness. USAID democracy programs there were cut by about half last year, following the assault on the U.S. consulate in Benghazi that led to the deaths of ambassador Christopher Stevens and three other Americans. The total amount of foreign assistance requested by the Obama administration for the Middle East and North Africa for fiscal year 2014 is \$7.36 billion, a nine percent decrease from FY2013. Of that, \$298.3 million has been requested to support democracy and governance programming across the region, a cut of \$160.9 million from FY 2013. But those briefed last month by State Department officials say the decrease in funding is likely in effect to be harsher and that it may be masked when the administration goes through with plans to re-categorize so-called D&G funding by combining it with development programs. That will make it difficult to follow what actually has been spent on democracy promotion. “We had expected big cuts in D&G to the region soon,” says Cole Bockenfeld, director of Advocacy at the Project on Middle East Democracy, a Washington DC-based non-profit. “In many ways, there was already a widespread perception that this administration was giving up on promoting democracy in the Middle East, and major cuts to democracy funding will further confirm those fears.” Overall, he says, “there is clearly a diminished focus on democracy best illustrated by Obama’s speech at the United Nations General Assembly.”

Curtailing surveillance liberalizes the internet

(Castro 2015, Daniel Castro, Director for the Center for Data Innovation at ITIF, Vice President of ITIF, member of the Federal Commerce Data Advisory Council, June 2015, Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness, Information Technology and Innovation Foundation, http://www2.itif.org/2015-beyond-usa-freedom-act.pdf?_ga=1.114044933.369159037.1433787396)

The ability of companies—both tech and traditional—to easily share data across borders has brought a vast array of benefits to countries, companies, consumers, and economies through increased efficiency,

decreased costs, and improved services.²⁶ And yet nations have continued to erect barriers to cloud computing and cross-border data flows, much to their own detriment.²⁷ While some defenders of these policies have asserted that they are designed to increase the privacy or security of their citizens’ data, it is clear that they are also motivated by misguided self-interest. By creating rules that advantage domestic firms over foreign firms, many countries believe they will build a stronger domestic tech industry or gain short-term economic value, such as jobs in domestic data centers. In reality, these policies unwittingly limit the ability of a country’s own firms to innovate by shielding them from international competition.²⁸ These policies not only limit the number of services that a country’s citizens and businesses can enjoy, but also harm that country’s productivity and competitiveness.¶ Some countries used U.S. surveillance laws to justify data protectionism even before Snowden’s NSA revelations. For example, when Rackspace built data centers in Australia in 2012, an Australian competitor stirred up fears that the United States would use the Patriot Act to track Australian citizens as a means to force Rackspace out of Australia.²⁹ In addition, this same Australian company funded a

report calling on Australian policymakers to impose additional regulations designed to put foreign cloud computing competitors at a disadvantage.³⁰ However, since the recent NSA revelations, the use of privacy concerns to justify protectionist barriers has grown significantly. Amid growing anti-U.S. sentiment, Europe has seen calls for data localization requirements, procurement preferences for European providers, and even a “Schengen area for data”—a system that keeps as much data in Europe as possible—as ways to promote deployment of cloud services entirely focused on the European market.³¹ France and Germany have even started to create dedicated national networks: “Schlandnet” for the former and the “Sovereign Cloud” for the latter. ³² The French government has gone so far as to put €150 million (\$200 million) into two start-ups, Numergy and Cloudwatt, to create a domestic infrastructure independent of U.S. tech giants.³³ Furthermore, some groups have invoked U.S. cyberespionage to argue that European citizens are not adequately protected and are calling for the removal of the “safe harbor” agreement—an agreement that allows Internet companies to store data outside of the European Union. Yet if this were removed it would cut Europeans off from many major Internet services. ³⁴ There is also an increasingly distressing trend of countries, such as Australia, China, Russia, and India, passing laws that prevent their citizens’ personal information from leaving the country’s borders—effectively mandating that cloud computing firms build data centers in those countries or risk losing access to their markets. For example, in 2014 Russia implemented and Indonesia began considering policies that would require Internet-based companies to set up local data centers.³⁵ These policies are often a veiled attempt to spur short term economic activity by creating data-center jobs. However, this benefit is often outweighed by the substantial cost of building unnecessary data centers, a cost that is eventually passed along to the country’s citizens. Several U.S. tech giants, such as Apple and Salesforce, have already started to build their data centers abroad to appease foreign watchdogs and privacy advocates.³⁶ For example, Amazon started running Internet services and holding data in Germany for its European business partners in an effort to downplay threats of online spying.³⁷ Protectionist policies in China have further strained the U.S. tech industry. In January 2015, the Chinese government adopted new regulations that forced companies that sold equipment to Chinese banks to turn over secret source code, submit to aggressive audits, and build encryption keys into their products.³⁸ While ostensibly an attempt to strengthen cybersecurity in critical Chinese industries, many western tech companies saw these policies as a shot across the bow trying to force them out of China’s markets. After all, the Chinese government had already launched a “de-IOE” movement—IOE stands for IBM, Oracle and EMC—to convince its state-owned banks to stop buying from these U.S. tech giants. ³⁹ To be sure, the Chinese government recently halted this policy under U.S. pressure.⁴⁰ However, the halted policy can be seen as a part of a larger clash between China and the United States over trade and cybersecurity. Indeed, these proposed barriers were in part a quid pro quo from China, after the United States barred Huawei, a major Chinese computer maker, from selling its products in the United States due to the fear that this equipment had “back doors” for the Chinese government.⁴¹ Since the Snowden revelations essentially gave them cover, Chinese lawmakers have openly called for the use of domestic tech products over foreign goods both to boost the Chinese economy and in response to U.S. surveillance tactics. This system of retaliation has not only led to a degradation of business interests for U.S. tech companies in China, but also disrupted the dialogue between the U.S. government and China on cybersecurity issues.⁴² **RECOMMENDATIONS** The free and open Internet that powers the globally networked economy is dependent on the ability of individuals and companies to engage in commerce without geographic restrictions. To turn back the tide of technology protectionism, U.S. trade negotiators will need a stronger hand to play. They cannot go to other nations and tell them to not discriminate against U.S. tech firms if the U.S. intelligence system continues to follow policies that threaten their citizens and businesses. As a result, it is incumbent on the Congress and the Obama administration to take the lead in showing the world the best standards for transparency, cooperation, and accountability.

Internet liberalization is democracy promotion

Fontaine and Rogers 11—Richard Fontaine is the President of the Center for a New American Security (CNAS). He served as a Senior Advisor and Senior Fellow at CNAS from 2009-2012 and previously as foreign policy advisor to Senator John McCain for more than five years. He has also worked at the State Department, the National Security Council and on the staff of the Senate Foreign Relations Committee. Will Rogers is a senior Fellow at the Center for a New American Security, “A Foreign Policy Imperative in the Digital Age,” Internet Freedom, July 2011,

<http://www.cnas.org/files/documents/publications/CNAS_InternetFreedom_FontaineRogers_0.pdf>

Thus far, the discussion among advocates and foreign policy practitioners has revolved around “Internet freedom,” a broad rubric that encompasses online freedoms, including the rights of expression and online organization, and the potentially transformative and hotly contested role of the Internet in promoting democratization. The U.S. government now has an Internet freedom agenda, with tens of millions of dollars to implement it. Both the Senate and the House of Representatives boast global Internet freedom caucuses. The Secretary of State has given two major addresses articulating principles and policies for Internet freedom, and newspapers and periodicals have repeatedly pointed to the use of online tools both for popular protest and as a means of repression. In the midst of the 2011 Arab Spring, President Obama went so far as to describe the ability to use social networking as a “core value” that Americans believe is “universal.” Internet freedom typically includes two dimensions. Freedom of the Internet denotes the freedoms of online expression, assembly and association – the extension to cyberspace of rights that have been widely recognized to exist outside it. Promoting freedom of the Internet merely expands to cyberspace a tradition of U.S. diplomatic and financial support for human rights abroad. Freedom via the Internet, the notion that new communications technologies aid the establishment of democracy and liberal society offline, is at once more alluring and hotly contested. Internet freedom in this sense has captured the imagination of many policymakers and experts who see in these technologies a tool for individuals to help move their societies away from authoritarianism and toward democracy. Though the links between democracy and Internet freedom are indirect and complex, nascent evidence suggests that new communications tools do matter in political change, and that both dissidents and dictators act on that basis.

Democracy promotion destabilizes key regions—leads to war

Epstein, Serafino, and Miko 07 Susan B. Epstein, Nina Serafino, and Francis Miko are all specialists in Foreign Policy and Trade Foreign Affairs, Defense, and Trade Division and frequently write analyses for congress. “Democracy Promotion: Cornerstone of U.S. Foreign Policy?”, 12/26/2007, < <https://www.fas.org/sgp/crs/row/RL34296.pdf>>

Another concern about democracy promotion is that it can have a destabilizing effect on an entire region. A 2005 Harvard Study concluded that “[Our] research shows that incomplete democratic transitions — those that get stalled before reaching the stage of full democracy — increase the chance of involvement in international war in countries where governmental institutions are weak at the outset of the transition.”²⁹ At times, the region can become unstable because the transitioning country initiates cross-border attacks, or may be the victim of these attacks, particularly if it has weak democratic institutions or a weak military.³⁰ While many democracy promotion proponents assert that democracies “don’t war with each other,” a critic on the democracy peace theory, Joanne Gowa of Princeton, contends that this theory has more to do with the alignment of interests and the bipolar balance in the world after World War II than democracy/peace characteristics that many today claim exist. She says that democratic peace is a Cold War phenomenon; that is, the available data show that democratic peace is limited to the years between 1946 and 1980.³¹ She additionally points out that there are nondemocracies that do not war with each other and may be able to constrain their leaders from embarking on military actions abroad about as effectively as democracies.³²

Uniqueness

Middle East Partnership Initiative decline indicative of broader trends

Slavin 14, Barbara Slavin is the Washington correspondent for Al-Monitor and a senior fellow at the Atlantic Council, where she focuses on Iran. “Obama administration downgrades signature Mideast democracy program”, 10/9/14, <<http://www.al-monitor.com/pulse/originals/2014/10/united-states-middle-east-democracy-program.html#ixzz3hUqhkmlj>>

Established in 2002, the US-Middle East Partnership Initiative (MEPI) touts on its website its work in “18 countries and territories” and contributions of more than \$600 million to “support civil society groups, political activists, and business leaders in their efforts for political and economic reform, government transparency, and accountability projects.” The site also says that “MEPI has recently increased programming significantly in countries undergoing democratic transitions in the wake of the Arab Spring — including Egypt, Libya, and Tunisia.” However, the program — founded by Liz Cheney when she was deputy assistant secretary of state and traditionally headed by a political appointee — is now run by a career foreign service officer and has been subsumed into the larger foreign aid bureaucracy that also handles security assistance. One of two offices MEPI long operated in the region — in Tunisia — is being moved from the region’s only successful new democracy to Morocco, a monarchy. “Unfortunately, MEPI seems to be in the process of being gutted and losing its identity.” Stephen McInerney, executive director of the Project on Middle East Democracy, told *Al-Monitor*. Compared with the George W. Bush administration, the Obama administration has always had a more nuanced approach to promoting democratic reforms in the Middle East. But it retained and even enlarged some Bush-era programs such as MEPI and used them as a platform to encourage the grassroots movements that shook the region’s autocracies starting in late 2010. In its first term, the Obama administration “decided to reinvent this agenda,” Tamara Wittes, a former deputy assistant secretary of state in charge of MEPI, told *Al-Monitor*. “It was not the ‘freedom agenda’ [of George Bush] but a different way of addressing the same set of issues.” As counter-revolution and chaos turned Arab Spring into winter, however, the US approach began to shift. The biggest setback came in Egypt, where Mohammed Morsi, the country’s first freely elected president, was overthrown by the military in 2013. Since then, Egypt has jailed tens of thousands of members and supporters of the now-outlawed Muslim Brotherhood and severely clamped down on freedom of association and expression by other dissident groups. McInerney attributes the reorganization of foreign aid to the Middle East to former US ambassador to Egypt Anne Patterson, who served in Egypt during a roller coaster period and faced strong Egyptian government opposition to US civil society promotion. During her tenure, 16 Americans who had been working for US organizations, including the International Republican Institute and Freedom House, were tried and convicted — most in absentia — of using foreign funds to foment unrest. Patterson left Egypt and was confirmed as assistant secretary of state for the Bureau of Near Eastern Affairs in late 2013. In her first interview after taking that position, she told *Al-Monitor* that it was “certainly no secret that we’re concerned about freedom of the press, freedom of association, all the fundamentals that are being thrown into question right now in Egypt,” but also said the United States would focus on promoting economic development. “The decline [in the emphasis on democracy promotion] accelerated over the past year — the time when Anne Patterson came back and became assistant secretary,” McInerney said. “MEPI’s demise is indicative of a broader backing off from supporting civil society and falling back into the old pattern of not antagonizing old allies.”

Executive discussions of democracy rarely translate into action

Goldfarb 14, Zachary Goldfarb is the Policy Editor at *The Washington Post*. He has primary responsibility for *Wonkblog* and the paper’s economics coverage, while also working on other public policy issues. Previously, he was a White House and economics correspondent. He graduated from the Woodrow Wilson School of Public and International Affairs at Princeton, where he was editor-in-chief of *The Daily Princetonian*. “Obama, like predecessors, faces tough choices on promoting democracy”, 6/4/14, <http://www.washingtonpost.com/politics/obama-like-predecessors-faces-tough-choices-on-promoting-democracy/2014/06/04/3d9cc4cc-ebfa-11e3-9f5c-9075d5508f0a_story.html>

But the truth is far more complicated. Obama, like presidents before him, has made uncomfortable choices in deciding when to promote democracy and when to compromise those principles for other interests. His soaring rhetoric Wednesday also creates expectations that he might find difficult to meet, given his hesitance to use military force and his attention to other pressing issues. Such tensions are on display this week, which marks the 25th anniversaries of Poland’s first free elections, which the United States supported, and of China’s brutal crackdown on democracy protesters in Tiananmen Square, which the United States largely ignored. Obama has used diplomacy and, on one occasion, military action to support democratic movements in places as varied as Libya, Burma and Ukraine. But more often, he has decided to work with regimes that are authoritarian (Saudi Arabia and China) or turning that way (Egypt and Russia) because of other U.S. priorities. “His democracy promotion is a study in schizophrenia — like foreign policy before him,” said Timothy J. Lynch, a University of Melbourne professor who has co-edited a book on U.S. democracy promotion. During Obama’s tenure, democracy has continued a long stagnation, with just 122 of 193 countries — or 63 percent — counting as representative democracies, according to Freedom House, a nonprofit watchdog group. That level has remained essentially constant since the mid-1990s, when democratic movements around the globe unleashed dozens of newly free

countries. “Obama seems to have under-reached,” Larry Diamond, a senior fellow at Stanford University’s Hoover Institution, said in an e-mail. “He clearly cares about democracy, civil society and human rights, and often speaks eloquently about these values. But at a time when these are clearly in retreat around the world, one sees little sense of an overall Obama strategy to renew global democratic progress and counter the efforts of Russia, China and Iran to suppress and subvert democratic movements worldwide.”

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Democracy promotion bad—

Backlash

Carothers 15 Thomas Carothers is the Vice President for Studies at Carnegie Endowment for International Peace. He received his J.D. and AB from Harvard University, and his MSc from the London School of Economics. Carothers is a leading authority on international support for democracy, human rights, governance, comparative democratization, and U.S. foreign policy relating to democracy and human rights. “Democracy Aid at 25: Time to Choose”, 1/13/15, <<http://carnegieendowment.org/2015/01/13/democracy-aid-at-25-time-to-choose>>

Closing of doors: When some governments that had previously allowed in significant amounts of prodemocracy aid began pushing back against it in the early 2000s, observers thought this might be a short-term phenomenon. The George W. Bush administration’s emphasis on democracy promotion in its intervention in Iraq, along with Western support for some of the civic groups that were active in the “color revolutions” in Georgia, Kyrgyzstan, and Ukraine, had triggered heightened sensitivities about democracy aid in various places, especially Russia and other post-Soviet countries. But even as the color revolutions faded into the past and a new U.S. president took a far less assertive stance on democracy promotion, the backlash kept growing. In just the past few years, dozens of governments, in every region of the world, have been taking a medley of formal and informal measures to block, limit, or stigmatize international aid for democracy and human rights, especially civil society support, political-party work, and election monitoring. Aid from the United States is sometimes the principal target, as in 2013 when the Bolivian government charged that USAID was meddling in politics and ordered it to leave the country. Yet the backlash is hitting other providers as well: To cite just one of many examples, the Hungarian government recently began harassing Hungarian civil society organizations for their acceptance of Norwegian government funding. Pushback—which is often strongest in countries where democratization is in trouble and outside assistance is most badly needed—has multiple negative effects. Most obviously, it often prevents democracy-aid providers from operating. Central Asian governments, for instance, decided about a decade ago to limit externally sponsored aid for civil society development, and looking around the region today one sees a greatly reduced pool of such aid. Restrictive measures by Egypt and some other Arab countries have similarly reduced outside support for nongovernmental organizations in their territories. Even when pushback does not reduce the amount of democracy aid that reaches a country, it may end up changing the type of democracy support that is offered. To avoid problems, democracy promoters may hold back from politically challenging types of assistance, such as aid for independent human-rights groups or media organizations, and limit themselves to soft-focus governance programming. Similarly, pushback may cause some activist groups receiving democracy aid from abroad to avoid activities that they fear their governments may find too challenging.

Competition from authoritarian states

Carothers 15 Thomas Carothers is the Vice President for Studies at Carnegie Endowment for International Peace. He received his J.D. and AB from Harvard University, and his MSc from the London School of Economics. Carothers is a leading authority on international support for democracy, human rights, governance, comparative democratization, and U.S. foreign policy relating to democracy and human rights. “Democracy Aid at 25: Time to Choose”, 1/13/15, <<http://carnegieendowment.org/2015/01/13/democracy-aid-at-25-time-to-choose>>

The troubles of Western democracies: The struggle of Western liberal democracy to maintain the unrivaled pride of place that it enjoyed in the 1990s also affects democracy aid. Democracy’s travails in both the United States and Europe have greatly damaged the standing of democracy in the eyes of many people around the world. In the United States, dysfunctional political polarization, the surging role of money in politics, and distortions in representation due to gerrymandering are particular problems. In Europe, the euro crisis, the rise of extremist parties, and challenges surrounding the social integration of minority communities are raising doubts about democracy’s health. At the same time, the growing self-confidence and assertiveness of other political systems,

especially authoritarian or semiauthoritarian regimes in China, Russia, Turkey, Ethiopia, and elsewhere, are making some people in transitional countries wonder whether the keys to decisive governance and economic dynamism do not in fact lie down some path other than that of liberal democracy. These developments inevitably weaken Western democracy-aid efforts. A U.S. group going abroad to offer advice and training on how to strengthen a country's parliament will face punishing questions about the credibility of its offerings given the manifest deficiencies and unpopularity of the U.S. Congress. The same will be true for a European group seeking to help another country bridge a sectarian divide based on religious differences. Of course, smart democracy assistance does not seek to export a particular national model but instead offers insights gleaned from comparative experiences and tries to help locals craft their own solutions. Nevertheless, all Western democracy promoters must work harder than before to establish their credibility in other parts of the world, and in some quarters (East Asia, for example) they sometimes barely receive a hearing. Moreover, they can no longer assume that their task is to help local actors move ahead with democracy. Instead, they now often face the harder, more fundamental task of convincing locals that democracy is preferable to other systems. Furthermore, Western democracy promoters are increasingly finding their efforts challenged and sometimes undercut by nondemocratic powers intent on influencing the political trajectories of other countries. A Western-sponsored anticorruption program in an African country may be outweighed by the deleterious effects on governance of a Chinese economic-aid package that creates perverse political-economy incentives. A program to help create a level playing field among political parties in an Arab country may be undermined by large streams of Iranian or Gulf money flowing to one of them. An undertaking to support free and fair elections in a Latin American country may be distorted by Venezuela's engagement aimed at tilting the elections toward a preferred candidate. Russia, China, Iran, the United Arab Emirates, Saudi Arabia, Venezuela, Qatar, Rwanda, Ethiopia, and other nondemocratic countries seeking heightened influence in the political life of their neighbors (or further afield) are not always bent on checking the influence of Western democracy-promotion efforts. And their actions are not necessarily aimed at promoting autocracy per se. But often they do cut against Western democracy aid and push other countries in an antidemocratic direction. Western democracy aid, having come of age at a time when it was often the dominant external form of political influence in most transitions, is now facing a markedly harsher, more competitive environment.

No momentum

Carothers 15 Thomas Carothers is the Vice President for Studies at Carnegie Endowment for International Peace. He received his J.D. and AB from Harvard University, and his MSc from the London School of Economics. Carothers is a leading authority on international support for democracy, human rights, governance, comparative democratization, and U.S. foreign policy relating to democracy and human rights. "Democracy Aid at 25: Time to Choose", 1/13/15, <<http://carnegieendowment.org/2015/01/13/democracy-aid-at-25-time-to-choose>>

A loss of democratic momentum: The global stagnation of democracy is one of the most significant international political developments of the past decade. Democracy's failure to keep expanding has hurt the democratic-assistance field in at least two ways. First, it has sapped energy and impetus. Democracy-aid providers know that tough cases in which transitions are blocked or never really get underway are facts of life. What compensates for them are the promising cases—the times and places when democracy does break through and gain a foothold. These exciting opportunities are crucial. They make other parts of the policy community take notice, and indeed give life and force to the whole democracy-assistance enterprise. Over the past ten years, the flow of such good news has slowed to a trickle. Stories about how the democratic spirit is manifesting itself in this or that surprising place have been cast into shadow by persistent democratic deficiencies or backsliding in Afghanistan, Hungary, Iraq, Mali, Russia, Sri Lanka, Thailand, and many other places. For a short time in 2011, the "Arab Spring" looked as if it might be the start of a new global democratic wave, but that initial burst of hope has given way to pessimism. Now, many Western policy makers and analysts are asking whether efforts to foster democracy in the Arab world even make sense given the instability and conflict that political change has brought. With the democratic cause stalled (or even losing ground) around the world, democracy-aid providers must battle a growing sense in the Western policy community that the historical moment for democracy aid has passed. Furthermore, the loss of democratic momentum raises questions in the wider policy community about the impact of democracy aid. The welter of factors that affect transitions makes it problematic to assess the effect of such aid based just on democracy's macro-level progress. Yet when democracy is on the rise in many places, democracy aid almost inevitably gains credibility by association. And when democracy is faring poorly in the world, hard questions about the effectiveness of democracy assistance are asked. Some recent or ongoing cases offer sobering examples of the limits of democracy aid: In Russia, long-term benefits from the wide range of Western

democracy programs that got underway in the 1990s and operated into the last decade—including rule-of-law aid, electoral aid, political-party building, work with independent media, and support for civil society—may not be entirely absent, but they are certainly limited at best. For years, Western aid providers held up Mali as one of Africa’s democratic success stories. Yet the vertiginous collapse of the Malian government in 2012 underlined how hollow even apparent success stories of democracy support can be. The United States and others have provided substantial rule-of-law aid to El Salvador for thirty years. Despite this, El Salvador today is notoriously beset by shockingly high crime levels that have overwhelmed its criminal-justice system.

Democracy promotion spurs international backlash

Carothers 06 Thomas Carothers is the Vice President for Studies at Carnegie Endowment for International Peace. He received his J.D. and AB from Harvard University, and his MSc from the London School of Economics. Carothers is a leading authority on international support for democracy, human rights, governance, comparative democratization, and U.S. foreign policy relating to democracy and human rights. “The Backlash Against Democracy Promotion”, March/April 2006, <<https://www.foreignaffairs.com/articles/2006-03-01/backlash-against-democracy-promotion>>

The most systematic and forceful resistance to Western democracy aid has come from Russia under Putin. The NGO law is just one of a series of recent actions Moscow has taken to constrain or challenge democracy-promotion groups. The Kremlin has also attacked the Organization for Security and Cooperation in Europe (OSCE) for its election-monitoring work in Russia and neighboring countries. Several U.S. democracy-promotion groups have experienced minor but pointed harassment from Russian authorities. Putin's government has criticized Russian NGOs working on human rights or other politically sensitive issues for accepting outside funds, and senior Russian officials have denounced external democracy aid as subversive and anti-Russian. President Putin has also taken to warning fellow autocrats in surrounding countries of the dangers of allowing such aid, and Russia has started building its own capacity to provide parallel forms of assistance, through election monitors and political consultants. Putin's supporters have cast his campaign against pro-democracy groups as a security imperative, asserting that the United States is trying to encircle Russia with pro-Western governments and subvert its political order. Russia is not the only country pushing back against Western democracy assistance; the resistance has become a widespread post-Soviet pastime. Uzbek President Islam Karimov is currently in the process of shutting down most of the Western democracy programs in his country, as well as most of the domestic NGOs that work on democracy issues: in 2005, more than 60 percent of Uzbekistan's active NGOs were put out of business. Articles in the state-controlled media have accused the United States of trying to undermine Uzbek sovereignty through the Trojan horse of democratization. Meanwhile, in Belarus, President Aleksandr Lukashenko has also forbidden most external political aid and has relentlessly stamped out political challengers and independent civil society. After first putting all foreign funding destined for local NGOs under state control, in 2003, Lukashenko banned foreign funding of any political or educational activities in the country. The Tajik government announced new regulations in April 2005 requiring foreign embassies and foreign organizations working in the country to give the authorities notice before making any contact with local political parties, NGOs, or media organizations. Government-controlled newspapers in Tajikistan have accused the United States of criminality in its support for Ukrainian and Kyrgyz activists and have praised Belarus for its resistance to Western interference. Nearby in Kazakhstan, President Nursultan Nazarbayev has enacted similarly tight restrictions on cooperation between foreign entities and Kazakh political parties. In a speech last September, he added his voice to the regional chorus warning foreign NGOs not to try to destabilize former Soviet states. The backlash against democracy aid has also started to spread outside the former Soviet Union. One enthusiastic participant is China. Last April, an article in the People's Daily condemned the United States' "democratic offensive" in the former Soviet Union and elsewhere as self-serving, coercive, and immoral. The following month, the Chinese Communist Party reportedly mapped out a strategy for resisting U.S. and European efforts to promote color revolutions in China and its neighborhood. Beijing has delayed the passage of a new law that would liberalize the rules on NGOs in the country and has cracked down on various local groups that receive foreign funding, including a human rights group supported by the National Endowment for Democracy (NED), a private foundation funded by the U.S. government devoted to supporting democracy worldwide. Beijing is also tightening restrictions on foreign media by stepping up measures to scramble external radio broadcasts and reversing an earlier decision to allow the local publication of foreign newspapers. Elsewhere in Asia, governments have enacted similar restrictions: in Nepal, for example, after 15 years of relative openness to Western democracy programs, the government recently issued new regulations sharply restricting such activities. The backlash is spreading to Africa as well. Zimbabwean President Robert Mugabe has driven out Western NGOs and forced the closure of many local groups that get external support, claiming that they are fronts through which Western "colonial masters" subvert the government. In December 2004, Zimbabwe's parliament passed legislation

prohibiting local NGOs from receiving any outside aid. Mugabe has not yet signed the bill but has kept up his rhetorical attacks on alleged Western meddling. Further north, Ethiopia expelled the IRI, the NDI, and IFES (formerly the International Foundation for Election Systems) prior to national elections last May. Prime Minister Meles Zenawi stated on Ethiopian television that "there is not going to be a 'Rose Revolution' or a 'Green Revolution' or any color revolution in Ethiopia after the election." And in Eritrea, the government enacted a new law last year forbidding local NGOs from engaging in any work other than relief activities and blocking them from receiving external support. In August, Asmara asked the U.S. Agency for International Development to cease operations in the country, stating that it was uncomfortable with the agency's activities, which include promoting citizen participation in economic and political life. In South America, Venezuelan President Hugo Chávez regularly blasts U.S. democracy promotion as being part of a Bush administration campaign to oust him. Chávez has accused groups such as the NED and the IRI of supporting the Venezuelan opposition and has intimidated many local NGOs that receive outside funding. And like Putin, Chávez is not content just to block U.S. aid at home. He has allegedly used his petrodollars to support anti-American parties and candidates in Bolivia, Ecuador, Peru, and elsewhere, in the hope of spreading what he calls his "Bolivarian Revolution." Although Chávez remains an extreme case, wariness of U.S. democracy promotion is rising in the region, which is rife with anti-Americanism and increasingly dominated by left-leaning governments. The rejection last year by the Organization of American States of a U.S. proposal to establish a new regional mechanism to monitor governmental compliance with democratic norms reflected this growing skepticism.

Impatient democratization causes instability—this is isolated from their generic democracy good arguments

Kupchan and Mount 09, Charles Kupchan is Professor of International Affairs in the School of Foreign Service and Government Department at Georgetown University. He is also Whitney H. Shepardson Senior Fellow at the Council on Foreign Relations. Kupchan was Director for European Affairs on the National Security Council during the first Clinton administration. Before joining the NSC, he worked in the U.S. Department of State on the Policy Planning Staff. Prior to government service, he was an Assistant Professor of Politics at Princeton University. Adam Mount is a Stanton Nuclear Security Fellow at the Council on Foreign Relations where he is writing a profile of nuclear disarmament in the United States. "The Autonomy Rule", Spring 2009, <<http://www.democracyjournal.org/pdf/12/Kupchan.pdf>>

Policies of impatient democratization, however, will do much more to impede than impel history's advance. From the Balkans to Iraq to the Palestinian territories, a rush to the ballot box has undercut moderates and stoked sectarian and ideological cleavages, not furthered the cause of political stability. Washington should continue to promote democracy by example and incentive. But if the United States insists on universal adherence to the Western order it oversees, it will only compromise its persuasive appeal and its ability to help ensure that liberal democracy ultimately wins the long struggle against alternative systems of government. Instead, the United States should take the lead in constructing a more pluralist international order. Were Washington to orchestrate the arrival of this next order, it would not denigrate the accomplishments of democracy, but rather demonstrate an abiding confidence in the values the West holds dear and in the ability of liberal forms of government to outperform and ultimately prevail against authoritarian alternatives. Cultivating new stakeholders, carefully devolving international responsibility to regional actors, and placing the international economy on a more stable footing will also allow democracy. The Autonomy Rule the United States the respite needed to focus on rebuilding the foundations of its own prosperity. The United States will be better off if it gets ahead of the curve and helps craft a new order that is sustainable than if it fights a losing battle against tectonic shifts in global politics. As Kissinger observes, "America needs to learn to discipline itself into a strategy of gradualism that seeks greatness in the accumulation of the attainable." The United States can steward the onset of this more diverse and inclusive world in a manner that remains consonant with the deepest American values. Doing so would help restore America's moral authority as a leading member of the community of nations, in the end making it more likely that other nations would be as respectful of America's preferences as America should be of theirs.

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Third party mediation key to effective democracy promotion—aggressive practices just reinforce unstable regimes

Katulis 09, Brian Katulis is a Senior Fellow at American Progress, where his work focuses on U.S. national security policy in the Middle East and South Asia. Katulis has served as a consultant to numerous U.S. government agencies, private corporations, and nongovernmental organizations on projects in more than two dozen countries, including Iraq, Pakistan, Afghanistan, Yemen, Egypt,

and Colombia. "Democracy Promotion in the Middle East and the Obama Administration", 2009, <
<http://www.tcf.org/assets/downloads/tcf-Katulis.pdf>>

The set of conflicts that is most directly relevant to the goal of reviving democracy promotion efforts in the Middle East is internal divisions in countries. Several countries of the Middle East—including Iraq, Lebanon, and the Palestinian territories—lack a strong consensus over sharing power between leading factions. In some cases, such as Iraq, the tensions among competing factions remain quite strong,¹¹ and in other countries, such as Lebanon, the internal divides lurk beneath the surface and threaten to upset a tenuous balance. Oftentimes these divisions over power-sharing are directly linked to Brian Katulis' constitutionalism and the principles set out in basic laws organizing checks and balances and separation of powers within a system. U.S. cooperation with key actors such as the United Nations and support for mediation efforts of third-party countries and actors (as in the spring 2008 efforts by Arab countries to address internal divisions among the Palestinians and Lebanese) could be helpful for building a more solid foundation for advancing democratic governance in the region. For example, in the case of Iraq, ongoing disputes among the top factions over key questions related to power-sharing remain the central stumbling block for developing a solid foundation for democratic governance at national, provincial, and local levels. These disputes have not prevented democracy promotion efforts from continuing, with implementers providing important training, support, and advice for Iraqi civil society groups and political parties. But the absence of a national consensus and compact on the central issues of how to define the nature of the Iraqi state and how to share power has remained a major impediment to advancing Iraq's political transition. Many of these disputes over power-sharing and establishing the core constitutional principles are tied to underlying conflicts over power and resources. Helping set up the parameters for a deliberative discussion—one that engages broader populations—will necessarily take time. But instead of another mad rush to the next series of elections in Iraq—such as the one in 2005, when most Iraqis voted in a referendum on a constitution that they had not had a chance to read, let alone have much of a voice in developing—the United States could work with partners such as the United Nations and other actors to help societies suffering from sharp internal gaps bridge their divides. This second priority is a strategic necessity given the relative inattention and sporadic engagement of the Bush administration on several key fronts—Israeli-Palestinian, Israeli-Syrian, and Israeli-Lebanese tracks as well as the broader Arab-Israeli conflict. It is also vital for addressing some Middle East core issues that have hampered democracy development efforts, with some governments in the region using the unresolved Arab-Israeli conflict as an excuse to delay internal reform processes. The new administration may be inclined to breathe life into the Bush administration's moribund efforts begun at Annapolis in November 2007 to resolve the Israeli-Palestinian conflict, or it may prefer another negotiating format—but either way, it needs to move quickly. It will likewise be helpful if there is some momentum on various other fronts like the Israeli-Syrian track. In some cases, direct U.S. involvement in peace-making efforts may be limited, but Obama needs to be seen as playing a supportive role to interlocutors such as Turkey or Egypt that are playing important mediation roles.

Affirmative

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Democracy promotion ineffectiveness inevitable- XOs

Bonicelli 14, Paul J. Bonicelli is the Executive Vice President at Regent University, and served as the Assistant Administrator for Latin America and the Caribbean of the United States Agency for International Development. ****Internally cites Guillermo O'Donnell, a prominent political scientist and recipient of many political science awards including the Prize for Lifetime Achievement from the International Political Science Association. "Obama's Executive Order on Immigration Makes It Harder to Promote Democracy Abroad", 11/21/14, < <http://foreignpolicy.com/2014/11/21/obamas-executive-order-on-immigration-makes-it-harder-to-promote-democracy-abroad/>>**

By protecting millions of illegal immigrants from deportation, Obama is refusing to execute the laws duly passed by the people's representatives. He is ignoring his constitutional requirement to enforce the law. It matters not that he claims to be motivated by compassion when his first duty is to our constitutional democracy (as he argued repeatedly to his own base for years who wanted him to act alone). Importantly, he asserted another reason for issuing the order and this matters very much for the watching international community — especially the collection of dictators the United States is trying to influence. The president says he is issuing the order because the Congress will not do what he wants. He wanted the Senate comprehensive immigration reform bill to pass but the House, as is their right as an independent branch of government, refused to comply. For most of the eight years of the Bush presidency, Democrats argued that Bush had no credibility internationally due the way terrorists were interrogated, his withdrawal from the Anti-Ballistic Missile Treaty, and the invasion of Iraq. Bush's opponents said that he had made it very hard if not impossible preach democracy to tyrants when he was behaving as one himself. Now the Democrats, according to their own logic during the Bush years, have a hypocrisy problem of their own that will impact foreign policy. After years of appointing "czars" and rewriting laws with his regulatory power, now he has simply ordered into being what the Congress expressly refused to do. It will be construed in the developing countries ruled by Chavistas, Mugabes, and the like as encouragement to continue ruling by fiat whenever a troublesome legislature refuses to rubber stamp their will. They do this all the time and we condemn it all the time; now they will have ready to hand a response to U.S. censure. Political scientist Guillermo O'Donnell developed theories of democratic consolidation, authoritarianism, and illiberal democracy during a lifetime of studying democratization. He examined much about emerging democracies in Latin America and has helped generations of scholars and practitioners understand what is happening and why it is happening in the politics of these countries. Of the many lessons to be learned from studying O'Donnell's work, one is that democracies around the world might have many faces and different expressions, but they can be divided into liberal and illiberal forms. In sum, elections matter greatly, but so does the way in which leaders govern. When elected leaders, especially executives, concentrate power, they pervert democracy and any founding documents that exist to limit and curb the uses of powers. When they mistake being elected as an excuse to rule alone, they begin to cross a line from liberal democracy to illiberal democracy. And then academics in the mold of O'Donnell start measuring how secure the democracy is, whether it is sliding backwards or stagnating, and what the electorate thinks of all of this. We will probably have a very rough two years now that the president has taken this step. And his party will have a momentous test on its hands if it seeks to defend his action.

Internet Freedom is an inadequate tool—5 reasons

Silva 13, Alberto J. Cerda Silva is an assistant professor of computer law at the University of Chile. He is a founding member and director of international affairs of the NGO Derechos Digitales. He is currently a Fulbright Scholar pursuing doctoral studies at Georgetown University Law Center with a thesis on human rights and Internet regulation in Latin America. "Internet Freedom is not Enough: Towards an Internet Based on Human Rights", <http://www.surjournal.org/eng/conteudos/getArtigo18.php?artigo=18,artigo_02.htm>

Although Internet Freedom represents progress, it has several limitations that make it inadequate. First, it is an approach that encapsulates concerns and prioritizes topics from a U.S. perspective and therefore lacks comprehensiveness. Second, it presents a narrow view of the relevance and synergies resulting from the interaction between the Internet and human rights. Third, it ignores that the Internet is an essentially private environment and therefore demands greater accountability

from the private sector. Fourth, it ignores Internet governance. Fifth, it prioritizes market needs rather than the respect for human rights. In the next sections, each of these objections shall be briefly reviewed.

Cyber freedom key to democracy—anonymity, freedom of expression, and

Torres 13 Manuel R. Torres is an Associate Professor at the Area of Political Science and Public Administration at the University of Pablo de Olavide en Sevilla. He is a Director of the Specialization Course in Analysis of Jihadist Terrorism, Insurgencies and Radical Movements of the UPO and a professor at the Master in Studies of Terrorism at the International University of Rioja (UNIR) and at the Master of Strategic Studies and International Security at the University of Granada. “INTERNET AS A DRIVER OF POLITICAL CHANGE: CYBER-PESSIMISTS AND CYBER-OPTIMISTS” January 2015, <
http://www.researchgate.net/profile/Manuel_R_Torres-Soriano/publication/258130256_INTERNET_AS_A_DRIVER_OF_POLITICAL_CHANGE_CYBER-PESSIMISTS_AND_CYBER-OPTIMISTS/links/0c960527161d0d818b000000.pdf>

The main reasons used by the cyber-optimists include: a. Giving power to isolated individuals. The new technologies facilitate and promote the circulation of information and the participation of the subjects in political issues. Cyberspace becomes a crucial instrument for citizens being able to apply pressure so as to obtain greater transparency and responsibility in the way their governments perform their actions¹¹. The net opens up new pathways for the exercising of a fundamental right to democracy such as the freedom of expression, enabling consumers to be not just the consumers of information furnished by the mass media. Through cyberspace, individuals can express themselves freely and without the mediation of the protagonists, which represents an enriching of the political debate because a greater number of participants with different perspectives join in. b. Promoting inter-group relations. New connections between individuals and groups are created, both inside and outside national borders. Internet manages to produce a “densification of the public sphere”, something that is necessary in order for a social uprising to become consolidated and move on towards a revolution¹². This form of technology becomes a key tool for collective action taking place within those societies that are lacking in freedom. Through the net, isolated individuals can see that others share their discontent, and at the same time they find a terrain in cyberspace that is suitable for effectively coordinating their actions. The capacity to reach a potentially limited audience even makes it possible for small groups, and particularly motivated activists, to be able to endow their initiatives with a mass dimension. The transforming power of Internet has been increasing, as new people become net users¹³. c. Local events take on international repercussions. Internet weakens the ability of political regimes to exercise effective control over the flows of information that cross their borders. The new technologies make it possible to evade government censorship, permitting local activists to inform international public opinion, and to become involved in the domestic affairs of their countries. Unlike the traditional mass media, net users can move around with greater anonymity than journalists, and be present at events and in scenarios that government censorship bans accredited professionals from. The illustrative materials and descriptions provided by those citizen-journalists end up feeding the information that other countries have, and they decisively contribute toward the international community getting involved in the fight against oppression and against the violation of human rights. The repressive apparatus of those regimes lose part of their effectiveness, because they are constrained by the global repercussions of their acts. This relaxing of coercion facilitates the consolidation of movements demanding a political response. d. Promoting the economic development and social modernisation on which democracy is established. Internet has become one of the key factors in commercial globalisation and the consequent more recent economic development. The net has not only made production and management costs less expensive, but it has also increased the volume and the speed at which information flows, having huge repercussions on the scientific innovation process and on business productivity¹⁴. The way this technology penetrates countries with dictatorial regimes ends up by causing a form of social and economic transformation that provides succour to pro-democratic movements. The new middle classes, arising under the auspices of the new information economy, end up becoming one of the most critical groups of the lack of freedom. The political elite is aware of this risk. However, they have to face up to the so-called “dictators’ dilemma”: either to choose political control or opt for the economic benefits that Internet offers.

The Internet is the best vehicle for unification around protests

Kouchner 10 Bernard Kouchner is the foreign minister of France and founder of Médecins Sans Frontières. “The Battle for the Internet”, 5/13/10, <<http://www.nytimes.com/2010/05/14/opinion/14iht-edkouchner.html>>

Yet, the distortions are the exception rather than the rule. The Internet is above all the most fantastic means of breaking down the walls that close us off from one another. For the oppressed peoples of the world, the Internet provides power beyond their wildest hopes. It is increasingly difficult to hide a public protest, an act of repression or a violation of human rights. In authoritarian and repressive countries, mobile telephones and the Internet have given citizens a critical means of expression, despite all the restrictions. However, the number of countries that censor the Internet and monitor Web users is increasing at an alarming rate. The Internet can be a formidable intelligence-gathering tool for spotting potential dissidents. Some regimes are already acquiring increasingly sophisticated surveillance technology. If all of those who are attached to human rights and democracy refused to compromise their principles and used the Internet to defend freedom of expression, this kind of repression would be much more difficult. I am not talking about absolute freedom, which opens the door to all sorts of abuses. Nobody is promoting that. I'm talking about real freedom, based on the principle of respecting human dignity and rights. Multilateral institutions like the Council of Europe, and nongovernmental organizations like Reporters Without Borders, along with thousands of individuals around the world, have made a strong commitment to these issues. No fewer than 180 countries meeting for the World Summit on the Information Society have acknowledged that the Universal Declaration of Human Rights applies fully to the Internet, especially Article 19, which establishes freedom of expression and opinion. And yet, some 50 countries fail to live up to their commitments. We should create an international instrument for monitoring such commitments and for calling governments to task when they fail to live up to them. We should provide support to cyber-dissidents — the same support as other victims of political repression. We should also discuss the wisdom of adopting a code of conduct regarding the export of technologies for censoring the Internet and tracking Web users. These issues, along with others, like the protection of personal data, should be addressed within a framework that brings together government, civil society and international experts. Another project is close to my heart. It will be a long and difficult task to implement it, but it is critical. It is to give the Internet a legal status that reflects its universality. One that recognizes it as an international space, so that it will be more difficult for repressive governments to use the sovereignty argument against fundamental freedoms. The battle of ideas has started between the advocates of a universal and open Internet — based on freedom of expression, tolerance and respect for privacy — against those who want to transform the Internet into a multitude of closed-off spaces that serve the purposes of repressive regimes, propaganda and fanaticism. Freedom of expression, said Voltaire, “is the foundation of all other freedoms.” Without it, there are no “free nations.” This universal spirit of the Enlightenment should run through the new media. The defense of fundamental freedoms and human rights must be the priority for governance of the Internet. It is everyone's business.

Democracy turn

Internet freedom leads to democracy

Fontaine and Rogers 11— Richard Fontaine is the President of the Center for a New American Security (CNAS). He served as a Senior Advisor and Senior Fellow at CNAS from 2009-2012 and previously as foreign policy advisor to Senator John McCain for more than five years. He has also worked at the State Department, the National Security Council and on the staff of the Senate Foreign Relations Committee. Will Rogers is a senior Fellow at the Center for a New American Security, “A Foreign Policy Imperative in the Digital Age,” Internet Freedom, July 2011,

<http://www.cnas.org/files/documents/publications/CNAS_InternetFreedom_FontaineRogers_0.pdf>

It has become axiomatic to say that the Internet does not itself create democracies or overthrow regimes; people do. This is obviously true, but if new communications tools do matter — and there appears to be at least nascent evidence that they do — then they can play a role in several distinct ways. An important report issued by the United States Institute of Peace (USIP) presented a useful framework for examining how new communications technologies might affect political action. The paper identifies five distinct mechanisms through which the Internet might promote (or be used by regimes to block) democratic progress.³⁶ Here we deepen the analysis of these mechanisms and add two additional factors that affect them. The Internet may affect individuals, by altering or reinforcing their political attitudes, making them more attuned to political events, and enabling them to participate in politics to a greater degree than they could otherwise. This does not automatically translate into a more activist population; as the USIP study notes, it could actually make citizens more passive by diverting their attention away from offline political activism and toward less significant online activity.³⁷ Some have called this

“slacktivism,” exemplified by the millions of individuals who signed online petitions to end genocide in Darfur but who took no further action.³⁸ At the same time, individuals freely expressing themselves on the Internet are exercising a basic democratic right. As democracy scholar Larry Diamond points out, used in this way, the Internet can help “widen the public sphere, creating a more pluralistic and autonomous arena of news, commentary and information.”³⁹ It can also serve as an instrument through which individuals can push for transparency and government accountability, both of which are hallmarks of mature democracies.⁴⁰ New media might also affect intergroup relations, by generating new connections among individuals, spreading information and bringing together people and groups. (Some have worried about the opposite effect – the tendency of the Internet to polarize individuals and groups around particular ideological tendencies.)⁴¹ This may occur not only within countries, but also among them; the protests in Tunisia sparked a clear rise in political consciousness and activism across the Arab world – much of it facilitated by Internet-based communications and satellite television.⁴² It may also take place over a long period of time; Clay Shirky, an expert at New York University, argues that a “densifying of the public sphere” may need to occur before an uprising turns into a revolution.⁴³ New communications technologies could also affect collective action, by helping change opinion and making it easier for individuals and groups to organize protests in repressive countries. Unconnected individuals dissatisfied with the prevailing politics may realize that others share their views, which might form the basis for collective action.⁴⁴ Relatively small groups, elites or other motivated dissidents might use the Internet to communicate or organize protests. Even if the number of committed online activists is small, they might nevertheless disseminate information to the general population or inspire more widespread protests.⁴⁵ Again, it is important to distinguish such action from group “slacktivism,” as the successful protests in Egypt showed, the regime only began to teeter when thousands of citizens physically occupied Tahrir Square. Though initial protests may have been organized via Facebook, the Mubarak government would still be in power if the protests had been confined only to cyberspace.

Regime Strength turn

Internet activism good—slacktivism strengthens regimes

Christensen 12, Henrik Christensen is a political science researcher at Åbo Akademi University. “Simply slacktivism? Internet participation in Finland” March 2012, <http://www.researchgate.net/profile/Henrik_Christensen4/publication/261638212_Simply_slacktivism_Internet_participation_in_Finland/links/00b7d534e7b9cc0d6f000000.pdf>

A second critique considers the Internet participation to be the result of unwillingness among Internet activists to put in the efforts required to be genuinely politically involved (Morozov, 2009). According to Morozov (2009), slacktivism is the ideal type of activism for a lazy generation, who no longer bother with demonstrations when the rouse of the Internet is so much more appealing. According to this perspective, Internet participation does not reflect a genuine desire to influence political matters but is a comfortable way of pretending to care. This critique is often associated with the political commentator and author Malcolm Gladwell (2010), who in a column compared Internet participation via social media with the sit-ins organized by the civil rights movement in the US in the 1950s and 1960s. Unsurprisingly, he finds that Internet participation requires much less effort and often aim to receive social acknowledgement and praise rather than achieve political change. Most political activities would obviously compare unfavourably to such rare expressions of civic courage. Nonetheless, this accusation appears to make intuitive sense since many activities on social networks seem to be manifestations of good intentions but rarely reflect genuine commitment. Morozov (2011: 186) makes a similar point when he condemns individuals with only a cursory interest in the issues who comes together to save the world via the Internet. Some fear that the easily available Internet may lead citizens to substitute their traditional offline activities with online versions, which could be devastating for the effectiveness of participation (Putnam, 2000). According to this portrayal, the Internet attracts people who are not genuinely interested or capable of political participation, but more interested in putting up an appearance of interest by the push of a button. The link between offline and online participation has been examined in previous research. Most studies find a weak positive effect of online engagement on offline involvement (Boulianne, 2009; Christensen, 2011a), whereas others studies cast doubt on the effect of the Internet on civic engagement since any independent effect disappears when controlling for other factors such as socio-economic status and psychological involvement in politics (Bimber, 2001, p.61). Although the connections between offline and online

participation remain unclear, this line of critique is frequently used to dismiss Internet activism as slacktivism.

Iran Censorship DA NEG

1NC Shell

Iran internet censorship high now

CPJ 15 (<https://cpj.org/2015/04/10-most-censored-countries.php>, 10 Most Censored Countries, CPJ, Committee To Protect Journalists, a group that raises awareness to censorship rights in different countries, 2015)

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Internet Liberalization allows for dissent and protest

Filder 12 (the Doctor of Philosophy degree in Political Science in the Graduate College of The University of Iowa. "Dissent in digital: the Internet and dissent in authoritarian states"
<http://ir.uiowa.edu/cgi/viewcontent.cgi?article=3240&context=etd>)

Does the Internet facilitate anti-regime dissent within authoritarian states? I argue that the Internet fosters dissent mobilization through three factors: distance, decentralization and interaction. First, the Internet fosters dissent mobilization by allowing protesters to communicate relatively cheaply and instantaneously over great distances. While other communication mediums also reduce distance costs, the second factor, decentralization, allows dissenters to use the Internet to evade state controls and reduces the state's ability to restrict information flows. Third, the Internet's Interactive nature allows users to both become consumers and producers of information. Interactivity also fosters trust between users that can evolve into offline action. However, the empirical record consists almost entirely of open sourcenews reporting and qualitative studies, and there are few clear theoretical links between the traditional dissent and repression literatures and recent Internet mobilization theories. My goal in this project is to place a generalizable theory of Internet-mediated dissent within traditional mobilization context and more recent communication, computer science and legal literatures. I frame my theory of Internet mediated dissent through three components. The first component is Internet access as a mobilizing structure, in which I posit that Internet access creates conditions for social

mobilization that are difficult for regimes to counter. The second component is the effect of Internet censorship on Internet-facilitated dissent. For the third theoretical component, I assess that despite the type of censorship, increased Internet use eventually overwhelms the regime's capacity to censor information. I test my theoretical components through a series of large N cross national time series negative binomial regressions spanning 1999-2010. In the first test, I find that increased Internet access increased the likelihood of protest in non-democratic states. Results of the second tests are mixed: technical censorship has no effect on protest, soft controls decreased incidence of protest, and combined technical and soft programs increase the likelihood of protest, albeit the substantive effect is slight. In the third test, I hypothesize that Internet use eventually crosses a user threshold after which censorship is no longer effective. The results of the third test suggest that censorship is not effective regardless of Internet access levels. However, the influence of Internet use on protest tapers off once a specific threshold is reached. The dissertation proceeds as follows: in Chapter 2, I present literature review that frames my research question within previous empirical work. Next, in Chapter 3 I propose and illustrate my theory of Internet-mediated dissent. In Chapter 4, I test whether or not incidents of anti-regime protest increase as Internet use increases inside non-democratic states. I build on these results in Chapter 5, in which I test whether technical filters, soft controls or a combination of methods decrease the likelihood of protest inside non-democratic states, followed by a test for whether increasing Internet use overwhelms censorship programs. Finally, in chapter 6 I summarize my findings, discuss data complications, offer ideas for future research, and discuss the implications of this project.

Iran internet censorship is key to the Iran Deal – censorship key to public support of the Iran deal
Firstpost 7/10 (<http://www.firstpost.com/world/the-hierarchies-of-censorship-iranian-officials-use-banned-social-media-forums-2335990.html>, The hierarchies of censorship: Iranian officials use banned social media, Firstpost, really popular news site in the Middle East, authors remain anonymous, July 10, 2015)

Tehran: They are among the world's most popular websites and are vital diplomatic channels for Iranian officials involved in the nuclear talks. Yet Twitter, Facebook and YouTube remain banned in Iran. While Foreign Minister Mohammad Javad Zarif leads the way on social media -- his Twitter account has "Verified" blue tick status -- he is far from alone in seeing its benefits. Aides to President Hassan Rouhani tweet regularly on his behalf, as do officials from supreme leader Ayatollah Ali Khamenei's office -- most recently to restate Iran's "red lines" for a nuclear deal. This happens despite Twitter, Facebook and YouTube being among hundreds of sites that ordinary Iranians cannot access unless they install illegal software on their computers, smartphones and tablets. Iranian authorities filter access, citing inappropriate content as the reason for censorship. The restrictions are widely seen as outdated -- Rouhani wants to remove them and last year vetoed a plan to filter the hugely popular WhatsApp messaging service. Internet use is growing every year, with 45 million of Iran's 78 million population online regularly. The contradictions of censorship policies "no longer raise eyebrows, except those belonging to foreigners," according to Hooman Majd, an Iranian-American journalist and author of several books on modern Iran. "Any sophisticated politician -- and Zarif is certainly sophisticated -- understands that social media plays a big part in establishing a narrative," he said, noting that the minister uses Facebook in Farsi to message Iranians and Twitter in English to match diplomatic counterparts such as US Secretary of State John Kerry. "I don't think he thinks

too hard about the contradiction," Majd, who is covering the epic talks in Vienna for America's NBC News network, said of Zarif. Bid to 'win the public mind' "It is widely recognised, and conceded by the authorities, that Facebook has millions of Iranian members," he added. As if to prove Twitter's usefulness again, Zarif used it Thursday just moments before Kerry told reporters he was prepared to "call an end" to the talks in Vienna if "tough decisions" are not made. "We're working hard, but not rushed, to get the job done. Mark my words; you can't change horses in the middle of a stream." Zarif tweeted, adding the main #IranTalksVienna hashtag. Online video sharing has also played a part. At talks on July 3, Zarif used YouTube to set out Iran's position in the talks, just as he did before an earlier round of negotiations in 2014. Last week's video extended a promise of greater cooperation from Iran on global problems such as the Islamic State group, if a nuclear deal were reached. In English, Zarif said: "Getting to yes requires the courage to compromise, the self-confidence to be flexible, the maturity to be reasonable. Our common threat today is the growing menace of violent extremism and outright barbarism." Such direct diplomacy complements use of traditional media. To get his message across, Zarif has written columns for The New York Times and Financial Times urging a deal. By doing so he can shape the debate, said Abas Aslani, a well-known Iranian journalist covering the nuclear talks in Vienna. "Often in politics the narrative of an event is much more important than the event itself," said Aslani, acknowledging that cheap and easily available VPNs (Virtual Private Networks) neuter censorship. "Those who play a more active and influential role in different kinds of media are expected to win the public mind," he said of Zarif. "The presence of Iranian officials in media, traditional and new media, not only shouldn't be limited but also expanded."

Deal key to preventing Middle East War

Cirincione, 7/9/2015 (Joe, president of the Ploughshares Fund, "What You Need to Know About the Coming Deal With Iran," http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

If Iran wants to build a nuclear weapon and the deal doesn't happen, is there any way to stop them? Does anyone really expect the U.S. to start a war with Iran by bombing their nuclear installations? That's why this diplomatic deal is so promising. It's not without risk, and there are going to be problems with it, but it is far better than all the alternatives. If the deal falls apart, especially if the U.S. is seen as the reason it falls apart - if Congress kills this deal - the sanctions regime will more or less collapse. Other countries aren't going to follow our lead. It doesn't matter if the Senate passes new sanctions. The other negotiating powers aren't going to go along with it. This does not just mean Russia and China. It is also Japan and South Korea and Europe; the people who buy Iran's oil. And that means that Iran's economy will start to recover. The inspections regimes that are in place will end. The restraints on Iran's program will end. They will start installing thousands more centrifuges, enriching thousands of pounds of uranium and getting closer and closer to a bomb. Whether they cross that line or not, they will clearly have the ability to build a weapon in a very short amount of time. That increases the risk of military action. If Israel attacks Iran, if we strike Iran, it won't be a neat, little overnight strike, or two or three days of strikes. This will be weeks of bombardment against their hardened nuclear facilities, their air defenses, their ports and airfields. It will kill thousands of Iranians. It will be the beginning of a major war with Iran. Former Secretary of Defense Robert Gates says that "if you think the war in Iraq was hard, an attack on Iran would, in my opinion, be a catastrophe." That is what we would be looking at; a major new war in the Middle East. That would be a disaster for the U.S., for Israel, and for the entire region.

Goes nuclear

James A. **Russell 2009** (Senior Lecturer, National Security Affairs, Naval Postgraduate School, "Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East" IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26_Russell_2009.pdf)

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) **the presence of non-state actors that introduce unpredictability into relationships between the antagonists;** (3) **incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable;** (4) **perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack;** (5) the prospect that Iran's response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) **the lack of a communications framework to build trust and cooperation among framework participants.** These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, **it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework.** **Systemic asymmetries** between actors in fact **suggest** a certain increase in **the probability of war** – a war in which escalation could happen quickly and from a variety of participants. **Once such a war starts, events would likely develop a momentum all their own** and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent **such an outcome**, which **would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.**

U – Censorship Now

Iran internet censorship high now (already in 1NC shell)

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Iran internet censorship in the status quo – especially high on news and society websites

Lee 13 (<https://www.washingtonpost.com/blogs/the-switch/wp/2013/08/15/heres-how-iran-censors-the-internet/>, Here's how Iran censors the Internet, Timothy B. Lee, policy writer and senior editor for Vox and the Washington Post, August 15, 2013)

Discussion of Internet censorship usually focuses on China and its "Great Firewall." But the Chinese Communist Party isn't the only regime that censors its Internet. Iran does too. Little is known about Iran's censorship system because Iranian citizens who probe the network from inside the country risk reprisals from the government. But earlier this year, two anonymous Iranians teamed up with Alex Halderman, a computer science professor at the University of Michigan, to conduct one of the first systematic studies of Iranian Internet censorship to be published outside Iran. Halderman presented his findings at a Tuesday talk at the Usenix Security conference in Washington, D.C. Iran has an extensive list of blacklisted sites. Users who attempt to visit a banned site see a notice that looks something like this: What gets censored? To find out, the researchers attempted to visit the sites on Alexa's top 500 lists in various categories. Almost half of the 500 most popular sites on the Internet are censored. Unsurprisingly, the theocratic Iranian regime censors pornographic Web sites most heavily. But a high percentage of sites in the "art," "society," and "news" categories are also blocked: In addition to banning particular sites, the Iranian network also filters traffic based on its content. In one test, the researchers created a file called sex.htm that was hosted outside the United States. Access to this page from inside Iran was blocked. The Iranian Internet is also configured to discourage the use of certain encrypted protocols. Web traffic is allowed through at full speed. Traffic that uses the encrypted SSH protocol, which can be used to "tunnel" other types of traffic out of the country, run at less than 20 percent of the network's full speed. Traffic the Iranian firewall doesn't recognize is throttled even more dramatically, and gets cut off altogether after about 60 seconds. The initial measurements were made in the weeks before the June 2013 elections, a time when the Iranian government was working to restrict the communications of the opposition. But after the election, they said, the throttling stopped, with all types of Internet traffic being transmitted at the same speed. Evidently, the throttling was a temporary measure to tamp down on dissent during a politically sensitive period. Unfortunately, even unthrottled Internet access is extremely slow. The researchers find that a "large amount of Iran's traffic passes through a centralized facility," where censorship filters are applied. Perhaps to avoid overwhelming this facility, or perhaps to limit access to high-bandwidth (and potentially subversive) video content, the government has established a nationwide speed limit of 128 kbps for users. That's about twice the speed of old-school dialup modems, and 50 times slower than a typical connection in the United States today. Iranian academics can request special permission for a faster connection. The pervasive censorship in Iran has led many Iranians to take countermeasures. Anti-censorship technologies such as Tor, FreeGate, Your Freedom, and Ultrasurf are widely used inside Iran, the researchers say. One of Halderman's colleagues describes an incident that occurred in April 2010 on Iran's Channel One. "The desktop of [a] machines [was] shown by mistake during news transition. In it,

there was a shortcut for Your Freedom anti-censorship tool." "This was widely mocked by many Iranian bloggers at that time," one of Halderman's Iranian co-authors said. But in a country where censorship is pervasive, it's not surprising that even those with close ties to the regime would have to resort to circumvention technologies to get their jobs done.

BEIRUT—Iran hasn't been shy about its bids to monitor, filter and block content on the Internet. Now it has taken the next leap, turning online censorship into an institution. In the past week, the government has announced it has formed a high council dedicated to cleansing the country's Internet of sites that threaten morality and national security, launching what amounts to a centralized command structure for online censorship. The Supreme Council of Cyberspace, created by decree last week by Supreme Leader Ayatollah Ali Khamenei, includes heads of intelligence, militia, security and the powerful Iranian Revolutionary Guard Corps, as well as media chiefs. Charged with supervising all cyberactivity, it will have the power to enact laws, according to state media. The body will have its own budget and offices, a member of the council said in an interview with state media on Wednesday. In announcing the council, Iran unites Internet-control initiatives that have previously been floated in state media. Along with other moves in the past week, it shows that the Islamic Republic, after long viewing the Internet as a minor nuisance, has fully embraced the view that Iran's vibrant online activity is a destabilizing threat. The Revolutionary Guards, or IRGC, said last week it has rolled out a secure internal network for high-level commanders, underscoring Tehran's concerns about outside threats to its government's online activities. Iran also announced in the past week that its "Cyber Army," as it styles its legion of government hackers and bloggers, has reached 120,000, a number impossible to corroborate but well above previous tallies. In an annual report released Monday, the group Reporters Without Borders ranked Iran the No. 1 enemy of the Internet in 2012. It was ahead of 11 other countries—including Saudi Arabia, Bahrain, Syria, China and Belarus—that the group says restrict Internet access, filter content and imprison bloggers. The Iranian council's mandate became clearer Wednesday when one of its members, conservative cleric Hamid Shahriari, said the council was the result of a year and a half of weekly meetings between security chiefs and Khamenei representatives. "We are worried about a portion of cyberspace that is used for exchanging information and conducting espionage," he said in an interview with the semiofficial Mehr news agency. "We have identified and confronted 650 websites that have been set up to battle our regime—39 of them are by opposition groups and our enemies, and the rest promote Western culture and worshiping Satan, and stoke sectarian divides," he said. He didn't name the sites or clarify whether they had already been filtered. Mr. Shahriari said the council would also "focus and facilitate positive aspects of the Internet, like business and trade." The Internet dominated a well-known Friday prayer sermon on March 9, which is televised from the campus of Tehran University. Ayatollah Ahmad Jannati, an 85-year-old cleric, called cyberspace a "very serious danger" and praised the new council, urging Iranians to comply with the government's laws and restrictions. The IRGC's new network—named Basir, or "Perceptive"—is a domestically built, secure telecommunication channel that will allow its highest-level officers to communicate and command brigades in the case of an attack, the guard's newspaper, Sobhe Sadegh, reported last week. "We are not in an imaginary state of threats and sanctions," Hossein Salami, the deputy commander in chief of the IRGC, said during the network's inauguration ceremony last week, according to Iranian media reports. "We must prepare." Israel has in recent weeks drummed up support for a possible attack on what it alleges are sites linked to nuclear-weapon production, a pursuit Iran denies. Iran is also worried about cyberattacks on its nuclear facilities, such as the 2010 Stuxnet virus that appeared aimed at disabling Iranian centrifuge

arrays. The IRGC's closed network appears to be separate from a national Internet that Iran's telecommunications company has said it expects to complete within a year, which leaders have billed as void of Western culture and un-Islamic content. The IRGC's public-relations department also announced last week that it had recruited and trained 120,000 cultural soldiers in the past three years to combat "a soft cyberwar" against Iran. Iranian officials had previously discussed the presence of these forces, but placed their number closer to 20,000. These "cybersoldiers" monitor online activity of opposition sites and dissidents, bombarding websites with comments and producing blog content in support of the regime and hacking emails and computers, according to a computer programmer in Iran employed by the telecommunication ministry. They report to various state bodies, including intelligence, judiciary and the IRGC, which in turn have top officials sitting on the new council. "These strong measures to confront the Internet recently prove two things: the Internet has been an extremely effective way of distributing information and the regime is frightened by it," said Ali Jamshidi, a Malaysia-based telecommunication expert with the opposition Green Movement, who monitors the so-called Cyber Army's attacks on opposition websites and dissident blogs. The IRGC began expanding its multi-billion dollar empire—which stretches from construction to energy and agriculture—to telecommunications in 2009, when it purchased 50% shares of Iran's national telecommunication company, effectively allowing it direct supervision on surveillance and censorship. The Internet, particularly social networking sites, and mobile phones helped Iranian activists to mobilize for anti-government protests after President Mahmoud Ahmadinejad's 2009 re-election prompted allegations of voting fraud. While the Islamic Republic has successfully crushed protests in the streets with heavy crackdowns, activism and anti-government sentiment is thriving online on Iranian blogs, opposition websites and chat rooms. Iranian cyber activists worry that the new tightening of rules will make their work even more difficult and expose their identities. "We will fight back and continue posting our opinions but our resources are very limited compared to what the Revolutionary Guards can do," said a female student activist in Iran.

Iran internet censorship high now – very slow liberalization now

Moghtader 14 (<http://www.reuters.com/article/2014/12/26/us-iran-internet-censorship-idUSKBN0K40SE20141226>, Iran expands 'smart' Internet censorship, December 26, 2014, Michelle Moghtader, Director of Global Development, has written for Reuters, CNN, The Huffington Post and Energy Intelligence Group)

Iran is to expand what it calls "smart filtering" of the Internet, a policy of censoring undesirable content on websites without banning them completely, as it used to, the government said on Friday. The Islamic Republic has some of the strictest controls on Internet access in the world, but its blocks on U.S.-based social media such as Facebook, Twitter and YouTube are routinely bypassed by tech-savvy Iranians using virtual private networks (VPNs). Under the new scheme, Tehran could lift its blanket ban on those sites and, instead, filter their content. The policy appears to follow President Hassan Rouhani's push to loosen some social restrictions, but it was not clear if it would mean more or less Internet freedom. Iranians on Twitter expressed concern that, as part of the new policy, the government would try to block VPN access to such sites. "Presently, the smart filtering plan is implemented only on one social network in its pilot study phase and this process will continue gradually until the plan is implemented on all networks," Communications Minister Mahmoud Vaezi said, according to official news agency IRNA. He appeared to be referring to Instagram, the photo-sharing site owned by Facebook, which is already being filtered, but not blocked. Instagram was initially available uncensored in Iran but

some user accounts were subsequently blocked, notably @RichkidsofTehran, a page full of photos of young, rich Iranians flaunting their wealth. In a cat-and-mouse game, another account dedicated to the same pursuits quickly appeared under the name @RichkidsofTeh. "Implementing the smart filtering plan, we are trying to block the criminal and unethical contents of the Internet sites, while the public will be able to use the general contents of those sites," Vaezi told a news conference. The policy would be fully in place by June 2015, he said. Iranian authorities are not only concerned about what might be considered morally dubious content, which in Iran could be anything from pornography to relatively innocuous images of women not wearing the mandatory Islamic dress, but also material that might be politically damaging. Social media were widely used in the anti-government protests of 2009 to organize and spread news about a movement that was eventually crushed by security forces. Under former president Mahmoud Ahmadinejad, Tehran floated the idea of replacing the Internet with a national intranet that would not be connected to the worldwide web and would be controlled by Iranian authorities, a plan that appears to have fizzled out.

Censorship now

Crawford No Date (<https://www.bestvpn.com/blog/12233/iran-plans-implement-smart-internet-censorship/>, Iran plans to implement 'smart' Internet censorship, Douglass Crawford, freelance writer, no date)

Although not as sophisticated or powerful as China's Great Firewall, the Iranian government imposes some of the strictest censorship in the world on its internet users. As present a large number of websites are blocked by a wide-scale blanket ban – so for example (at least in theory) websites such as Facebook, Twitter and YouTube simply cannot be accessed. In practice, many Iranians evade this rather clumsy censorship through the use of VPN, something which may have prompted President Hassan Rouhani to loosen social network restrictions and take a more nuanced approach. Under the new policy, which will come fully into force by June 2015, social media websites will become accessible, but some of their content will be filtered instead. Communications Minister Mahmoud Vaezi explained to a news conference, 'Implementing the smart filtering plan, we are trying to block the criminal and unethical contents of the internet sites, while the public will be able to use the general contents of those sites.' In addition to 'criminal and unethical contents,' the Tehran government wishes to block politically damaging material, as well images considered to be indecent (a concept which is much more broadly interpreted in Iran, an Islamic country, than it is in the West). In addition to these 'smart filters', the new policy aims to prevent evasion of state censorship by blocking VPN services. How effective this will be remain to be seen, but we are fairly confident that the technologies used to undermine similar such blocks in China will prove at least as effective in Iran.

Internet Liberalization Link

Internet Liberalization facilitates Dissent and Anti- Regime Protest (already in 1NC shell)

Filder 12 (the Doctor of Philosophy degree in Political Science in the Graduate College of The University of Iowa. "Dissent in digital: the Internet and dissent in authoritarian states"
<http://ir.uiowa.edu/cgi/viewcontent.cgi?article=3240&context=etd>)

Does **the Internet facilitate anti-regime dissent within authoritarian states**? I argue that **the Internet fosters dissent mobilization through three factors: distance, decentralization and interaction. First, the Internet fosters dissent mobilization by allowing protesters to communicate relatively cheaply and instantaneously over great distances.** While other communication mediums also reduce distance costs, **the second factor, decentralization, allows dissenters to use the Internet to evade state controls and reduces the state's ability to restrict information flows. Third, the Internet's Interactive nature allows users to both become consumers and producers of information. Interactivity also fosters trust between users that can evolve into offline action.** However, the empirical record consists almost entirely of open sourcenews reporting and qualitative studies, and there are few clear theoretical links between the traditional dissent and repression literatures and recent Internet mobilization theories. My goal in this project is to place a generalizable theory of Internet-mediated dissent within traditional mobilization context and more recent communication, computer science and legal literatures. I frame my theory of Internet mediated dissent through three components. The first component is **Internet access as a mobilizing structure**, in which I posit that **Internet access creates conditions for social mobilization that are difficult for regimes to counter.** The second component is the effect of Internet censorship on Internet-facilitated dissent. For the third theoretical component, I assess that despite the type of censorship, **increased Internet use eventually overwhelms the regime's capacity to censor information.** I test my theoretical components through a series of large N cross national time series negative binomial regressions spanning 1999-2010. In the first test, I find that **increased Internet access increased the likelihood of protest in non-democratic states.** Results of the second tests are mixed: technical censorship has no effect on protest, soft controls decreased incidence of protest, and combined technical and soft programs increase the likelihood of protest, albeit the substantive effect is slight. In the third test, I hypothesize that Internet use eventually crosses a user threshold after which censorship is no longer effective. The results of the third test suggest that censorship is not effective regardless of Internet access levels. However, the influence of Internet use on protest tapers off once a specific threshold is reached. The dissertation proceeds as follows: in Chapter 2, I present literature review that frames my research question within previous empirical work. Next, in Chapter 3 I propose and illustrate my theory of Internet-mediated dissent. In Chapter 4, I test whether or not incidents of **anti-regime protest increase as Internet use increases inside non-democratic states.** I build on these results in Chapter 5, in which I test whether technical filters, soft controls or a combination of methods decrease the likelihood of protest inside non-democratic states, followed by a test for whether increasing Internet use overwhelms censorship programs. Finally, in chapter 6 I summarize my findings, discuss data complications, offer ideas for future research, and discuss the implications of this project.

International countries will look up to the US and start copying our internet policies if we implement the plan and decrease our surveillance. This will end up spilling over and also effect Iran's internet policy, freeing their internet from censorship

Henry **Farrell 4/6**, associate professor of political science and international affairs at George Washington University, expert in a variety of topics, including norms, the politics of the Internet and international and comparative political economy, 4/6/15, "Why it's so hard to create norms in cyberspace," <http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/04/06/why-its-so-hard-to-create-norms-in-cyberspace/>

So how does one build norms if they're so important? Therein lies the problem. Norms work best when they are not the simple product of actors' material self-interest. Persuading people to accept norms involves getting them to accept the values that the norms imply. **When actors have many shared values, norm building is easier. When actors have few shared values, then norm building is hard.** Furthermore, **if you want to persuade others to accept norms, you will have a hard time unless you are obviously and sincerely committed to those norms yourself. This creates two linked problems for the U.S. First – many other important countries do not share U.S. values regarding cybersecurity.** For example, **the U.S. has sought to promote an open and robust Internet.** Authoritarian and semi-authoritarian **countries** may **view an open** and robust **Internet as**

a threat to the stability of their governments. They would prefer an Internet that was not open, and that can be easily compromised if necessary to shore up their regimes. As Jack Goldsmith and Tim Wu have argued, this makes it hard to build treaties on cyber-related questions. It also makes it hard to build norms – there are not many common values that the U.S. can appeal to.¶ Second – the U.S.’s own commitment to many of its values has been called into question. The Snowden revelations appear to show, for example, that the NSA has tried to compromise basic cryptographic standards that are required for an open and robust Internet to work. This makes it hard for the U.S. to be an effective advocate for its norms. Some degree of hypocrisy is tolerable in international politics when others can turn a blind eye to it. However, when one’s secrets have been leaked, other states may neither want to, nor be able to, ignore the difference between the U.S.’s lofty normative aspirations, and its self-interested behavior. The result, all too often, is battles over norms where neither side is likely to persuade the other. For example, the U.S. and China are facing off over commercial cyber-espionage aimed to grab the trade secrets of firms located in other countries, and pass them on to one’s own businesses. The U.S. regards this as normatively unjustified, while other states regard it as an unexceptionable form of spying. The problem is that both sides’ position obviously stems from self interest. As Goldsmith says:¶ It is not surprising that the United States would seek to craft a nuanced rule about economic espionage that serves its interests. This happens all the time in international affairs. Nor is it surprising that so many nations are unimpressed with the United States’ attempt to limit the one form of economic espionage (theft of foreign corporate trade secrets to give to a local firm) that so obviously harms U.S. interests, especially since the United States engages in other forms of economic espionage.

Internal Plan decreases global censorship – curtailing surveillance spills over to cooperation and accountability, creating a global internet where nothing is censored

Castro 2015 (Daniel Castro, Director for the Center for Data Innovation at ITIF, Vice President of ITIF, member of the Federal Commerce Data Advisory Council, June 2015, Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness, Information Technology and Innovation Foundation, http://www2.itif.org/2015-beyond-usa-freedom-act.pdf?_ga=1.114044933.369159037.1433787396)

The ability of companies—both tech and traditional—to easily share data across borders has brought a vast array of benefits to countries, companies, consumers, and economies through increased efficiency, decreased costs, and improved services.²⁶ And yet nations have continued to erect barriers to cloud computing and cross-border data flows, much to their own detriment.²⁷ While some defenders of these policies have asserted that they are designed to increase the privacy or security of their citizens’ data, it is clear that they are also motivated by misguided self-interest. By creating rules that advantage domestic firms over foreign firms, many countries believe they will build a stronger domestic tech industry or gain short-term economic value, such as jobs in domestic data centers. In reality, these policies unwittingly limit the ability of a country’s own firms to innovate by shielding them from international competition.²⁸ These policies not only limit the number of services that a country’s citizens and businesses can enjoy, but also harm that country’s productivity and competitiveness.¶ Some countries used U.S. surveillance laws to justify data protectionism even before Snowden’s NSA revelations. For example, when Rackspace built data centers in Australia in 2012, an Australian competitor stirred up fears that the United States would use the Patriot Act to track Australian citizens as a means to force Rackspace out of Australia.²⁹ In addition, this same Australian company funded a report calling on Australian policymakers to impose additional regulations designed to put foreign cloud computing competitors at a disadvantage.³⁰ However, since the recent NSA revelations, the use of privacy concerns to justify protectionist barriers has grown significantly.¶ Amid growing anti-U.S. sentiment, Europe has seen calls for data localization requirements, procurement preferences for European providers, and even a “Schengen area for data”—a system that keeps as much data in Europe as possible—as ways to promote deployment of cloud services entirely focused on the European market.³¹ France and Germany have even started to create dedicated national networks: “Schlandnet” for the former and the “Sovereign Cloud” for the latter. ³² The French government has gone so far as to put €150 million (\$200 million) into two start-ups, Numergy and Cloudwatt, to create a domestic infrastructure independent of U.S.

tech giants.³³ Furthermore, some groups have invoked U.S. cyberespionage to argue that European citizens are not adequately protected and are calling for the removal of the “safe harbor” agreement—an agreement that allows Internet companies to store data outside of the European Union. Yet if this were removed it would cut Europeans off from many major Internet services. 34¶ There is also an increasingly distressing trend of countries, such as Australia, China, Russia, and India, passing laws that prevent their citizens’ personal information from leaving the country’s borders—effectively mandating that cloud computing firms build data centers in those countries or risk losing access to their markets. For example, in 2014 Russia implemented and Indonesia began considering policies that would require Internet-based companies to set up local data centers.³⁵ These policies are often a veiled attempt to spur short term economic activity by creating data-center jobs. However, this benefit is often outweighed by the substantial cost of building unnecessary data centers, a cost that is eventually passed along to the country’s citizens. Several U.S. tech giants, such as Apple and Salesforce, have already started to build their data centers abroad to appease foreign watchdogs and privacy advocates.³⁶ For example, Amazon started running Internet services and holding data in Germany for its European business partners in an effort to downplay threats of online spying.³⁷ Protectionist policies in China have further strained the U.S. tech industry. In January 2015, the Chinese government adopted new regulations that forced companies that sold equipment to Chinese banks to turn over secret source code, submit to aggressive audits, and build encryption keys into their products.³⁸ While ostensibly an attempt to strengthen cybersecurity in critical Chinese industries, many western tech companies saw these policies as a shot across the bow trying to force them out of China’s markets. After all, the Chinese government had already launched a “de-IOE” movement—IOE stands for IBM, Oracle and EMC— to convince its state-owned banks to stop buying from these U.S. tech giants. ³⁹ To be sure, the Chinese government recently halted this policy under U.S. pressure.⁴⁰ However, the halted policy can be seen as a part of a larger clash between China and the United States over trade and cybersecurity. Indeed, these proposed barriers were in part a quid pro quo from China, after the United States barred Huawei, a major Chinese computer maker, from selling its products in the United States due to the fear that this equipment had “back doors” for the Chinese government.⁴¹ Since the Snowden revelations essentially gave them cover, Chinese lawmakers have openly called for the use of domestic tech products over foreign goods both to boost the Chinese economy and in response to U.S. surveillance tactics. This system of retaliation has not only led to a degradation of business interests for U.S. tech companies in China, but also disrupted the dialogue between the U.S. government and China on cybersecurity issues.⁴² RECOMMENDATIONS¶ The free and open Internet that powers the globally networked economy is dependent on the ability of individuals and companies to engage in commerce without geographic restrictions. To turn back the tide of technology protectionism, U.S. trade negotiators will need a stronger hand to play. They cannot go to other nations and tell them to not discriminate against U.S. tech firms if the U.S. intelligence system continues to follow policies that threaten their citizens and businesses. As a result, it is incumbent on the Congress and the Obama administration to take the lead in showing the world the best standards for transparency, cooperation, and accountability.

I/L Censorship = Iran Deal

Iran internet censorship is key to the Iran Deal – censorship key to public support of the Iran deal (already in 1NC shell)

Firstpost 7/10 (<http://www.firstpost.com/world/the-hierarchies-of-censorship-iranian-officials-use-banned-social-media-forums-2335990.html>, The hierarchies of censorship: Iranian officials use banned social media, Firstpost, really popular news site in the Middle East, authors remain anonymous, July 10, 2015)

Tehran: They are among the world's most popular websites and are vital diplomatic channels for Iranian officials involved in the nuclear talks. Yet Twitter, Facebook and YouTube remain banned in Iran. While Foreign Minister Mohammad Javad Zarif leads the way on social media -- his Twitter account has "Verified" blue tick status -- he is far from alone in seeing its benefits. Aides to President Hassan Rouhani tweet regularly on his behalf, as do officials from supreme leader Ayatollah Ali Khamenei's office -- most recently to restate Iran's "red lines" for a nuclear deal. This happens despite Twitter, Facebook and YouTube being among hundreds of sites that ordinary Iranians cannot access unless they install illegal software on their computers,

smartphones and tablets. Iranian authorities filter access, citing inappropriate content as the reason for censorship. The restrictions are widely seen as outdated -- Rouhani wants to remove them and last year vetoed a plan to filter the hugely popular WhatsApp messaging service. Internet use is growing every year, with 45 million of Iran's 78 million population online regularly. The contradictions of censorship policies "no longer raise eyebrows, except those belonging to foreigners," according to Hooman Majd, an Iranian-American journalist and author of several books on modern Iran. "Any sophisticated politician -- and Zarif is certainly sophisticated -- understands that social media plays a big part in establishing a narrative," he said, noting that the minister uses Facebook in Farsi to message Iranians and Twitter in English to match diplomatic counterparts such as US Secretary of State John Kerry. "I don't think he thinks too hard about the contradiction," Majd, who is covering the epic talks in Vienna for America's NBC News network, said of Zarif. Bid to 'win the public mind' "It is widely recognised, and conceded by the authorities, that Facebook has millions of Iranian members," he added. As if to prove Twitter's usefulness again, Zarif used it Thursday just moments before Kerry told reporters he was prepared to "call an end" to the talks in Vienna if "tough decisions" are not made. "We're working hard, but not rushed, to get the job done. Mark my words; you can't change horses in the middle of a stream," Zarif tweeted, adding the main #IranTalksVienna hashtag. Online video sharing has also played a part. At talks on July 3, Zarif used YouTube to set out Iran's position in the talks, just as he did before an earlier round of negotiations in 2014. Last week's video extended a promise of greater cooperation from Iran on global problems such as the Islamic State group, if a nuclear deal were reached. In English, Zarif said: "Getting to yes requires the courage to compromise, the self-confidence to be flexible, the maturity to be reasonable. Our common threat today is the growing menace of violent extremism and outright barbarism." Such direct diplomacy complements use of traditional media. To get his message across, Zarif has written columns for The New York Times and Financial Times urging a deal. By doing so he can shape the debate, said Abas Aslani, a well-known Iranian journalist covering the nuclear talks in Vienna. "Often in politics the narrative of an event is much more important than the event itself," said Aslani, acknowledging that cheap and easily available VPNs (Virtual Private Networks) neuter censorship. "Those who play a more active and influential role in different kinds of media are expected to win the public mind," he said of Zarif. "The presence of Iranian officials in media, traditional and new media, not only shouldn't be limited but also expanded."

Lack of censorship is bad for the Iran deal – some government officials and media sources are already pressuring Rouhani about shutting down the Iran deal.

Moaveni 14 (http://foreignpolicy.com/2014/06/23/the-moderation-will-not-be-televised/?wp_login_redirect=0, The Moderation Will Not Be Televised, Azadeh Moaveni, staff writer for Foreign Policy, June 23, 2014)

In the highly polarized world of Iranian politics, state-run or state-affiliated media has long been a thorn in the side of moderate, reformist politicians. It pummeled former President Mohammad Khatami throughout his tenure, as he attempted to relax censorship and cut back on state intrusion into private lives, branding him a traitor to the revolution. In 2009, it slammed the protestors campaigning against what they called rigged presidential elections, portraying protest leaders as hooligans. And now, state media has trained its eye on Rouhani, the moderate president trying to resolve his country's nuclear standoff with the West. I Am Rouhani was just one salvo from the hard-line publicity machine that has set about besieging the Iranian president. A wide network of online news outlets and media producers — many affiliated with the IRGC — have attacked the

president's cultural and diplomatic initiatives for promoting immorality and endangering revolutionary values, as well as bargaining away Iran's rights to uranium enrichment. The Islamic Republic of Iran Broadcasting (IRIB), the government-funded state broadcaster and one of the country's most powerful institutions, has waged a particularly dedicated anti-Rouhani campaign. One early slight came last September, when the broadcaster arranged its coverage of the president's trip to the U.N. General Assembly for the same time as a major soccer match, ensuring that many Iranians would miss what the Rouhani administration hoped to bill as a signature diplomatic success. Then, in February, the head of the IRIB — Ezzatollah Zarghami, a former IRGC general sanctioned by the European Union for human rights violations — attempted to block a live interview with Rouhani from hitting the airwaves. A short delay arose after Rouhani reportedly asked for the antagonistic interviewer IRIB had sent to be replaced, and Zarghami responded by suspending the interview for an hour, leading the president to tweet in complaint, "Zarghami prevented live discussion w/ people on #IRIB1." The broadcaster's flagship news program, 20:30, has also taken Rouhani to task in multiple segments for his decision to relax Iran's stringent restrictions on independent magazines. One 20:30 reporter questioned the administration's decision to give clearance to Iran-e Farda ("Tomorrow's Iran"), asking whether "a publication that has been shut for 14 years for numerous violations and destructive actions" should be permitted to publish. The same reporter, in a segment earlier in May, also voiced his doubts about the decision to allow the publication of Zanan-e Emrouz ("Today's Women"), a magazine that has become a symbol of Rouhani's effort to resurrect civil society after the crackdown under former President Mahmoud Ahmadinejad. The segment described Shahla Sherkat, the publication's prominent editor, as an individual with "perverse views," and asked whether "allowing her to have a publication [was] in line with the promotion of Islamic and national values." The hard-liners' control of the state broadcaster gives them a powerful megaphone with which to reach the Iranian public. The hard-liners' control of the state broadcaster gives them a powerful megaphone with which to reach the Iranian public. In a survey conducted by the University of Pennsylvania, 96 percent of Iranians said that television was their most important source of information; of those respondents, 86 percent said that IRIB TV was the channel they watched most frequently. IRIB has spent vast resources in recent years producing a range of networks, both regional and national, to appeal to a wide segment of the electorate: Its elaborate historical dramas draw large audiences, and its news programming has the widest viewership of any Persian-language television network — even as it remains heavy-handed and often partisan. An array of hundreds of hard-line news websites and daily newspapers also peck at Rouhani on a daily basis. In January, Kayhan — a newspaper run by the hard-line figure Hossein Shariatmadari, who has ties to the intelligence services — accused Rouhani in an editorial of deceiving the Iranian public over the course of the nuclear negotiations. The article compared the ongoing nuclear talks with the Battle of Siffin, a seventh-century Muslim civil war in which a deadlocked negotiation was only resolved by an all-out attack. Tasnim News, a site linked with the Basij paramilitary force, published an essay in April warning Rouhani that "this is a weak government that is on its way to becoming a fully isolated one." And in May, a raft of hard-line outlets dedicated two days of coverage to the "We Are Worried" conference, which brought together opponents of Rouhani's nuclear negotiations — people like Fereydoon Abbasi, the former head of Iran's Atomic Energy Organization, who was quoted by the IRGC-affiliated Fars News as saying, "we shouldn't be smiling at those who are weakening our nation's interests." Unlike former President Khatami, who simply ignored these relentless attacks when in office, Rouhani appears to be successfully fighting back. In an interview on IRIB shortly after taking office, the president accused the broadcaster of "giv[ing] voice to radical forces and opposition,

broadcasting their news and damaging the reputation of the government in people's eyes." But Rouhani's attempt to quiet the hard-line media has also apparently won the backing of a higher power. A flurry of accounts from Iranian officials and news media suggest that Supreme Leader Ayatollah Ali Khamenei himself has stepped into the fray, ordering hard-line news outlets to stand down. Iranian Intelligence Minister Mahmoud Alavi said in a speech this month that Khamenei had grown dismayed with the media's "spreading of lies" and had "issued a stern warning to the media responsible" — and, when that didn't work, summoned the unnamed outlet's leadership, asking, "Why are you trying to weaken this government?" Ali Saeedi, the Supreme Leader's representative to the IRGC, also said last week that "news outlets and media affiliated with the Revolutionary Guards," are responsible for publishing "imprecise and reckless news." The comment added to the impression that the supreme leader himself may be working to shield Rouhani's government from further aggravation, as it attempts to negotiate an accord with the West over Iran's nuclear program. Perhaps due to Khamenei's support for Rouhani, the state media attacks today pale in comparison to the massive campaign against Khatami, who served from 1997 through 2005. In that era, IRIB and other media institutions ran what reformists called "the destruction room" — an organized command center from which they orchestrated a media campaign that questioned Khatami's loyalty to Islam and painted his diplomatic efforts as a stealthy bid to restore relations with the United States. This time around, the hard-line press has been conspicuously muted on the presence of senior American officials at the nuclear negotiations, something that would have ordinarily been grounds for a tremendous fuss — an indication that Khamenei is likely exercising his influence. But a July 20 deadline to reach an agreement looms. Should Rouhani and his negotiators fail — or should Khamenei either change his mind on backing a deal, or decide the government no longer needs protection — the president might once see the gloves really come off. If that happens, he may find that a low-budget documentary was the just the beginning.

Internet censorship key to make sure the Iran deal passes – if Iran censorship decreases that will lead to an uprising in Iran, which will end up destroying the deal

Offiler 14 (<http://eaworldview.com/2014/03/iran-analysis-supreme-leader-holocaust-cultural-question/>, Iran Special: The Supreme Leader, The Holocaust, and the Internal Culture War, Ben Offiler, March 22, 2014)

As Iranians celebrate Nowruz, the Supreme Leader marked the beginning of the Persian New Year by delivering the latest salvo in the assault on the Rouhani administration's efforts to open up cultural space in Iran. At the shrine of Shia's 8th Imam, Reza, in the northeastern city of Mashhad, the Supreme Leader declared that the question of "culture is even more important than [the] economy", indicating the significance of the tension between the Government and hardliners on this issue. See Iran Daily: Supreme Leader Declares "Year of Economy and Culture with National Determination and Jihadi Management" However, it was his next statement that may provoke the most attention: Ayatollah Khamenei used the example of the Holocaust to justify the imposition of constraints on cultural freedom inside Iran. In a display of supremely twisted logic, Khamenei put forward the thesis that no country in the world has absolute freedom. As proof, he cited the "censorship" of those who would deny or question the Holocaust as proof that Western nations also impose constraints on speech and writing. So, according to Khamenei, the Islamic Republic is within its rights to maintain its "redlines" when it comes to cultural matters. It takes a special kind of ignorance, insensitivity and spitefulness to co-opt one of the greatest crimes and

tragedies of the twentieth-century for one's own political agenda — especially when that agenda is to oversee the continued control of culture and the suppression of freedom of expression. Since the Presidency of Mahmoud Ahmadinejad — the half-comic, half-sinister bogeyman of Western governments — ended with a whimper last year, there have been fewer cases of Iranian government officials nonchalantly and callously referencing the Holocaust. To the contrary, one of the signs of the Rouhani Government's move toward "openness" was the recognition of the crime by Foreign Minister Mohammad Javad Zarif last autumn. The Supreme Leader has undone any advance. Western media, alongside those who argue that the current government in Tehran is no different from its predecessor, will report this latest pronouncement with gusto. So why make such a statement now, given that Western countries and Iran are in the midst of negotiations that could lead to a comprehensive nuclear deal? Beyond its reference to the Holocaust, the Supreme Leader's speech is an intervention the ongoing conflict between the Rouhani administration — in particular the President and the Islamic Guidance and Culture Ministry — and hardline political elements within the regime. Leading the charge against the government is the Islamic Revolutionary Guards Corps, which has resisted the government's policies on cultural issues since Rouhani's election. The battle between the "moderate" Rouhani government and its "hardline" opponents had been temporarily put to one side by the Supreme Leader: to protect the president's nuclear policy, Ayatollah Khamenei warned Rouhani against efforts to open up the domestic sphere on questions of culture. The tension did not disappear, however. Political tempers simmered and then boiled over as hardliners renewed criticism of Government officials. The Supreme Leader's latest proclamation moves him from referee to participant. It is a firm signal that, while he might stand behind Rouhani's nuclear negotiations, he is backing the hardline position on cultural questions. But again, why now? It is not unusual for Iranian politicians to use the New Year celebrations to send defiant messages to the West. But there was another equally important dimension to Khamenei's statement today — the clue to "a message within" was in his exaltation of the scale of demonstrations to mark the anniversary of the Revolution on 22 Bahman (February 11). This was not just exaltation. It was a sign of nerves: Almost five years after the mass protests following the disputed 2009 Presidential election — protests framed as "sedition" by the hard-line culture warriors — the Supreme Leader still feels compelled to claim large turnouts on big days in the Islamic Republic's history. These turnouts, he insists, show that the Iranian people reject foreign entreaties and manipulations to turn against their regime. At some points, that insistence passes assurance and approaches shaky insistence. All is well, no dissent here, all in Iran march for the system and the Supreme Leader. But what if all is not well? What if the frustrations and hopes of Iranians who marched in 2009 have not disappeared? What if anger and disillusionment has been fed by economic problems — problems that the Supreme Leader said today had not been handled effectively by the Government in its seven months in office? Khamenei is worried about the economy. And he is far from certain that, in difficulties, he can count on the support of his people. That is why he has come off the fence — Holocaust reference included — on the "culture war". And that points to more, rather than less, conflict within Iran in the near-future.

A2 Censorship Fails

Censorship in the Middle East works – status quo proves

Panah 13 (<http://mic.com/articles/73541/internet-censorship-is-reaching-a-whole-new-level-of-creepy-in-the-middle-east>, Internet Censorship is Reaching a Whole New Level Of Creepy in the Middle East, Hamid Yazdan Panah, policy analyst and writer for Mic and an attorney focused on immigration, November 14, 2013)

Censorship in the Middle East is constantly shifting in form. In many countries, repressive, violent state powers are being replaced with a more subtle form of state surveillance. In closed societies where censorship is the norm and information is limited, social media presents a compelling alternative for citizens who want to make their voices heard. Censorship in the Middle East continues to evolve and adapt in order to find new ways to silence dissidents. This battle for free speech marks the front lines of the struggle for a new Middle East, and the most alarming thing about it is the way some countries — most notably Iran — have started playing psychological games with dissidents. Essentially, social media in the Middle East gives users the ability to lift the curtain of censorship that has plagued the region for so long, and find like-minded individuals whose views don't meet with government approval. The Gulf states, for example, have a thriving underground social-media scene. An online activist who speaks the truth will quickly earn a strong following and have a platform for the expression of their views, one which can not so easily be taken away by authorities. Censorship is still a real, everyday concern for many prominent bloggers and social-media users. Rashid Saleh al-Anzi, 26, was sentenced to two years imprisonment for allegedly tweeting offensive remarks directed at emir Sheikh Sabah al-Ahmad al-Sabah of Kuwait in October 2012. Al-Anzi, who has more than 5,700 followers, is one of the many victims of censorship in a region that has been marked by tensions between modern outlets like Twitter, and repressive regimes. In Kuwait alone, one million accounts were registered in a country of 3.6 million inhabitants as of April 2012, according to Paris-based SemioCast, which compiles Twitter data. According to the Associated Press, a Qatari poet was sentenced to life in prison, for an Arab Spring-themed poem that was deemed offensive to the country's emir. Social media activist Said Yousif al-Muhafda, from Bahrain, was arrested for covering protests using his Twitter account. Muhafda was being held for “disseminating false information regarding the clashes between the security forces.” Ironically, he later tweeted a photo of his own arrest. Al-Muhafda was later acquitted of any charges, but Bahrain has continued its policy of strict censorship. “The authorities are placing extensive surveillance on social media, and several were arrested because of their online posts in an act that serves to intimidate others to move into self-censorship,” the Gulf Center for Human Rights and the Bahrain Center for Human Rights said in a statement. This is a common cycle: Activists who are censored or imprisoned become even more popular and influential, further frustrating the authorities' goal of silencing individuals and getting them out of the public eye. Even Turkey, which has long been the darling of many who believe in the so called “modernization” of the Middle East, has resorted to targeting Twitter users, with Prime Minister Tayyip Erdogan claiming that “social media is the worst menace to society,” Iran is an interesting example of a more subtle approach to censorship. With a tech-savvy society in which half of the population of 75 million is connected to the Internet, the regime has sought to find ways to curb internet freedom without resorting to heavy-handed tactics of censorship. After social media was used extensively during the 2009 post-election uprising, the regime took a multifaceted approach to control of the Internet. The Iranian regime created a “cyber police” force in 2011 to confront anti-

regime activities online. Other activists have reported the creation of fake Facebook profiles created to spy on the activities of users. Coupled with these tactics of surveillance is a plan outlined by the regime to present so-called “alternatives” to the internet in its current state. The regime plans to create what it has dubbed the “halal” Internet, which it says will be free of un-Islamic content. These methods are part of a comprehensive plan by the regime to justify censorship on political and religious grounds, going so far as to claim that using Western social media outlets will empower the enemies of Iran. These tactics are a sign of a more sophisticated approach to the issue of censorship, one which leaves room for surveillance and information-gathering on potential threats. Though Iran does have a history of violent repression of bloggers and online activists, including the murder of blogger Sattar Beheshti while in police custody, the regime's new approach to censorship demonstrates the high stakes of the struggle. The goal of the cyber police is to project their power over the individual, demonstrate their ability to monitor citizens' entire lives, and ultimately silence them. Those who refuse are silenced permanently, as Beheshti found out after he was taken into custody. In some cases censorship tactics used by Gulf countries have served to galvanize protest movements and calls for free speech, but the strategy of surveillance employed by Iran appears much more dangerous. While the Gulf model of censorship focuses on incarceration of the physical body, the Iranian model seeks to frame the use of social media as an ideological battle with a foreign enemy. Institutions which can force individuals to “self-censor” for fear of surveillance, or being labeled a foreign collaborator, are more effective and much more difficult to overcome. This type of censorship is hidden but ever-present, and creates a culture of fear, mistrust, and ultimately silence. Yet these barriers can be circumvented with technical strategies and cultural shifts. Iran continues to have a vibrant online society, which has so far resisted ideological or electronic restrictions. The citizens fighting for rights in the Gulf states have also shown that they are willing to stand up for their rights, whether on the streets or on Twitter. One thing that appears to be inevitable is the demographic shift in the region, with a new generation that is not only experiencing new freedoms using social media, but is also achieving political change through the Arab Spring.

A2 No Backlash

Internet liberalization will lead to backlash – emperics prove that exposure to Western culture lead to revolutions in the Middle East

Seifoddini 14

(https://tasmania.ethz.ch/index.php/Risks_of_political_instability_for_entrepreneurship_in_Iran, Risks of political instability for entrepreneurship in Iran, Amrollah Seifoddini, writer for innovation wiki, April 1, 2014)

Problem Iran is a developing country in middle-east which has experienced several periods of political instability throughout the history. Some people relate this continues changes to Iran's position in Middle East which is an oil rich region, **others include religion or freedom from dictatorship as causes for the instability**. In the past century, there was two revolutions in Iran which changed the political regime and structure of government. In the latest one, an Islamic government is born with a new philosophy and structure that we do not see in any other country in the world. This regime is in many ways in contract with the western world. This conflict divides people in Iran into two general party, one like to be more like west, one opposes western culture. In the recent years, **due to advancements of social media, Internet penetration, and change of taste in young people, the group interested in west has grown bigger and bigger**. At the recent presidential election, it was obvious that this reformist party is big enough to

compete with fundamentalists. In this situation, the future of regime and government is not well predictable for next decades and this means with every new government of Parliament, some new rules, laws and orders will change that affect many businesses. And if the whole regime changes, then the links and relations to other countries may change too. This instability makes the prediction of market in Iran really hard for some high-tech and costly industries at least.

AT: Next Prez

Impossible for next president to kill the Iran Deal

Tabin 7/17 (<http://www.thedailybeast.com/articles/2015/07/17/a-gop-president-won-t-stop-the-iran-deal.html>, John Tabin, staff writer for the Daily Beast, A GOP President Won't Stop the Iran Deal)

A number of Republican candidates and office holders say they can sink the nuke deal with Iran. In reality, they probably can't. No matter how what happens with the 2016 elections, the chances of the GOP blowing up the nuclear deal with Iran are extraordinarily slim. First off, it's not a treaty, so it doesn't need the approval of two-thirds of the Republican-controlled Senate. For a while this year, the Obama administration seemed to think they could cut Congress out of the process entirely, presumably using the executive waiver powers built into most of the relevant sanctions legislation; Obama initially threatened to veto Senator Bob Corker's bill to give Congress a vote on the deal. The veto threat was withdrawn, and Corker's bill passed both houses of Congress with near-unanimous support (only the very hawkish Republican Tom Cotton voted no), because the process it establishes is heavily weighted toward approving the deal. If Congress does nothing (or if action gets bottled up in committee), the deal is approved by default. If a resolution of approval fails, it's a symbolic rebuke with no legal force. And if a resolution of disapproval passes, it needs veto-proof support to actually block U.S. participation in the deal. That means the president would need to lose 13 Democrats in the Senate and 45 Democrats in the House (more if there are Republican defections in the other direction). That will, at the very least, be difficult. Before the deal, some Democrats cited a letter put out by the Washington Institute for Near East Policy, signed by a bipartisan group that includes five former Obama advisers, that laid out guidelines for an acceptable deal. The deal that's been struck clearly doesn't meet that bar; to take just one example, the letter demands that weapons inspectors "must have timely and effective access to any sites in Iran they need to visit in order to verify Iran's compliance with the agreement." The deal makes it possible for Iran to delay inspections for up to 24 days. Nonetheless, the White House is circulating an argument that the deal not only meets but exceeds the letter's benchmarks, and it's quite possible, even probable, that the requisite number of lawmakers will buy their assertions. And no matter what happens on Capitol Hill, the United Nations and the European Union will begin unwinding sanctions on Iran in short order; the UN will likely act even before Congress gets around to debating a disapproval resolution. And that makes things a lot trickier for the next president than some of the Republicans who want the job are letting on. Congress can pull the U.S. out of the deal; so can the next president. But at this point, Washington can do little to change the basic picture. "As President," Rick Perry said in a statement, "one of my first official acts will be to fully rescind this accord"—which, under a straightforward interpretation of "fully rescind," is not actually possible. Scott Walker at least said in his official campaign announcement on Monday that "we need to terminate the bad deal with Iran on day one, put in place crippling economic sanctions and convince our allies to do the same," which at least includes a nod toward the fact that the sanctions are an international issue. But with Iran open for business and European corporations eager to cash in, reviving the

sanctions regime internationally almost certainly can't be done in year one, much less on day one. If it's possible at all, it would require a multi-year process of documenting Iranian violations of the deal to rebuild the consensus that has until now left Iran isolated. White House protestations to the contrary, the snapback provisions in the deal do little to change that. To her credit, Carly Fiorina acknowledges this: "Even if Congress does vote this deal down, the rest of the world has moved on," she notes. Fiorina advocates U.S. sanctions on Iran's financial sector; that would have some bite, but without international cooperation it wouldn't undo much of what Iran gets from the deal. Other candidates are less candid: Ted Cruz echoes Walker's "day one" phrasing, and Marco Rubio promises to "re-impose sanctions" but glosses over the limits on Washington's ability to do so unilaterally. Congress can pull the U.S. out of the deal; so can the next president. But at this point, Washington can do little to change the basic picture: Tehran is getting a massive windfall. Newly un-sanctioned Quds Force General Qasem Soleimani will be freer to spread mayhem across the region (if not the world). And, most likely, nothing short of regime change will stop the Islamic Republic from getting the bomb in the long run.

AT Democracy/Dissent Turn

The AFF's got it the other way around – the deal actually helps democracy

Beinart 15 (<http://www.theatlantic.com/international/archive/2015/04/iran-nuclear-deal-democracy-akbar-ganji/390900/>, 'When a Nation Is Threatened, Democracy Is an Impossible Dream,' Peter Beinart, Peter Beinart is a contributing editor at The Atlantic and National Journal, April 20, 2015)

Last week, Akbar Ganji wrote one of the most important essays published since the signing of the framework nuclear deal with Iran earlier this month. It's partly important because of who Ganji is. Imprisoned in 2001 for accusing Iranian officials of orchestrating the murder of government critics, he penned a manifesto from jail calling for Iran to replace theocracy with democracy. After being released and leaving Iran, he launched a hunger strike on behalf of Iranian political prisoners in 2009. He's been called Iran's "preeminent political dissident." But it's also important because of what Ganji says. In the essay, he calls the framework deal "a great victory for Iran and Iranians, if we look at it from a democracy angle." Why? Because "when a nation such as Iran is threatened by the US and Israel for over two decades, and suffers from the most crippling economic sanctions in history, democracy becomes an impossible dream for its people, who live instead in terror and fear of war." If the United States and its allies "are truly interested in the development of democracy in Iran," he continues, "they should set aside military threats and economic sanctions. Peace and economic well-being is directly linked with democracy." In those sentences, Ganji challenges one of the most damaging myths in modern American foreign policy: that via war and cold war, America promotes freedom. As with so much else involving today's GOP, that myth is connected to the myth of Ronald Reagan. As hawks tell it, Reagan entered the White House in 1981, built up the American military, sent arms to anti-communist rebels, refused to negotiate arms-control deals, called the Soviet Union an "evil empire," and, presto, the Berlin Wall fell. It was America's escalation of the Cold War that liberated Eastern Europe. The problem with this story is that it ignores everything that happened between 1984 and 1989. In 1984, Reagan—alarmed that a NATO military exercise called Able Archer had brought the U.S. and U.S.S.R. close to accidental war, and worried that his bellicose policies were hurting his chances of reelection—began working to de-escalate the Cold War. "During my first years in

Washington,” Reagan wrote in his memoirs, “I think many of us in the administration took it for granted that the Russians, like ourselves, considered it unthinkable that the United States would launch a first strike against them. But the more experience I had with Soviet leaders and other heads of state who knew them, the more I began to realize that many Soviet officials feared us not only as adversaries but as potential aggressors who might hurl nuclear weapons at them in a first strike. ... Well, if that was the case, I was even more anxious to get a top Soviet leader in a room alone and try to convince him we had no designs on the Soviet Union and Russians had nothing to fear from us.” In January 1984, Reagan gave a speech declaring that, “Neither we nor the Soviet Union can wish away the differences between our two societies and our philosophies, but we should always remember that we do have common interests and the foremost among them is to avoid war and reduce the level of arms.” After meeting Soviet Foreign Minister Andrei Gromyko that September, the White House announced that, “The United States respects the Soviet Union’s status as a superpower ... and we have no wish to change its social system.” All this helps explain why, within hours of learning that Mikhail Gorbachev had become the Soviet Union’s new leader in March 1985, Reagan invited him to meet without preconditions. The White House dispatched Vice President George H.W. Bush to Moscow to declare that, “We should seek to rid the world of the threat or use of force in international relations.” When Reagan and Gorbachev met that fall, they talked for almost five hours and Reagan whispered to his Soviet counterpart, “I bet the hard-liners in both our countries are bleeding when we shake hands.” By 1987, Reagan had signed the Intermediate-Range Nuclear Forces (INF) treaty, the most sweeping arms-control deal of the Cold War. His rhetoric toward the Soviet Union also radically changed. It’s true that in June 1987 Reagan famously called on Gorbachev to “tear down” the Berlin Wall. But when asked the month before whether he still considered the Soviet Union an evil empire, Reagan replied, “No, I was talking about another time and another era.”

Iran deal is key to bolstering democracy as well as solving for a litany of other impacts

Parsi 6/30/2015 (<http://www.cnn.com/2015/06/30/opinions/iran-nuclear-talks-parsi/>, Iran's nuclear talks: Five reasons why a deal would be good for the U.S., Trita Parsi, founder and current president of the National Iranian American Council, author of Treacherous Alliance and A Single Roll of the Dice, 6/30/2015)

The criticism of the pending nuclear deal between Iran and world powers is intensifying. Opponents of the deal will spend millions of dollars on ads pushing the U.S. public and Congress to kill the deal in the next few days. But while a fortune already has been spent on nit-picking the ongoing talks, virtually nothing has been invested in developing an alternative, viable solution to limit Iran's nuclear activities. The reality is that the opponents of the deal don't have a solution, they only have criticism. And for many, the real value of the nuclear deal has been lost amid the barrage of condemnation surrounding the talks. Americans doubt talks will prevent Iranian nuclear weapon. It's worthwhile to remind ourselves why this deal is so important -- and why it would be a strategic mistake of Iraq War proportions to let this opportunity slip out of our hands. Preventing the bomb ... The two first objectives the deal would achieve are paramount: firstly, it will prevent an Iranian nuclear bomb; secondly, it will prevent a disastrous war with Iran. The limitations and inspections regime the deal would impose on the Iranian nuclear program will make it virtually impossible for Tehran to build a bomb. Were it to choose to go down that path, it would get caught almost instantaneously thanks to the new high-tech inspection instruments that will be installed at Iranian nuclear facilities. In addition, if evidence arises that Iran has begun nuclear activities at undeclared sites, then Iran will be obliged to provide access to those sites as

well. No other option comes even close to this deal when it comes to closing off all of Iran's paths to a bomb. Military action in particular is far inferior -- and far more risky. ... And a disastrous war. Moreover, the deal will prevent a war with Iran -- particularly important given that the absence of a solution to the nuclear standoff has caused the U.S. and Iran to gravitate towards a military confrontation. If the talks fail -- or are undermined -- Iran's nuclear program would unshackle, enabling Tehran to inch closer to a weapons option. That in turn, would increase the risk of an Israeli or American attack on Iranian targets, even though bombing the country's nuclear facilities would at best only slow the program a few years. The Iranians would hit back and soon enough, and the U.S. would be embroiled in yet another war in the Middle East with no end in sight. No wonder the Iran deal has broad support among the U.S. public. Unleashing Iran's moderates. Third, the deal will help unleash Iran's vibrant, young (the median age is 28!) and moderate society, which is continuously pushing Iran in a democratic direction. The deal enjoys solid support among the Iranian public as well as among Iranian civil society leaders, partly because they believe the deal "would enable political and cultural reforms." America benefits if the democratic aspirations of the Iranian people are increasingly met, because a more democratic Iran is a more moderate Iran. What's the deal with the Iran nuclear negotiations? This is particularly important at a time when the violent winds of religious radicalism are ravaging the Middle East and beyond. America is in desperate need of an injection of political moderation in the region. An Iran that moves towards democracy could provide that. A boost in the fight against ISIS Fourth, ISIS and other jihadist groups threaten both Iran and the U.S. Yet coordination and collaboration between the two against these violent terrorist organizations has been minimal because neither side has the political ability to expand coordination until the nuclear dispute has been settled first. A well-placed Iranian source told me recently that in a post-deal environment, Iran is ready to put in 40,000-60,000 ground troops to eliminate ISIS over the next three years. Ideally, the U.S. would provide air support, he explained. The source made clear the commitment would not be a quid pro quo to get a nuclear deal. Iran nuclear talks: 'Security of the world is at stake' If true, this would be the first commitment of ground troops by any state in the region to take on ISIS. But even short of this, Iran has already provided more support in the fight against ISIS than any of America's actual allies. There is near-consensus that airstrikes alone will not defeat ISIS. Ground troops are needed, but who will provide them? The American public is certainly not in the mood for putting more troops on the ground in Iraq. The Iraqi army has proven desperately inadequate. The nuclear deal may help square this circle. Deal gives America more options. Last but not least, the nuclear deal can help provide America with more options in the region in the sense that it reduces America's reliance on authoritarian Arab states such as Saudi Arabia -- which, despite being a key U.S. ally, has played a central role in spreading Islamic radicalism and jihadism. As Jeremy Shapiro and Richard Sokolsky recently pointed out, the Iran deal is not about getting into bed with Tehran. But it can be used to get out of bed with the Saudis. And with that, America's hands will be freer to truly deal with and defeat the threat of Islamic radicalism fomented by the Salafists in the Saudi kingdom. U.S., allies and Iran plan to miss June 30th nuclear talks deadline Former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen put it best: "We need to re-examine all of the relationships we enjoy in the region, relationships primarily with Sunni-dominated nations. Detente with Iran might better balance our efforts across the sectarian divide." In the coming weeks, emotions will run high in the debate over the Iran deal. It will be critical to distinguish between the minutia and the truly essential. At historic moments like this, it is the bigger picture that counts.

Iran Censorship DA AFF

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Iran censorship is ineffective and fails

Iran Times 14 (<http://iran-times.com/internet-filters-irritating-but-ineffective/>, Internet filters: Irritating but ineffective, October 10, 2014, International Iran Times, news source about Iran)

A Spanish reporter visiting Tehran to check out Internet censorship concludes that it is a pain in the neck but doesn't really stop anyone with persistence from getting to content he or she wants to see. Ana Cardenas, a foreign correspondent with the Spanish news agency EFE, says confronting Internet censorship is “a daily struggle for many Iranians.” But, in the end, she says, “they can access all the online content they wish”—whether that be politics or porn. It is estimated that Iranian authorities block access to more than 5 million web pages, including popular social networks such as Facebook, Twitter and YouTube, but also pornography, religious topics, issues like women's rights and any media considered hostile to the Islamic Republic. Needless to say, sites of human rights organizations and dissidents are among those blocked. However, according to the government's own figures, at least 4 million Iranians have Facebook accounts. Other sources raise that figure to 15 million in a country of 78 million inhabitants. The most followed Face-book pages in Iran are reported to be those of singer Shadmehr Aghili, a Persian pop singer based in Los Angeles who has almost two million “likes,” the London-based and banned Farsi entertainment channel Manoto TV, and Colombian musical icon Shakira, who is followed by more than 1.5 million Iranians but has no ties to Iran at all. BMW, Mercedes-Benz, Zara and Gucci are the most-followed brands on social networks. In the sports category, first place goes to Spanish soccer club FC Barcelona, with 800,000 followers, while Real Madrid comes second with about 700,000 fans. Millions of Iranians also have accounts on Instagram, and upload videos on Vimeo or YouTube. Even Foreign Minister Mohammad-Javad Zarif has a frequently updated Twitter account, which can claim 200,000 followers. But all these figures do not mean restrictions are non-existent. Cardenas writes, “The barriers make the simple act of accessing the Internet a considerable headache, while surfing the Web, exchanging programs or downloading files become challenging missions that can only be accomplished by experts who know how to breach the firewall.” Internet penetration in Iran is generally put at 55 percent, the second-highest in the Middle East, right behind Israel. The government itself estimates that the country has 45 million active Internet users. A survey recently released by the Ministry of Youth and Sports says that 70 percent of Iranian youth surfing the Internet use anti-filters. “Every week I see a dozen customers to install anti-filters,” a computer engineer who preferred to remain unnamed told Cardenas. “Six years ago [after the post-election disorders], these problems increased,” the engineer said, explaining that “there are several types of anti-filters, but the most popular ones are the VPN [Virtual Private Network] or proxy technologies,” which connect users to the Internet through servers located outside Iran. Millions of Iranian computers sport the logos of Psiphon, Freegate, Ultra Soft, Tor or other programs that allow users to navigate the web freely—and undetected. Cardenas writes, “These programs may remain in use for weeks, sometimes even months, before the authorities manage to locate and block them, prompting users to find another program or an update.” There are also people who hire foreign companies for specific VPN services, some of which are supported by a US government fund to help IT companies stay ahead of censorship by Iran and other authoritarian regimes. “Internet censorship is ridiculous. If people want to see pornographic photos or political websites, they will do so

without problems,” a young network expert, who also requested to remain anonymous, told Cardenas. He said he has “many customers who are very religious,” for whom he installs VPN because they consider the government’s practices too restrictive. Besides of the annoying task of keeping the anti-filters constantly updated, the government’s censorship can cause many inconveniences for Internet surfers. For example, the Adobe program (used by many online videos) does not work through a proxy, since it cannot identify the user. Other problems include installation of legally-licensed software or, for example, the drivers for a newly purchased printer, which cannot be installed correctly. “Surfing the web has become a game of tag in which huge amounts of time and effort are wasted,” concludes Cardenas. “Rather than actually preventing access, censorship simply complicates the matter a bit.” In an interview with US National Public Radio (NPR) in New York last month, Foreign Minister Zarif tackled the testy topic of censorship. He said: “A large segment of Iranian population who are very traditional believe that it is the job of the government, the responsibility of the government, to create social conditions that are safe—that the children, when they go on the Internet, do not face profanity, do not face prostitution, do not face pornography—so that it is the job of the government to create a barrier for them, to create that social security net for them. “And the debate in Iran on how this can be done is an ongoing debate. It’s far from being settled. It’s clear where I stand on that debate, but I do not, nor does the government, determine the outcome of a domestic, social debate. It’s a social debate that needs to be addressed. Even when we introduced high-speed mobile Internet, there were a lot of objections from more traditional centers in Iran. “So that’s an ongoing process and I hope at the end of the day, from my perspective as an Iranian citizen, not necessarily as an Iranian official, that one day these platforms will be free.”

Alt Cause – Next US Republican president will kill Iran deal anyways

Toosi 7/14 (How a Republican president could kill the Iran deal,

<http://www.politico.com/story/2015/07/gop-president-iran-deal-kill-120077.html>, Nahal Toosi, Nahal Toosi is a foreign affairs correspondent at POLITICO, 7/14/2015)

If the next president hates the nuclear deal with Iran, he (or she) can undo it after taking office. The dilemma: Use blunt force? Or go for a soft kill? Story Continued Below The accord reached this week in Vienna promises broad sanctions relief to Iran in exchange for significant curbs on its nuclear program. The agreement has taken years to negotiate, involves seven countries as well as the European Union and the United Nations, and relies upon the expertise of scientists as well as diplomats. But at the end of the day, the “deal” is at most a political arrangement — not a treaty or other form of signed legal document. That means that the presidential candidates who have threatened to cancel the deal — so far all of them Republicans — can keep their promise by using the presidency’s executive authority to reimpose suspended U.S. sanctions on Iran and withdrawing from panels involved in implementing the accord. That abrupt approach may be quick, but it also carries risks. For one thing, a sudden U.S. withdrawal could anger the European and Asian countries also involved in the deal, making them less inclined to reimpose their own sanctions on a country they consider an alluring trading partner. The international business community may resist efforts to once again seal off a youthful, well-educated nation with vast energy reserves. And Iran could respond to the U.S. move by resuming elements of its nuclear program, which the West has long suspected is aimed at making weapons. “If we try to reimpose sanctions on Iran and no one follows, then we have the worst of all worlds,” said Robert Einhorn, a former Iran nuclear negotiator at the State Department. Instead, even the deal’s most ardent critics say, a new president might be better off taking a more subtle, longer-term approach, one

that involves laying the groundwork to ultimately convince the world that Iran — through perceived violations, intransigence, foot-dragging or whatever a president chooses to highlight — has left the U.S. no choice but to quit the deal. “You say it’s a bad deal, but you don’t just rip up the deal,” said Mark Dubowitz, executive director of the Foundation for Defense of Democracies. The first step for a newly inaugurated president would be to order a review of the accord, which will already have been in effect for roughly a year and a half. It’s possible the Iranians will have been accused of violating the deal by the time a new president takes office, so a review could tally those transgressions to sow doubts in the minds of the American public about the soundness of the agreement. Depending on how major the violations are, the U.S. might also be able to convince other nations that the deal isn’t working. Even if the Iranians haven’t committed any or many notable violations, there are other factors a president could point to. Take the regional situation: If Iran, either directly or through proxies, has escalated its interference in other countries in the Middle East, a president could blame the nuclear deal by saying it has given Tehran economic leverage to pursue mischief outside its borders. America’s Arab allies, who have watched Iran make inroads everywhere from Syria to Lebanon to Iraq, have long argued that the Iranian government will take advantage of sanctions relief to funnel more money toward its regional aggression. Here, a U.S. president — and a hawkish Congress — also has the option of leveling new sanctions on Iran that aren’t necessarily tied to its nuclear program but rather to its support for terrorist groups. (Existing sanctions that target Iran over its support for terrorism and its abuses of human rights won’t be lifted under the nuclear deal.) At the very least, the new sanctions will increase the tension between the U.S. and Iran, possibly even leading to a backlash from Tehran that boosts the U.S. president’s standing. Dubowitz said it’s critical that the U.S. sanctions target in particular the Iranian Revolutionary Guard Corps, the powerful military unit that controls a large chunk of the Iranian economy and is behind much of the country’s interference in other states. At the same time that the U.S. is adding sanctions, it should remind the international business community of the riskiness of doing business in Iran, Dubowitz added. How U.S. allies in the region — especially Israel — feel about the deal in 2017 and beyond could also affect a U.S. president’s ability to make a case against the Islamic Republic. If Israel’s leaders insist that the accord is not working and can point to intelligence or other evidence that backs up their claim that gives added credence to the president’s decision to walk away from the agreement. (Already on Tuesday, Prime Minister Benjamin Netanyahu ripped the deal as “a historic mistake.”) Not that any of this is simple or predictable. A president determined to get rid of the deal, but unwilling to do so through an abrupt withdrawal, could find that it will take longer than one term, or even two, to make his case to the world. He might even find it hard to get his own administration on board. “Even if you get a total nut job in the Oval Office, you’re going to have a policy fight internally,” arms control expert Jeffrey Lewis said. “Regardless of what Republicans say, they tend to do things that are much more moderate because it’s hard to move the government.” At least one Republican presidential candidate appears to be taking this reality into account. New Jersey Gov. Chris Christie said earlier this month that although he was disturbed by President Barack Obama’s efforts to strike a deal with Iran, he wouldn’t promise to undo it if elected. His stance was far more cautious than that of other GOP White House contenders such as Florida Sen. Marco Rubio and Wisconsin Gov. Scott Walker, who have said they’d revoke the deal unless it meets their more stringent requirements. “I’m not one of those guys who’s going to say to you, ‘On Day One, I will abrogate the agreement,’” Christie told a group of Republicans in New Hampshire. “On Day One, I will look into and try to decide what to do with the agreement, depending on where we are at that moment. Because, by the way, it’s not just us involved anymore. We have a number of our allies around the world who’re at that table

as well, and sanctions are most effective when not only we do it, but the other allies do it.” Still, it’s not unprecedented for an administration to abandon an agreement signed by a predecessor. Even if the agreement rose to the level of a treaty, a U.S. president has so much power in the realm of foreign policy that he could withdraw from it, the way George W. Bush left the 1972 Anti-Ballistic Missile Treaty with Russia. America’s 1994 nuclear deal with North Korea, meanwhile, died a slow and painful death after years of alleged violations by both sides. AP Photo One potential wild card in the Iran case is whether the U.N. Security Council will pass a resolution that gives the deal some binding status under international law, said Tyler Cullis, a legal fellow with the National Iranian American Council, a group that supports the talks. Although a president could in theory simply disregard such a resolution, he would be taking the risk of putting the U.S. in violation of international law if he unilaterally withdraws without a lawful justification. Dubowitz, one of the most vocal skeptics of the Iran talks, insisted that if he were president his goal wouldn’t be to outright destroy a deal but to try to ensure that Iran never achieves nuclear weapons capability. He doubts the current deal does that because, he says, Iran will be able to expand its economic might as sanctions fade, making it even easier for it to resume nuclear activity once restrictions on its program start to drop off after the first 10 years of the agreement. So he envisions a 10-year timeline to strengthen America’s hand against Iran, one that would involve a U.S. president laying the groundwork for his successor and making some new demands from Iran. The president could insist, for instance, that if within five years U.N. inspectors cannot verify that Iran’s nuclear program is entirely peaceful, then the restrictions on Iran’s nuclear activities that would have dropped off after year 10 would stay on. It might not make for an easy soundbite on the 2016 campaign trail, but this longer-term approach could ultimately yield a less-dangerous Iran without undermining America’s international standing. “There’s always a quicker way, but the question is, ‘Is there a smarter way to accomplish your objective?’” Dubowitz said. ““I hope all our candidates are thoughtful in how they deal with what I think is increasingly an incredibly difficult situation for the next president to handle. This deal is going to leave the next president with an excruciatingly difficult decision: either to accept an Iranian bomb or to bomb Iran.”

Iran won’t launch a nuke—only interested for defensive purposes

Shanahan 15 (Roger Shanahan; Jan. 8th 2015; ANU’s National Security College and is a non-resident fellow at the Lowy Institute for International Policy; “Would Iran Start a Nuclear War?”; National Interest; <http://nationalinterest.org/blog/the-buzz/would-iran-start-nuclear-war-11995>) jskullz

¶ The language is dramatic but the posts lack much by the way of reasoned argument. Don’t get me wrong, I’m a devoted counter-proliferator and think that a nuclear-armed Iran should be stopped simply to avoid other states seeking to do the same. But I disagree with the view advocated by Andy Nikolich and others that a nuclear-armed Iran will seek to use those weapons to become more regionally influential or to launch them against Israel.¶¶ (Recommended: 5 Iranian Weapons of War Israel Should Fear) ¶¶ The main reason I oppose such views is because they lack intellectual rigour. Firstly, simply having nuclear weapons doesn’t make anyone more influential. Pakistan and India are no more influential following their acquisition of a nuclear capability than they were before it. Influence comes through a range of media, and Iran has always understood that in many ways it’s an outsider in the region—ethnically, linguistically and religiously different from its Arab and Turkic neighbours. Hence its reliance on allies and proxies to exert influence—and that wouldn’t change if it became a nuclear-capable country.¶¶ Second, Andy’s argument is predicated on Iran’s seeing a nuclear weapon as simply an offensive weapon. The reality is that nuclear weapons are often the ultimate defensive weapon. Tehran could look east and see how Islamabad’s nuclear capability has stopped it from going to war with India, and it could look west and see how Tel Aviv’s undeclared capability has deterred its neighbours from invading it. Its nuclear capability hasn’t stopped conflict or guaranteed military success for

Israel, as it has faced two intifadas, invaded Gaza, had to withdraw from southern Lebanon and fought a short but bloody war against Hezbollah in 2006. But none of those have been existential threats. ¶ ¶ (Recommended: Five Israeli Weapons of War Iran Should Fear) ¶ ¶ The argument follows that Tehran sees a nuclear capability as the ultimate shield, rather than as a potential sword. Having been invaded by the British and the Soviets in World War II, and then suffering through eight years of a war with Iraq backed by its Arab neighbours and some in the West that cost hundreds of thousands of lives, it's easy to see the logic of Tehran viewing a nuclear weapon as the ultimate shield. ¶ ¶ In order to protect the Islamic Revolution the leadership seeks to guarantee its survival from external attack first and foremost and a nuclear weapon would do that. Any preemptive use of such weapons would be nearly guaranteed to receive more in return and hence end the rule of those charged with ruling in accordance with God's will. Again, there seems to be no reason why the Supreme Leader would seek to do such a thing. Some have argued that a strain of Shi'a millenarianism would see Iran loose off volleys of nuclear weapons in order to set the conditions to hasten the arrival of the Awaited Imam. There's no explanation of how that would follow, nor evidence of any support for such a concept by the Supreme Leader, who is in charge of Iran's nuclear file. ¶ ¶ (Recommended: 5 Israeli Weapons of War ISIS Should Fear) ¶ ¶ Andy claims that Iran exhibits "a determination to leverage the anticipated benefits of that [nuclear] investment" and that it seeks a nuclear capability "because of the prestige, power and authority which Iran believes such weapons would give it, both regionally and beyond." What he doesn't do is explain exactly what he sees those benefits to be, nor how he sees Tehran achieving power and authority as a nuclear state. I agree that Tehran seeks regional influence commensurate with how it views its rightful place in the international system. But I don't see how having a nuclear capability achieves that other than by safeguarding it from existential threats. Rather, I'd argue that Iranian national power, and hence that of the Islamic Revolution, will be furthered by leveraging its enormous potential economic and human capabilities. In many ways that's what its Gulf neighbours truly fear. ¶

Dissent is key to democracy – censorship takes this dissent away

Atkins 11 (<http://www.times-standard.com/general-news/20110730/democracy-and-dissent-go-together>, Democracy and dissent go together, Linda Atkins, Staff Writer for the Times Standard, 7/30/11)

Throughout the history of our country, dissent has been important to bringing change to our government. Without dissent and protest, we would still be English citizens, people would still own other people as slaves, and women would not have the vote. Promoting a world view that doesn't allow citizens to protest the actions of their government is to take on the philosophy of all of the despots and dictators who kept their citizens silenced and afraid of retribution. Democracy is a living form of government that embraces the right of its citizens to protest decisions that they disagree with. A governing body taking a vote is sometimes just the beginning of the process. As an elected official, I have the duty to listen to and encourage the people of Eureka to speak out when their representatives act in ways that the public disagrees with. I consider those people who show up to speak to our council week after week as involved and caring citizens who want to be a part of shaping our community. Others have dismissed these citizens' concerns because they continue to come to our meetings and voice their ideas. I don't understand that reasoning. Somehow, their very involvement at our meetings bothers some who would prefer that the community just shut up and let them do whatever they want, without the complaint from the citizenry. I agree that participating in a democracy means that we continue to work with the people with whom we disagree in order to come to future compromises that benefit our community. I would never refuse to work with, or treat badly, council members or staff with whom I've had disagreements. I expect the people I work with to have the same resilience. Politics is often a rough-and-tumble exercise. Dissent and protest stretch our ability to take criticism and should lead us to examine what it is that people are upset about, not simply dismiss their complaints as unimportant. Unlike some past council members, I don't have the capacity to know what the people who are not communicating with me are thinking. During the protest of the city's recent action, I received overwhelming input against the action the city had taken. I responded to that input by encouraging the citizens to express themselves. Talking to fellow citizens and circulating petitions are time-honored ways for people to express their concerns. I

will continue to support the people of Eureka actively participating in their government. I think that increased participation is the key to solving many of the issues that face our city today. Innovative ideas about how to address problems often come from outside of a bureaucracy, because it sometimes takes a different perspective to come up with alternative solutions. The stifling of citizen involvement cuts us off from others' viewpoints and leaves us with no new information with which to make our decisions. I want to encourage the people of Eureka to continue to give input to their elected officials about decisions that are important to our community. Don't be discouraged by the disregard of your concerns from some in the community; you know you were heard because of the nature of their response to your vocal protest in their July 22 My Word. It sometimes takes sustained communication to convince some elected officials that the public should not be ignored. I don't believe that, as a public official, I somehow know better than my fellow citizens what the correct direction is to move our city forward. I rely on all of you to help steer my decisions in a way that will help to bring positive changes and open communication between all people in our city. I challenge my fellow council members to join me in becoming aware of our use of the divisive language that has become so popular in our country today. It's easy to slip into this destructive habit of dismissing the people we disagree with. Dissent and protest represent the health of our democracy, while dismissal and divisiveness represent its deterioration. I will continue to speak up when I think something is wrong or when I disagree with a decision. I will continue to encourage others to do so, too. The framers of our democracy were very wise to include the right to dissent and protest in our governing documents. These rights allow our democracy to remain a strong and vibrant form of government.

Iran democracy key to preventing Middle East conflicts and terrorism

6/30/2015 (<http://www.cnn.com/2015/06/30/opinions/iran-nuclear-talks-parsi/>, Iran's nuclear talks: Five reasons why a deal would be good for the U.S., Trita Parsi, founder and current president of the National Iranian American Council, author of Treacherous Alliance and A Single Roll of the Dice, 6/30/2015)

Third, the deal will help unleash Iran's vibrant, young (the median age is 28!) and moderate society, which is continuously pushing Iran in a democratic direction. The deal enjoys solid support among the Iranian public as well as among Iranian civil society leaders, partly because they believe the deal "would enable political and cultural reforms." America benefits if the democratic aspirations of the Iranian people are increasingly met, because a more democratic Iran is a more moderate Iran. What's the deal with the Iran nuclear negotiations? **This is particularly important at a time when the violent winds of religious radicalism are ravaging the Middle East and beyond. America is in desperate need of an injection of political moderation in the region. An Iran that moves towards democracy could provide that.**

Uniqueness

Iran Censorship Declining Now

Strictness of Iran censorship policies decreasing rapidly

Azizi 15 (<http://www.al-monitor.com/pulse/originals/2015/02/iran-books-culture-minister-publishing-ali-jannati.html#>, Iranian writers welcome decline of censorship, Arash Azizi, writer, journalist and broadcaster. Based in London, he currently hosts one of the most-watched news shows in Iran, 2/10/15)

When Iran's President Mahmoud Ahmadinejad faced off with his primary opponent, Mir-Hossein Mousavi, in a heated televised debate in 2008, the unyielding leader conceded at least one point. When Mousavi criticized the state for its arbitrary book censorship under Ahmadinejad, the president responded, "Yes, I agree with you on that. I have written to the culture minister and warned him about this." After eight difficult years of strict censorship under President Mahmoud Ahmadinejad, Iranian writers say that literary freedom is increasing under the new administration. Simply put, the eight years of Ahmadinejad's presidency were some of the toughest for Iran's publishing community. Facing a massive increase in censorship and harassment, many writers simply gave up trying. In 2013, President Hassan Rouhani came to power, promising to inject new life into the country's cultural scene. He seems to have made good on at least one of his promises, and many writers and publishers have told Al-Monitor that book censorship has eased considerably. Speaking last week at an annual book award ceremony in Tehran, Rouhani criticized the arbitrary censorship of books and said he prefers to transfer the task of book supervision to the publishing industry itself. It is hard to overstate how beleaguered Iran's writers and publishers felt during the eight years under Ahmadinejad. The Islamic Republic has never been a bastion of freedom of expression, but during that time, things were taken to a different level. Under President Mohammad Khatami (1997-2005), especially his first term, the vast majority of restrictions on book publishing were lifted. The complicated power structure in Iran meant that writers could still face persecution, but Khatami's Ministry of Culture and Islamic Guidance actually stood by their side in most cases. "We'd go to the courts and defend the books that had been published," Khatami's Deputy Culture Minister Ali Asghar Ramezanpoor told Al-Monitor. After years of censorship, leftists could finally buy works by Marx and Lenin while reinvigorated journalists wrote books criticizing the highest figures in the establishment. All this came to a rather abrupt end when Ahmadinejad took power. His hard-line Culture Minister Mohammad Hossein Safar-Harandi immediately annulled many of the permissions issued by his predecessor. "This huge wall was raised and we felt like we had zero chances to publish any book," Anita Yarmohammadi, one of Iran's up-and-coming young novelists, told Al-Monitor. Ramezanpoor, who headed the ministry's powerful culture department, remembers the first weeks of the Ahmadinejad administration very well. He was repeatedly called to court to answer for the books he had allowed to be published. These were not only controversial titles like "Veil and the Male Elite: A Feminist Interpretation of Islam" by Moroccan Fatema Mernissi or journalist Akbar Ganji's "The Red Eminence and the Grey Eminences." Ramezanpoor also remembers being questioned, bizarrely, over a book about human biology. The new censors were uncomfortable with how words like "guardian" or "leadership" had been employed to describe blood cells, as the words are also used to describe the position of Iran's supreme leader. The ministry's culture department was to be headed by people like Parviz Mohsen, who said those who complained about censorship "were actually against the entire regime of the Islamic Republic," or Bahman Dorri, who once headed the publishing department of the Iranian

Revolutionary Guard Corp (IRGC) and who had penned titles like “The Absolute Guardianship of the Jurist is a Pillar of the Religion.” Veteran publishers, such as feminist Shahla Lahiji, described that era as being worse than the war-torn 1980s. The works of foreign writers such as William Faulkner, Federico Garcia Lorca and Gabriel Garcia Marquez were banned, despite having been best-selling favorites for years. Classics of modern Persian literature, from Sadeq Hedayat to Forough Farokhzad, also faced difficulties. Bizarrely, even the works of Khawja Abdullah Ansari, a Persian Sufi of the 11th century Herat, faced restrictions. Less than two years into the Rouhani administration, things are very different. New Culture Minister Ali Jannati, while not necessarily known as a Reformist, has a distinction of being “quite open-minded,” as Ramezanpoor has complimented him. It helps that his father is one of the staunchest hard-line figures of the establishment, Ayatollah Ahmad Jannati. For actions such as openly speaking out against Internet censorship, Jannati has now become a favorite target of the hard-liners. His father has repeatedly said that he disapproves of his son, and he is touted as the next in line of ministers that the conservative-dominated parliament threatens to impeach. But while Internet and press censorship makes a lot of headlines, the easing of censorship over books has happened quietly and without much controversy. “People in all echelons and levels of the ministry have changed,” Ramezanpoor said. “Ahmadinejad had appointed people with backgrounds in the IRGC, military or judiciary. Now, once more, we have literary-minded people working in the ministry.” This progress is in line with what Jannati promised at the outset. Criticizing the previous administration, he said, “People without the necessary knowledge used to stop some books from publication with their empty excuses,” joking, “If the Quran hadn’t come from God, they would even ban that.” New Deputy Culture Minister Abbas Salehi promised an answer to all applications for publication permits within 30 days and an end to arbitrary bans. Reports show that so far, he has mostly made good on the promise. “It’s like a miracle,” said Yarmohammadi. “My new novel got a response in less than a month. And they only wanted a few changes.” Nikoo Khakpoor, a novelist living in London and Tehran, told Al-Monitor, “One of the great things is that they let us talk to the reviewers once more to see what their concerns are. The wall has been lifted.” Eminent literary figure and translator Arsalan Fasihi told Al-Monitor, “Things have become a lot better.” Many of his translations of Orhan Pamuk, the Turkish Nobel laureate, are now coming out after having been barred from publication for close to a decade. He said that Pamuk is to visit Iran this month for the launch of the Persian translation of his first book, “Cevdey Bey and His Sons.” As always, optimism must be tempered with caution. Tahmine Milani, a well-known director, was recently summoned to court to answer for a book that has been published legally — a well-known tactic of the Ahmadinejad years that the new administration has promised to stop. The latest work by Iran’s premier novelist, Mahmood Dowlatabadi, has not received a permit, despite having already been published and celebrated in English and German. Ramezanpoor said that the hard-liners could start targeting this renewed freedom. He’s not terribly hopeful for the long term. But many prefer to be hopeful for now. “It is like this big dam has been removed and the river is flowing once more.” Yarmohammadi muses. “I see the coming days full of energy and life.”

Iran Censorship Fails

Iran censorship is ineffective and fails

Iran Times 14 (<http://iran-times.com/internet-filters-irritating-but-ineffective/>, Internet filters: Irritating but ineffective, October 10, 2014, International Iran Times, news source about Iran)

A Spanish reporter visiting Tehran to check out Internet censorship concludes that it is a pain in the neck but doesn't really stop anyone with persistence from getting to content he or she wants to see. Ana Cardenas, a foreign correspondent with the Spanish news agency EFE, says confronting Internet censorship is “a daily struggle for many Iranians.” But, in the end, she says, “they can access all the online content they wish”—whether that be politics or porn. It is estimated that Iranian authorities block access to more than 5 million web pages, including popular social networks such as Facebook, Twitter and YouTube, but also pornography, religious topics, issues like women’s rights and any media considered hostile to the Islamic Republic. Needless to say, sites of human rights organizations and dissidents are among those blocked. However, according to the government’s own figures, at least 4 million Iranians have Facebook accounts. Other sources raise that figure to 15 million in a country of 78 million inhabitants. The most followed Face-book pages in Iran are reported to be those of singer Shadmehr Aghili, a Persian pop singer based in Los Angeles who has almost two million “likes,” the London-based and banned Farsi entertainment channel Manoto TV, and Colombian musical icon Shakira, who is followed by more than 1.5 million Iranians but has no ties to Iran at all. BMW, Mercedes-Benz, Zara and Gucci are the most-followed brands on social networks. In the sports category, first place goes to Spanish soccer club FC Barcelona, with 800,000 followers, while Real Madrid comes second with about 700,000 fans. Millions of Iranians also have accounts on Instagram, and upload videos on Vimeo or YouTube. Even Foreign Minister Mohammad-Javad Zarif has a frequently updated Twitter account, which can claim 200,000 followers. But all these figures do not mean restrictions are non-existent. Cardenas writes, “The barriers make the simple act of accessing the Internet a considerable headache, while surfing the Web, exchanging programs or downloading files become challenging missions that can only be accomplished by experts who know how to breach the firewall.” Internet penetration in Iran is generally put at 55 percent, the second-highest in the Middle East, right behind Israel. The government itself estimates that the country has 45 million active Internet users. A survey recently released by the Ministry of Youth and Sports says that 70 percent of Iranian youth surfing the Internet use anti-filters. “Every week I see a dozen customers to install anti-filters,” a computer engineer who preferred to remain unnamed told Cardenas. “Six years ago [after the post-election disorders], these problems increased,” the engineer said, explaining that “there are several types of anti-filters, but the most popular ones are the VPN [Virtual Private Network] or proxy technologies,” which connect users to the Internet through servers located outside Iran. Millions of Iranian computers sport the logos of Psiphon, Freegate, Ultra Soft, Tor or other programs that allow users to navigate the web freely—and undetected. Cardenas writes, “These programs may remain in use for weeks, sometimes even months, before the authorities manage to locate and block them, prompting users to find another program or an update.” There are also people who hire foreign companies for specific VPN services, some of which are supported by a US government fund to help IT companies stay ahead of censorship by Iran and other authoritarian regimes. “Internet censorship is ridiculous. If people want to see pornographic photos or political websites, they will do so without problems,” a young network expert, who also requested to remain anonymous, told Cardenas. He said he has “many customers who are very religious,” for whom he installs VPN

because they consider the government's practices too restrictive. Besides of the annoying task of keeping the anti-filters constantly updated, the government's censorship can cause many inconveniences for Internet surfers. For example, the Adobe program (used by many online videos) does not work through a proxy, since it cannot identify the user. Other problems include installation of legally-licensed software or, for example, the drivers for a newly purchased printer, which cannot be installed correctly. "Surfing the web has become a game of tag in which huge amounts of time and effort are wasted," concludes Cardenas. "Rather than actually preventing access, censorship simply complicates the matter a bit." In an interview with US National Public Radio (NPR) in New York last month, Foreign Minister Zarif tackled the testy topic of censorship. He said: "A large segment of Iranian population who are very traditional believe that it is the job of the government, the responsibility of the government, to create social conditions that are safe—that the children, when they go on the Internet, do not face profanity, do not face prostitution, do not face pornography—so that it is the job of the government to create a barrier for them, to create that social security net for them. "And the debate in Iran on how this can be done is an ongoing debate. It's far from being settled. It's clear where I stand on that debate, but I do not, nor does the government, determine the outcome of a domestic, social debate. It's a social debate that needs to be addressed. Even when we introduced high-speed mobile Internet, there were a lot of objections from more traditional centers in Iran. "So that's an ongoing process and I hope at the end of the day, from my perspective as an Iranian citizen, not necessarily as an Iranian official, that one day these platforms will be free."

Iran censorship isn't doing anything – people virtually have access to everything because of web encryption

Franceschi-Bicchierai 5/7/2015 (<http://motherboard.vice.com/read/irans-smart-instagram-censorship-isnt-that-smart>, Iran's 'Smart' Instagram Censorship Isn't That Smart, Lorenzo Franceschi-Biccheirai, staff writer for Vice, May 7, 2015)

In October of last year, the Iranian government blocked a popular Instagram page called the Rich Kids of Tehran that featured scantily-clad young Iranian women and luxury cars. In a country where internet censorship is widespread and sophisticated—as well as heavily circumvented by tech savvy citizens—the block did not come as a surprise. But it was much more than routine. When Iran blocked access to that page, it showed that it was capable of and willing to use a censorship technique that its government officials had been touting for years: smart filtering. Iran's internet is often referred to as the "filtnet" due to the government's heavy hand when it comes to blocking political dissent and online content deemed offensive to the country's conservative religious views. The entirety of Google, Facebook, Twitter, and YouTube have been inaccessible within the country for years. But over the past two years, government officials have been talking about a technique called smart filtering, in which only certain parts of a social network or website are blocked, leaving the rest freely accessible. Instagram has long been the last Western internet service to remain untouched—and smart filtering might be the reason why. "The lack of HTTPS on Instagram allowed Iran to not only filter content on the platform, but also find out who is browsing what." However, it turns out smart filtering isn't actually that smart. Iran's ability to block only certain Instagram profiles, rather than having to block the entire social network, was mostly aided by Instagram's lack of encryption, according to a new report published on Thursday. "The lack of HTTPS on Instagram allowed Iran to not only filter content on the platform, but also find out who is browsing what," Frederic Jacobs, an independent security researcher, told Motherboard. The smart filtering of Instagram, which was done through

the use of Deep Packet Inspection (DPI)—a technology that can monitor which websites users are accessing on a network, and flag unencrypted traffic intended for specific pages or sites—was only possible because most of Instagram’s API was not encrypted with HTTPS, according to Jacob’s analysis. The report also shows that Iranian censors were mostly worried about blocking pages of Western celebrities like Justin Bieber and Madonna, as well as profiles that contained provocative pictures of women. The latter included fashion brands such as Vogue and even VICE’s own i-D magazine. Bizarrely, there was very little censorship of political or reformist content, nor did the censors do a very thorough job, according to the two authors of the report, Mahsa Alimardani, an Iranian Internet researcher, and Jacobs. Sometimes, for example, the Instagram page of a fashion brand was blocked while its corresponding site wasn’t and viceversa. “It’s really incoherent,” Alimardani told Motherboard. “I’m not sure who or what does the filtering but it seems like it’s some random guy sitting there and going ‘OK, Justin Bieber, we don’t like him we’re going to filter him.’” But sometime during the last two weeks, Jacobs noticed, Instagram expanded its use of encryption to include more parts of its API and app. Thanks to this change, Iranian censors cannot easily block only certain profiles anymore, since they are all loaded over HTTPS, Jacobs explained. With the switch to HTTPS, Instagram effectively made Iran’s smart filtering obsolete. In fact, the pages that Jacobs and Alimardani found were blocked during their analysis in early April are now accessible, according to a test performed for Motherboard by Nariman Gharib, an Iranian researcher based in London. With the switch to HTTPS, Instagram effectively made Iran’s smart filtering obsolete. “This is a brilliant example of why Internet services should deploy HTTPS,” Jacobs said, adding that it’s now an “all or nothing” situation for Iran: either the censors block the entire Instagram domain and app, like they do with Twitter or Facebook, or they’ll have to resort to more sophisticated and costly techniques such as doing man-in-the-middle attacks using fake or bogus digital certificates. There is, however, one more possibility: although Iran can no longer block entire pages, it can block specific photographs posted to a user’s profile page. This is because photos are still loaded over an unencrypted connection, according to Jacobs. In fact, this might already be happening. Users inside of Iran who visit the page of Iranian actress Golshifteh Farahani, for example, can only see some pictures, according to Gharib, who accessed the page through a proxy in Iran. Instagram did not respond to Motherboard’s request for comment, but the company has long said that it has been working to expand its implementation of HTTPS. It’s unclear why it took so long, however, given that Facebook and Twitter have been fully encrypted for years. “I definitely think that took way longer than it should have,” Jacobs said, but added that he doesn’t know enough about the challenges Instagram’s engineers faced to blame them for the delay. “The Iranian government is realizing that their censorship policy isn’t working.” The Committee to Determine Instances of Criminal Content (CDICC), also known as the Filtering Committee, did not respond to questions sent via its website’s contact form. “The Iranian government is realizing that their censorship policy isn’t working,” Alimardani said. “They have no control over the system they’re trying to control. By trying something like intelligent filtering they’re trying to regain their foothold in censorship.” Yet, thanks to web encryption, this attempt might be already failing.

Uniqueness Alt Cause – Iranians Can Easily Bypass

Iranians finding new ways to bypass censorship

McCullagh 09 (<http://www.cnet.com/news/iranians-find-ways-to-bypass-net-censors/>,
Iranians find ways to bypass Net censors, Declan McCullagh, Senior Staff Writer for CNET, June 17, 2009)

A new generation of Iranians has found ways to bypass the country's notoriously censorial Internet restrictions and disseminate details about Iran's internal turmoil in the wake of the recent election. In technical circles, at least, Iran is well-known for erecting one of the world's most restrictive Internet blockades, second only to China in its scope. Certain blogs are cordoned off, politically unacceptable keywords are blocked, and Web sites like Facebook, MySpace, Flickr, the BBC, and YouTube remain--at least at the moment--off-limits. That has complicated the task of distributing videos and e-mail descriptions of the hundreds of thousands of demonstrators marching in the streets to protest the reelection of President Mahmoud Ahmadinejad. Supporters of reformist leader Mir Hossein Mousavi have alleged that the election was a fraud. But the government's censors have been unable to staunch every data leak. "The bottom line is that a lot of information is still getting out," says Zahir Janmohamed, advocacy director of the Middle East and North Africa for Amnesty International USA. Watch CBS Videos Online Harry Smith of CBS News speaks with Steve Grove, director of news video at YouTube, about the role YouTube is playing in Iran as the country tries to crack down on news organizations. Some of the online restrictions appeared around the time of the election: that's when Facebook, BBC English (BBC Persia was already blocked), Technorati.com, and YouTube were added to the verboten-in-Iran list. One report says that YouTube's traffic from Iran has dropped by 90 percent in the last few days, and another says that Yahoo Messenger was blocked early Wednesday. Unconfirmed reports from Iran say Twitter.com is also blocked. One way around the government's online blockades is to find the electronic equivalent of a detour, which involves using something known as a proxy server. Here's how it works: Normally, a Web browser makes a connection directly to a Web site's Internet address. But that address can be easily discovered and added to the government's blacklist. The trick is to redirect Web browsing through a proxy, which could be a permanent commercial service or someone volunteering his or her computer temporarily. Then, instead of the relatively easy task of blocking Facebook.com or YouTube.com, the Iranian government has the far more difficult job--in practice, an impossible one--of identifying and blacklisting thousands of individual proxy servers. In the last few days, Web sites like proxysetupforiran.blogspot.com have sprouted, as have exhortations to engage in a bit of social activism by creating your own proxy server, complete with detailed instructions on how to do it. Twitter is abuzz with information on how to set up proxies and tips on how to keep addresses known to correspond to Iranian government computers from using them. Other sites have suggested filter-bypassing utilities like a Firefox plug-in that bypasses bans on connecting to Flickr.com or software called FreeAccess Plus that claims to circumvent restrictions on YouTube, MySpace, and some Persian-language sites blocked by Iran. Using Tor to stay anonymous Similarly, Iranian usage of the Tor anonymizing network has spiked. "We have seen a doubling of Tor users from IP addresses in Iran over the last few days," says Andrew Lewman, executive director of The Tor Project. Think of Tor as a far more complex and powerful version of a proxy server; once a computer with the right software installed connects to the Tor network, the rest of the connection becomes very difficult for even government agencies to monitor. Unlike some Web-based anonymizers or proxy servers, Tor can handle instant messaging communications as well. Watch CBS Videos Online Iran has a history of riots and protests. Students rioted in 1999 and 2003, but were put down quickly. The difference this time is the Internet. Bob Orr reports. Tor's public addresses can be blocked, of course, but enterprising individuals can set up private entry points. "You act as a secure relay into the Tor network," Lewman says, referring to private entry points. "From someone watching it, it looks like an SSL session between a browser and a web server, so it doesn't stand out. We look like SSL by design, because who's going to suspect a web browser?" (SSL stands for Secure Sockets Layer, the standard method of encrypting Web

connections to banks or credit card companies. There have been reports that Iran is blocking SSL too.) A Web site called iran.whyweprotest.net has recommended Iranians use Tor to cloak their identities and bypass government filters; a related one called TorIR.org offers instructions on how to configure the software for most common Web browsers. Daniel Calingaert, deputy director of programs at Freedom House, a human rights group, says Iranian authorities have been focused on jamming phones and satellite connections and have not paid as much attention to the Internet. "They're still focused on cat and mouse games with satellite broadcasting," Calingaert says. "They had jammed BBC Persia, which is probably the most respected and known source of news. And then we've heard that BBC moved to different frequencies. A lot of people are able to get it. It varies based on time of day and neighborhood." Janmohamed, from Amnesty International USA, says that because SMS text messages are curbed, Iranians have been using the Twitter application on mobile phones as an alternative. And now, he believes, the government has begun to pay attention. "When I look at the pattern of arrests from Saturday to today, initially you had the Mousavi supporters, the Calvin Klein activists--the urban elites--and now you're getting people of all different backgrounds," he says. "They're cracking down on a wider group of people." According to the OpenNet Initiative, a collaboration of Harvard University, the University of Toronto, the University of Cambridge, and Oxford University, Iran "uses the commercial filtering package SmartFilter--made by the U.S.-based company, Secure Computing--as the primary technical engine of its filtering system." McAfee now owns Secure Computing and sells the software as McAfee SmartFilter; a product description boasts of "a proven repository of more than 25 million blockable websites across more than 90 categories." (A U.S. economic embargo against Iran prohibits software licensing and the company has said in the past that the software is pirated. McAfee did not immediately respond to a request for comment on Wednesday. Harvard law professor Jonathan Zittrain, an OpenNet contributor, wrote in a blog post this week that "today Iran runs its own home-grown filtering software.) Even if Iranians can't always secure a reliable Internet connection to the outside world, they nevertheless have a potent voice: the Iranian and Persian diaspora, amounting to millions of former residents living abroad. It just takes one e-mail message with a video or photo attached for the contents to rocket around the diaspora and eventually end up on a place like TehranBureau.com. In a pinch, a simple phone call to a family member abroad can be transcribed for a Twitter feed. Freedom House's Calingaert says: "What makes this situation different from others and is driving a lot of it is that you have a very large and vibrant online and blogger community of Iranians outside the country." "People are really bypassing channels though Facebook and Twitter and contacting their cousins," Amnesty's Janmohamd adds. "You've got one of the largest Iranian diasporas in Los Angeles. Information is getting out there."

Iran citizens have the capabilities and tools to bypass internet censorship

Ya'ar 13 (<http://www.israelnationalnews.com/News/News.aspx/168898#.Vbpxp25Vikp>, Exclusive: Hacker Says Iranian Censorship Can Be Bypassed, Chana Ya'ar, staff writer for Israel National News, June 6, 2013)

An Israeli hacker says it's easy to bypass the tight Iranian government censorship wrapped around media and the Internet as 50 million citizens head for the polls this Friday. "In these days of relying on high-level Internet services we often forget that people were able to communicate even in the old days of intelligence before global data networks covered nearly every square meter of the planet," hacker "D." told Arutz Sheva in an exclusive interview on Thursday morning. "Iran is quite tricky, and even owning a regular TV satellite dish can get you into jail

and any type of out-of-the-norm radio transmission will immediately draw attention. But you don't need anything special. No Internet, no access to satellite phones or anything like that." Nevertheless, it is quite possible to get information about the elections and what else is happening in the country out of Iran, D. said. And it doesn't take a rocket scientist to do it -- just a little old-fashioned ingenuity. "People today are just spoiled, and if the images of the Gmail interface come up too slow, they are unable to communicate across borders," D. added with a chuckle. "Text is apparently no longer enough – people want HD video. Otherwise they don't take things for real." The hacker went on to explain that the current restrictions placed on the Internet by the Iranian government are a "known situation and not the first time Iran makes it nearly impossible to communicate raw data which is not disguised as regular HTTP web traffic." However, he added, there are "tricks that can be applied to any anonymity network, like FreenetProject..." and numerous others. "I hope that certain organizations will become involved and make sure that all the videos taken by people's smartphones will actually end up on YouTube," he smiled. Cell phones are indeed being monitored. The Internet is under surveillance. The Independent Media Review and Analysis (IMRA) watchdog organization on Thursday quoted Ali Bangi, director of ASL 19, as saying Iranian authorities have changed their deep packet inspection, and block all packets pre-emptively until proven innocent. Likewise the government has blocked the ports used by Virtual Private Networks (VPNs) – a tool used by Iranians and journalists to circumvent government censors. This has hampered the use of the TOR, a tool for anonymous Internet use. The Twitter social networking web site reported to the Committee to Protect Journalists (CPJ) that its recent video about imprisoned journalists was no longer accessible in Iran – but that presidential candidates and the Supreme Leader all operate social media accounts. Dozens of local journalists have been jailed and numerous web sites and newspapers have been banned. Of the hundreds of international journalists who applied to the Ministry of Culture and Islamic Guidance for visas to cover this week's election, few were allowed to pass muster. Those granted permission were required to work with a government approved "fixer" who makes the arrangements for interviews, translators, drivers, technicians, permits and other red tape. In the past three weeks, the Islamic Republic has also invaded tens of thousands of Google's Gmail accounts, according an announcement Thursday by the search engine company. Most of the data theft victims were Iranian or used Farsi in their emails, which were violated through phishing, which installs a virus into a user's computer that records one's Gmail user name and password when one clicks on a link in an email. The information is then sent to a server monitored by the Iranian government.

I/L

Alt Causes - Next Prez

Alt Cause – Next US Republican president will kill Iran deal anyways

Toosi 7/14 (How a Republican president could kill the Iran deal,

<http://www.politico.com/story/2015/07/gop-president-iran-deal-kill-120077.html>, Nahal Toosi,

Nahal Toosi is a foreign affairs correspondent at POLITICO, 7/14/2015)

If the next president hates the nuclear deal with Iran, he (or she) can undo it after taking office.

The dilemma: Use blunt force? Or go for a soft kill? Story Continued Below The accord reached this week in Vienna promises broad sanctions relief to Iran in exchange for significant curbs on its nuclear program. The agreement has taken years to negotiate, involves seven countries as well as the European Union and the United Nations, and relies upon the expertise of scientists as well

as diplomats. But at the end of the day, the “deal” is at most a political arrangement — not a treaty or other form of signed legal document. That means that the presidential candidates who have threatened to cancel the deal — so far all of them Republicans — can keep their promise by using the presidency’s executive authority to reimpose suspended U.S. sanctions on Iran and withdrawing from panels involved in implementing the accord. That abrupt approach may be quick, but it also carries risks. For one thing, a sudden U.S. withdrawal could anger the European and Asian countries also involved in the deal, making them less inclined to reimpose their own sanctions on a country they consider an alluring trading partner. The international business community may resist efforts to once again seal off a youthful, well-educated nation with vast energy reserves. And Iran could respond to the U.S. move by resuming elements of its nuclear program, which the West has long suspected is aimed at making weapons. “If we try to reimpose sanctions on Iran and no one follows, then we have the worst of all worlds,” said Robert Einhorn, a former Iran nuclear negotiator at the State Department. Instead, even the deal’s most ardent critics say, a new president might be better off taking a more subtle, longer-term approach, one that involves laying the groundwork to ultimately convince the world that Iran — through perceived violations, intransigence, foot-dragging or whatever a president chooses to highlight — has left the U.S. no choice but to quit the deal. “You say it’s a bad deal, but you don’t just rip up the deal,” said Mark Dubowitz, executive director of the Foundation for Defense of Democracies. The first step for a newly inaugurated president would be to order a review of the accord, which will already have been in effect for roughly a year and a half. It’s possible the Iranians will have been accused of violating the deal by the time a new president takes office, so a review could tally those transgressions to sow doubts in the minds of the American public about the soundness of the agreement. Depending on how major the violations are, the U.S. might also be able to convince other nations that the deal isn’t working. Even if the Iranians haven’t committed any or many notable violations, there are other factors a president could point to. Take the regional situation: If Iran, either directly or through proxies, has escalated its interference in other countries in the Middle East, a president could blame the nuclear deal by saying it has given Tehran economic leverage to pursue mischief outside its borders. America’s Arab allies, who have watched Iran make inroads everywhere from Syria to Lebanon to Iraq, have long argued that the Iranian government will take advantage of sanctions relief to funnel more money toward its regional aggression. Here, a U.S. president — and a hawkish Congress — also has the option of leveling new sanctions on Iran that aren’t necessarily tied to its nuclear program but rather to its support for terrorist groups. (Existing sanctions that target Iran over its support for terrorism and its abuses of human rights won’t be lifted under the nuclear deal.) At the very least, the new sanctions will increase the tension between the U.S. and Iran, possibly even leading to a backlash from Tehran that boosts the U.S. president’s standing. Dubowitz said it’s critical that the U.S. sanctions target in particular the Iranian Revolutionary Guard Corps, the powerful military unit that controls a large chunk of the Iranian economy and is behind much of the country’s interference in other states. At the same time that the U.S. is adding sanctions, it should remind the international business community of the riskiness of doing business in Iran, Dubowitz added. How U.S. allies in the region — especially Israel — feel about the deal in 2017 and beyond could also affect a U.S. president’s ability to make a case against the Islamic Republic. If Israel’s leaders insist that the accord is not working and can point to intelligence or other evidence that backs up their claim that gives added credence to the president’s decision to walk away from the agreement. (Already on Tuesday, Prime Minister Benjamin Netanyahu ripped the deal as “a historic mistake.”) Not that any of this is simple or predictable. A president determined to get rid of the deal, but unwilling to do so through an abrupt withdrawal, could find that it will take longer

than one term, or even two, to make his case to the world. He might even find it hard to get his own administration on board. “Even if you get a total nut job in the Oval Office, you’re going to have a policy fight internally,” arms control expert Jeffrey Lewis said. “Regardless of what Republicans say, they tend to do things that are much more moderate because it’s hard to move the government.” At least one Republican presidential candidate appears to be taking this reality into account. New Jersey Gov. Chris Christie said earlier this month that although he was disturbed by President Barack Obama’s efforts to strike a deal with Iran, he wouldn’t promise to undo it if elected. His stance was far more cautious than that of other GOP White House contenders such as Florida Sen. Marco Rubio and Wisconsin Gov. Scott Walker, who have said they’d revoke the deal unless it meets their more stringent requirements. “I’m not one of those guys who’s going to say to you, ‘On Day One, I will abrogate the agreement,’” Christie told a group of Republicans in New Hampshire. “On Day One, I will look into and try to decide what to do with the agreement, depending on where we are at that moment.” Because, by the way, it’s not just us involved anymore. We have a number of our allies around the world who’re at that table as well, and sanctions are most effective when not only we do it, but the other allies do it.” Still, it’s not unprecedented for an administration to abandon an agreement signed by a predecessor. Even if the agreement rose to the level of a treaty, a U.S. president has so much power in the realm of foreign policy that he could withdraw from it, the way George W. Bush left the 1972 Anti-Ballistic Missile Treaty with Russia. America’s 1994 nuclear deal with North Korea, meanwhile, died a slow and painful death after years of alleged violations by both sides. AP Photo One potential wild card in the Iran case is whether the U.N. Security Council will pass a resolution that gives the deal some binding status under international law, said Tyler Cullis, a legal fellow with the National Iranian American Council, a group that supports the talks. Although a president could in theory simply disregard such a resolution, he would be taking the risk of putting the U.S. in violation of international law if he unilaterally withdraws without a lawful justification. Dubowitz, one of the most vocal skeptics of the Iran talks, insisted that if he were president his goal wouldn’t be to outright destroy a deal but to try to ensure that Iran never achieves nuclear weapons capability. He doubts the current deal does that because, he says, Iran will be able to expand its economic might as sanctions fade, making it even easier for it to resume nuclear activity once restrictions on its program start to drop off after the first 10 years of the agreement. So he envisions a 10-year timeline to strengthen America’s hand against Iran, one that would involve a U.S. president laying the groundwork for his successor and making some new demands from Iran. The president could insist, for instance, that if within five years U.N. inspectors cannot verify that Iran’s nuclear program is entirely peaceful, then the restrictions on Iran’s nuclear activities that would have dropped off after year 10 would stay on. It might not make for an easy soundbite on the 2016 campaign trail, but this longer-term approach could ultimately yield a less-dangerous Iran without undermining America’s international standing. “There’s always a quicker way, but the question is, ‘Is there a smarter way to accomplish your objective?’” Dubowitz said. ““I hope all our candidates are thoughtful in how they deal with what I think is increasingly an incredibly difficult situation for the next president to handle. This deal is going to leave the next president with an excruciatingly difficult decision: either to accept an Iranian bomb or to bomb Iran.”

Censorship Bad

Iran Democracy/Dissent Good

Dissent is key to democracy – censorship takes this dissent away

Atkins 11 (<http://www.times-standard.com/general-news/20110730/democracy-and-dissent-go-together>, Democracy and dissent go together, Linda Atkins, Staff Writer for the Times Standard, 7/30/11)

Throughout the history of our country, dissent has been important to bringing change to our government. Without dissent and protest, we would still be English citizens, people would still own other people as slaves, and women would not have the vote. Promoting a world view that doesn't allow citizens to protest the actions of their government is to take on the philosophy of all of the despots and dictators who kept their citizens silenced and afraid of retribution. Democracy is a living form of government that embraces the right of its citizens to protest decisions that they disagree with. A governing body taking a vote is sometimes just the beginning of the process. As an elected official, I have the duty to listen to and encourage the people of Eureka to speak out when their representatives act in ways that the public disagrees with. I consider those people who show up to speak to our council week after week as involved and caring citizens who want to be a part of shaping our community. Others have dismissed these citizens' concerns because they continue to come to our meetings and voice their ideas. I don't understand that reasoning. Somehow, their very involvement at our meetings bothers some who would prefer that the community just shut up and let them do whatever they want, without the complaint from the citizenry. I agree that participating in a democracy means that we continue to work with the people with whom we disagree in order to come to future compromises that benefit our community. I would never refuse to work with, or treat badly, council members or staff with whom I've had disagreements. I expect the people I work with to have the same resilience. Politics is often a rough-and-tumble exercise. Dissent and protest stretch our ability to take criticism and should lead us to examine what it is that people are upset about, not simply dismiss their complaints as unimportant. Unlike some past council members, I don't have the capacity to know what the people who are not communicating with me are thinking. During the protest of the city's recent action, I received overwhelming input against the action the city had taken. I responded to that input by encouraging the citizens to express themselves. Talking to fellow citizens and circulating petitions are time-honored ways for people to express their concerns. I will continue to support the people of Eureka actively participating in their government. I think that increased participation is the key to solving many of the issues that face our city today. Innovative ideas about how to address problems often come from outside of a bureaucracy, because it sometimes takes a different perspective to come up with alternative solutions. The stifling of citizen involvement cuts us off from others' viewpoints and leaves us with no new information with which to make our decisions. I want to encourage the people of Eureka to continue to give input to their elected officials about decisions that are important to our community. Don't be discouraged by the disregard of your concerns from some in the community; you know you were heard because of the nature of their response to your vocal protest in their July 22 My Word. It sometimes takes sustained communication to convince some

elected officials that the public should not be ignored. I don't believe that, as a public official, I somehow know better than my fellow citizens what the correct direction is to move our city forward. I rely on all of you to help steer my decisions in a way that will help to bring positive changes and open communication between all people in our city. I challenge my fellow council members to join me in becoming aware of our use of the divisive language that has become so popular in our country today. It's easy to slip into this destructive habit of dismissing the people we disagree with. Dissent and protest represent the health of our democracy, while dismissal and divisiveness represent its deterioration. I will continue to speak up when I think something is wrong or when I disagree with a decision. I will continue to encourage others to do so, too. The framers of our democracy were very wise to include the right to dissent and protest in our governing documents. These rights allow our democracy to remain a strong and vibrant form of government.

Dissent is a key part of democracy and progress – emperics prove

Bhargava 14 (<http://www.thehindu.com/opinion/op-ed/the-importance-of-dissent-in-democracy/article6123745.ece>, The importance of dissent in democracy, Pushpa M. Bhargava, staff writer for the Hindu, 6/30/14)

On October 31, 1570, Martin Luther nailed on the door of a church in Germany 95 objections to the Catholic faith that led to the emergence of Protestantism. Soon after, Galileo Galilei challenged the Church by stating that the Earth and other planets revolve round the Sun. He died under house arrest. In 1927, Heinrich Wieland received the Nobel Prize for Chemistry for discovering a structure of cholic acid which was proven to be wrong within a year. In 1959, Severo Ochoa and Arthur Kornberg shared a Nobel Prize for the discovery of enzymes that carry out the synthesis of RNA and DNA in living organisms. It turned out that these enzymes were not the right ones. In fact, the history of progress of mankind is a history of informed dissent; much of creative activity of high quality in all areas of human endeavour at any given time has been a reflection of such dissent. Today we favour democracy as the most acceptable form of governance because a citizen has a right to dissent without fear of victimisation — as long as such dissent does not lead to inhuman or unconstitutional action. By contrast, dissent in an authoritarian, dictatorial or colonial regime could lead to the severest of punishments — loss of life — as happened in colonial India, Hitler's Germany or Stalin's USSR. Platform for dissent. In a democracy, non-governmental organisations provide a platform to civil society to dissent in an informed and reasoned manner. They provide a mechanism for the ruled to keep a check on the rulers. There are of course NGOs that engage in illegal or objectionable activities using Indian and/or foreign funds, much like how 34 per cent of newly elected MPs in Parliament have criminal cases against them. Just as the majority of MPs do not have cases against them, a large proportion of our NGOs operate transparently and legally. The power that NGOs wield has increased concurrently with the increased demand for real and operational democracy. If it were not for our NGOs, we would not have the system of obligatory declaration of assets, now required by all those aspiring to be MPs. We would also not have the the Right to Information Act or the Protection of Plant Varieties and Farmers' Rights Act. Denigrating good NGOs would therefore imply that our democracy is only notional and not functional. Such denigration would smack of a dictatorial attitude. The recent Intelligence Bureau report on the "Concerted efforts of select foreign funded NGOs to 'take down' Indian development projects" casts serious aspersions on some of our best NGOs and distinguished citizens. The report also alleges that these NGOs would have a negative impact on GDP growth by 2-3 per cent by stalling, through agitation,

development projects such as nuclear power plants, uranium mines, coal-fired power plants, GMOs, projects by POSCO and Vedanta, hydel projects, and “extractive industries” in the north-east. By casting unwarranted and unproven aspersions on highly reputed NGOs such as Greenpeace and Nobel Prize-winning Amnesty International, and individuals such as Suman Sahai, Vandana Shiva, Aruna Rodrigues, Prashant Bhushan, Udayakumar, Admiral Ramdos and Praful Bidwai, the IB has indirectly indicted every individual and NGO that has voiced reasoned dissent in the interest of our country and its people, within our constitutional framework. Such an attitude on the part of the IB makes a mockery of our democracy. What is wrong in receiving funds from well-meaning individuals or bona fide organisations abroad who want to help a worthwhile cause in India? Doesn't the Indian government, for example, help worthwhile causes in Afghanistan? In fact, the Bureau should have looked at the damage caused by government funding to organisations like Salwa Judum in Chhattisgarh. Medha Patkar's Narmada Bachao Andolan started as a fully justified campaign on June 12 against the illegal raising of the height of the Sardar Sarovar dam from 122 to 139 metres, which will adversely impact over 2.5 lakh people engaged in various occupations. We know from past experience that nothing will be done for those who stand to be displaced by this move. But IB would probably condemn the above campaign in its next report. Let us look at how specious and ridiculous the arguments in the IB report are.

Iran democracy key to preventing Middle East conflicts and terrorism

Parsi 6/30/2015 (<http://www.cnn.com/2015/06/30/opinions/iran-nuclear-talks-parsi/>, Iran's nuclear talks: Five reasons why a deal would be good for the U.S., Trita Parsi, founder and current president of the National Iranian American Council, author of Treacherous Alliance and A Single Roll of the Dice, 6/30/2015)

Third, the deal will help unleash Iran's vibrant, young (the median age is 28!) and moderate society, which is continuously pushing Iran in a democratic direction. The deal enjoys solid support among the Iranian public as well as among Iranian civil society leaders, partly because they believe the deal "would enable political and cultural reforms." America benefits if the democratic aspirations of the Iranian people are increasingly met, because a more democratic Iran is a more moderate Iran. What's the deal with the Iran nuclear negotiations? **This is particularly important at a time when the violent winds of religious radicalism are ravaging the Middle East and beyond. America is in desperate need of an injection of political moderation in the region. An Iran that moves towards democracy could provide that.**

Iran democracy will spill-over to the rest of the Middle East – emperics prove

Ward, Cohen, et al. 2000 (John O'Loughlin¹, Michael D. Ward², Corey L. Lofdah³, Jordin S. Cohen⁴, David S. Brown⁵, David Reilly⁶, Kristian S. Gleditsch⁶, and Michael Shin¹
¹ Department of Geography and Institute of Behavioral Science, University of Colorado, Boulder
² Department of Political Science, University of Washington, Seattle
³ Science Applications International Corporation (SAIC), Burlington, MA
⁴ School of International Service, American University, Washington DC
⁵ Department of Political Science, Rice University, Houston, TX
⁶ Department of Political Science and Institute of Behavioral Science, University of Colorado, Boulder, The Diffusion of Democracy, 1946-1994,
<http://www.polmeth.wustl.edu/media/Paper/oloug97.pdf>, July 2000)

A shift in the tone of the research on democratization occurred between the 1950s and 1960s to the 1980s and 1990s (Shin 1994). While the earlier period was characterized by searches for the “conditions and prerequisites” of democracy, research in the past decade has emphasized the dynamics of the democratic transition and consolidation. For the examination of the large literature on democratization, a useful classification is based on geographic scale. Global or macro-level perspectives examine democratization as part of a large-scale process eventually reaching all peoples in all states. The process may be related either to an independent causal factor or can be self-generating. Meso-level or regional perspectives such as that of Deegan (1994) hold that, since the globe is a mosaic of different regions and states, some regional contexts are more amenable to political change than others. An identification of the factors by region will facilitate an understanding of why some contexts are mostly democratic (Europe) while other contexts are not (Middle East). Micro-level or state-oriented views such as that of McDonough et al. (1986) examine the conditions promoting democracy cross-nationally. By correlating independent economic and social characteristics with broad indicators of democracy, a general cross-sectional model is expected to predict where future democratizing trends are likely to be seen. One global perspective views the spread of democracy as the political outcome of the spread of capitalism from its European core in the centuries after 1500. The succession of world leaders (the Netherlands in the 17th century, the United Kingdom in the 18th and 19th centuries, and the United States in the 20th century) have each promoted a respective global ideology (Modelski and Perry 1991; Taylor 1996). The economic-political relationship is reciprocal with the success of democratic/capitalist states enabling these states to laud democracy as a superior form of organization. The stable, bipolar system of the Cold War collapsed in 1989 and with it fell the only concerted opposition, that of communism, to a world-system of democratic states. **At a regional or meso-level, certain types of regionally-clustered states are more susceptible to democratization than other regions due both to internal conditions and to “snowballing” or contagion effects from neighbors.** The internal conditions in neighboring countries have a lot in common, and provide similar impetus toward regime transition along the lines argued in the so-called “social requisites of democracy” school emanating from the work of Lipset (1959,1994) and others. The essential indicator, a growing GDP/capita, reflects a widening of the middle class, an increase in educational levels, urbanization and an economy that is industrializing and diversifying. In a global economic downturn, developing countries become especially attractive as sites for capital investment as a strategy to reduce costs and maintain profits in an increasingly competitive world-economy. Foreign investment in semi-peripheral states can be a “Trojan horse” because the social and political consequences of deeper incorporation into the world-economy can thus undermine authoritarian regimes.

Democracy solves extinction – key to prevent security threats, economic collapse, civil war, terrorism, proliferation, and weapons of mass destruction

Halperin 11 (Morton, Senior Advisor of the Open Society Institute, “Democracy is Still Worth Fighting For,” Unconventional Wisdom, http://www.foreignpolicy.com/articles/2011/01/02/unconventional_wisdom?page=0,6)

For there is one thing the neocons get right: As I argue in *The Democracy Advantage*, **democratic governments are more likely than autocratic regimes to engage in conduct that advances U.S. interests and avoids situations that pose a threat to peace and security. Democratic states are more likely to develop and to avoid famines and economic collapse. They are also less likely to become failed states or suffer a civil war. Democratic states are also more likely to cooperate in dealing with security issues, such as terrorism and proliferation of weapons of mass destruction.**

Iran democracy key to economy

Milani 10 (<http://www.tandfonline.com/doi/pdf/10.1162/0163660054026533>, U.S. Foreign Policy and the Future of Democracy in Iran, Abbas Milani Director of Iranian studies , Stanford University b Codirector of the Hoover Institution's Iran Democracy Project, 1/7/10)

Individually, these seven pillars seem insignificant, but together they can go a long way in shaping a strategy that can serve both the national interests of the United States as well as the will of the Iranian people. For Iran, democracy is no longer just a political ideal, but a sheer economic necessity. Only a democratic Iran can attract the requisite investments needed to solve Iran's endemic unemployment problems. For the United States, particularly during the second Bush administration, it has become the avowed centerpiece of U.S. policy in the Middle East. Ultimately, a successful U.S. strategy must assist the democratic movement and have the patience for the Tehran regime to collapse under its own inconsistencies. Internationally, part of the regime's raison d'etre and legitimacy in the eyes of its Hizballah flanks rests in its commitment to anti-Americanism. At the same time, in obvious contradiction to its self-ascribed anti-U.S. role, Tehran increasingly seeks a security guarantee or promise that the United States will not seek to overthrow the regime. It also wants and needs U.S. approval for the flow of capital desperately needed to solve Iran's economic woes. In this sense, Iran and the United States are both in a dilemma. The U.S. government wants to engage without strengthening the regime. The Islamic Republic, on the other hand, wants to achieve its goals without forfeiting its claim to be the sole Muslim country standing up to the world's superpower. The delicacy of the current U.S. position lies precisely in the fact that Washington must, with deft and calculated magnanimity, allow the regime to accomplish its inherently contradictory goals while wagering that the inconsistency in the Islamic Republic's position will open a gate for the Trojan horse of democracy to pass through.

Censorship Economy Turn

Iran will become key to the global economy after the deal is passed

Rosenfeld, Ward and Brennen 7/14/14 (Everett, Marguerite and Morgan, writers for CNBC, "Iran deal: Corporate winners from the nuclear agreement", <http://www.cnbc.com/2015/07/14/iran-deal-corporate-winners-from-the-nuclear-agreement.html>)//BW

Iran and six world powers reached an agreement on Tuesday to lift sanctions against the Islamic Republic, and while U.S. and Iranian leaders have heralded the deal as a victory, the real winners could be corporations across the globe. Iran holds the world's fourth-largest proved crude reserves and the second-largest natural gas reserves, according to the U.S. Energy Information Administration, so energy firms will be some of the clear beneficiaries of the deal. Most of those gains may not go to American companies, however, as they weigh the political costs of doing business with Tehran—especially considering the skepticism from Congress, according to Alireza Nader, senior international policy analyst at the Rand Corp. "Most likely European and Asian energy companies will see an increase in business—so companies like Total and Shell," Nader said. "For American energy companies, it's going to be tougher for them to go back in Iran." A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Morteza Nikoubazl | Reuters A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Other parts of the energy industry are also likely to benefit, including tankers and oilfield services, experts told CNBC. Citi Research analyst Chris Wetherbee said the opening of Iran is a "net

positive" for international tanker firms, because Iran's aging fleet won't be able to compete, and more energy supplies will be on the market. Companies like Scorpio Tankers and Navios Maritime Acquisition saw their stocks rise Tuesday. In a note published by Barron's, Simon Wong of investment firm Gabelli wrote that an agreement would "open investment opportunities in the country's oil and gas sector." That would likely benefit oilfield service firms like Schlumberger, Weatherford International and Halliburton. Earlier this year, Schlumberger pleaded guilty to violating U.S. sanctions related to Iran, agreeing to a three-year period without any operations in Iran. A spokeswoman told CNBC that the company was not in a position to comment on Tuesday's deal. While the energy industry may be the most obvious beneficiary of an Iran deal, banks will also stand to benefit, experts told CNBC. "All of the major banking institutions in the industrial world will try to finance and facilitate increased trade with Iran," Christopher Whalen, senior managing director at Kroll Bond Rating Agency, told CNBC. "It's a big country, (and) they are very Western-focused. Iranians are consumers of everything. You can anticipate anything from industrial equipment to consumer products will definitely be bought, and will definitely be financed." As for which U.S. banks stand to benefit, Whalen said the gains will be concentrated among some of the top financial institutions—Citibank, JPMorgan, Goldman Sachs and Morgan Stanley. Those banks, he said, will likely work to facilitate the shipment of goods and services to Iran, taking on a trade finance function, and supporting project finance. They may also reach out to Iranian banks about sovereign business, Whalen added. But American banks aren't the only ones that stand to benefit from a reduction of Iranian sanctions, Whalen said, explaining that they'll compete against European and Asian banks for the business. If sanctions on Iran's use of SWIFT (the financial messaging system that transmits and tracks international transactions) are lifted, then new financial sector opportunities could also open, experts said. "The SWIFT sanctions are more important at this point than any other type of sanctions because it affects all manner of industry and agriculture," Djavad Salehi-Isfahani, an economist at Virginia Tech, told CNBC earlier this year. Telecommunications firms may also be early winners, Blaise Misztal, director of national security at the Bipartisan Policy Center, said. Other industries could also benefit from the Iran deal. PSA Peugeot Citroen told Reuters that it's in advanced talks on an Iranian car-making venture with Iran Khodro and expects rapid progress. The political deal struck in Vienna "should clear the way for significant progress in our discussions," Peugeot's Africa and Middle East chief, Jean-Christophe Quemard, said in an emailed statement Tuesday. General Electric, which does business in Iran through its health-care division, could also consider expanding in the country. "We look forward to reviewing the details of the agreement reached and will watch the regulatory landscape that may unfold," the company said in a statement.

Internet censorship detrimental to the economy – China proves

Hoffman 13 (http://www.huffingtonpost.com/lindsay-hoffman/internet-censorship-a-thr_b_4395167.html, Internet Censorship: A Threat to Economic Progress in China?, Lindsay Hoffman, Professor of Communication and Political Science, University of Delaware, 12/06/2013)

Social media platforms such as Twitter and Facebook have helped to ignite an information revolution by allowing individuals around the world to use the Internet for communicating, learning, teaching, and protesting. However, these endless possibilities pose a threat to oppressive governments, and as a result, technology use has been severely limited in some nations. The

Chinese government's strict regulation of Internet exemplifies these limitations within the context of an increasingly powerful nation. **While the incredible economic progress of China over the past several decades suggests it is a threat to the status of the United States as the world's superpower, censorship may stop upward progress in its tracks.** The expansion of the Internet in recent years has rendered this technology necessary to the day-to-day lives of people throughout China and the world, and that dependence has become a significant tool of power for oppressive governments. Beyond establishing a great firewall to block thousands of sites from being accessed within China, the government also works to prevent opposition on social media websites and blogs. The government listens to what citizens are saying online, thereby enabling officials "to address issues and problems before they get out of control" (see Rebecca MacKinnon's book, "Consent of the Networked"). In early September, a Chinese judge re-interpreted Internet restrictions so that any individual spreading "slanderous rumors" on the Internet that are seen by 5,000 people or shared by 500 people could face up to 10 years in prison. This stricter interpretation of Internet limitations indicates that an open Internet China is not on the immediate horizon. Google Chairman Eric Schmidt recently made headlines when he visited Hong Kong and suggested that China's prevention of free expression online may pose a threat to continuing economic progress for the country. Although many people may not connect the Internet to economic success, Schmidt suggests that the limitations placed on online speech by Chinese officials will prevent the country from overcoming the "middle-income trap." This occurs when countries move up from a place of poverty but are unable to further progress, leaving them trapped on a plateau below higher-income nations. Schmidt seems to be a celebrant, as his words echo the notion that the Internet "has the power to determine outcomes" for people, countries, and the entire world, although McChesney argues that this perspective is "ultimately unsatisfactory" in a complex reality (see McChesney's "Digital Disconnect"). Schmidt criticized the 500-repost rule as well as other restrictions placed on citizens' words and behavior on the Internet by the Chinese government. He suggested that in order to solve economic problems such as unemployment, nations require the "entrepreneurs" and "innovation" that an open Internet encourages. As the Chairman for such an economically successful company as Google understands, individuals must be allowed to think of fresh ideas when they use their technology. Extensive firewalls and harsh punishments for certain forms of expression prevent citizens from being able to make creative and helpful economic contributions through the Internet. Schmidt's warning to the Chinese government seems intended to persuade the Chinese government that there may be negative consequences of a closed and restrictive Internet that they had not previously considered. The tireless attempts to maintain power over citizens through Internet regulation and censorship may actually be threatening the economic power of the nation in an increasingly technological world. The Chinese government may soon discover that when you hold on to something too tightly, it is far more likely to slip right out of your hands.

Global economic decline causes nuclear war

Hutchinson 14 (Martin, Business and Economics Editor at United Press International, MBA from Harvard Business School, former international merchant banker, 1-3-14, "The chilling echoes of 1914, a century on" Wall Street Journal) <http://online.wsj.com/articles/william-galston-secular-stagnation-may-be-for-real-1409095263>,

The years before 1914 saw the formation of trade blocs separated by high tariff barriers. Back then, the world was dominated by several roughly equivalent powers, albeit with different strengths and weaknesses. Today, the world is similarly multi-polar. The United States is in a position of clear leadership, but China is coming up fast. Europe is weaker than it was, but is still a force to be reckoned with. Japan, Russia, Brazil, India are also too powerful to ignore. A hundred years ago, big international infrastructure projects such as the Berlin-Baghdad Railway, and before it the Suez Canal, were built to protect favored trading.

Today's equivalent may be the bilateral mining partnerships forged between, for instance, China and mineral-rich African states. Today, the World Trade Organization offers some defence against tariffs. But protectionism could become entrenched if prolonged economic stagnation leads countries to pursue their own narrow interests. Germany, Austria, Russia and France lost between 20 and 35 percent of national output between 1913 and 1918, according to Angus Maddison's data used in Stephen Broadberry's "The Economics of World War One: A Comparative Analysis". British GDP declined in 1914 and 1915, but grew 15 percent over the four years, as did the U.S. economy. The 37 million military and civilian casualties may tell a more accurate story but if history were to repeat itself, the global conflict could be both more universal and more destructive. Nuclear weapons proliferate. Warped diplomatic anger could lead to the deployment of chemical and biological devices. Electromagnetic pulses could wipe out our fragile electronic networks. Like the assassination of Archduke Ferdinand that sparked World War One, the catalyst for cataclysm might be something quite surprising. A global run on bank and other investment assets or an outbreak of hyperinflation, maybe? These threats get more serious the more policymakers pump up equity, bond, property and banking bubbles. If global wealth evaporates, or is proven to be an illusion, today's largely cordial global entente could be smashed with precipitous speed.

Impact Stuff from Iran Ptx file

NEG Impact

Deal Good

Deal key to preventing Middle East War (already in 1NC shell)

Cirincione, 7/9/2015 (Joe, president of the Ploughshares Fund, “What You Need to Know About the Coming Deal With Iran,” http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

If Iran wants to build a nuclear weapon and the deal doesn't happen, is there any way to stop them? Does anyone really expect the U.S. to start a war with Iran by bombing their nuclear installations?¶ That's why this diplomatic deal is so promising. It's not without risk, and there are going to be problems with it, but it is far better than all the alternatives.¶ If the deal falls apart, especially if the U.S. is seen as the reason it falls apart - if Congress kills this deal - the sanctions regime will more or less collapse. Other countries aren't going to follow our lead. It doesn't matter if the Senate passes new sanctions. The other negotiating powers aren't going to go along with it.¶ This does not just mean Russia and China. It is also Japan and South Korea and Europe; the people who buy Iran's oil. And that means that Iran's economy will start to recover. The inspections regimes that are in place will end. The restraints on Iran's program will end. They will start installing thousands more centrifuges, enriching thousands of pounds of uranium and getting closer and closer to a bomb.¶ Whether they cross that line or not, they will clearly have the ability to build a weapon in a very short amount of time. That increases the risk of military action.¶ If Israel attacks Iran, if we strike Iran, it won't be a neat, little overnight strike, or two or three days of strikes. This will be weeks of bombardment against their hardened nuclear facilities, their air defenses, their ports and airfields. It will kill thousands of Iranians. It will be the beginning of a major war with Iran.¶ Former Secretary of Defense Robert Gates says that "if you think the war in Iraq was hard, an attack on Iran would, in my opinion, be a catastrophe." That is what we would be looking at; a major new war in the Middle East. That would be a disaster for the U.S., for Israel, and for the entire region.

Deal resolves the reasons for aggression—creates a more moderate Iran

Traub 7/21 (James Traub; July 21, 2015; fellow of the Center on International Cooperation; The Nuke Deal to End the Revolution; Foreign Policy; <http://foreignpolicy.com/2015/07/21/the-iran-nuke-deal-to-end-the-revolution-obama-policy/>) jskullz

¶ That level of alarmism is ludicrous, even by Netanyahu's standards, both because Iran's military capacities are very modest and because its ambitions are regional, not global. Nevertheless, Iran represents a special kind of danger to the world because, like revolutionary France, if not like Nazi Germany, it seeks to expand its area of control not simply as a matter of state interest but of ideological conviction. Iran is a revolutionary force bent on upending a regional status quo. And while France exhausted itself through perpetual warfare, ultimately discrediting the principles of the revolution, Iran's leaders have largely fought through proxies, preserving their standing, as well as the nation's manpower. Indeed, the very fact that Supreme Leader Ali Khamenei has given his blessing to the nuclear deal is a sign of the suppleness that has preserved the revolution after more than 35 years.¶ The regime is unlikely to destroy itself, and

the Iraq War should have cured even the most reckless soul of the belief that outside forces can institute regime change without cataclysmic results. The question then is, what actions by outsiders — if any — are most likely to reduce the potency of Iran's revolutionary ideology and thus curb its adventurous foreign policy? How, that is, can Iran come to resemble other ambitious-but-responsible emerging powers, like India or Turkey?¶¶ Could the nuclear deal itself begin to bring that about? In conversations I had starting in the summer of 2009, officials in President Barack Obama's administration expressed the very guarded hope that a new, more respectful approach to Iran might ultimately lead to just such an outcome. Now that Obama has gained the nuclear deal he sought, he is careful to say, as he did to the New York Times' Thomas Friedman, that he has no expectations of a kinder, gentler Iran. The president has learned quite a few painful lessons over the years about the intransigence of America's rivals (think of Russia in Ukraine or China in the South China Sea). What's more, he knows very well that both Netanyahu and many of his Persian Gulf allies regard his Iran policy as recklessly naive. There's no reason to compound the problem by putting forward overly optimistic scenarios.¶¶ There are, in fact, few grounds for optimism. As many commentators have noted, some portion of the \$100 billion to \$150 billion in bank funds to be unfrozen as sanctions are lifted will almost certainly go to the Iran's Revolutionary Guard or Hezbollah. Even absent that windfall, so long as Iran's Sunni adversaries, above all the Saudis, remain obsessed with countering Teheran's influence, both real and imagined, Iran can be counted on to support Shiite groups in Iraq, Lebanon, Yemen, and Syria.¶¶ In the short run, therefore, the nuclear deal is likelier to make matters worse rather than better, and the president may spend more of his remaining time in office countering Iran's aggressive moves than he will summoning its better angels, as the New York Times' editorial page recently urged him to do.¶¶ But what about the long run? What about changes, not in the behavior of the regime but in its ideological foundations — and thus in the balance of power between state and society? Is it reasonable to think that the nuclear deal might help tip Iran toward moderation? I think it is, and I imagine that Obama thinks so too, even if you won't catch him saying so.¶¶ Revolutions need adversaries. The best argument for ending the decades-long sanctions on Cuba was that inveterate American enmity had offered the Castros the perfect pretext for preserving their autocratic rule. Normalizing relations would unleash forces that would undermine the legitimacy of the communist regime and strengthen liberal forces. That process has only just begun, but it holds out far more promise of turning Cuba into a country that respects the international order than did the policy of endless antagonism. Iran, like Cuba, has used virulent anti-Americanism to preserve its grip over an increasingly restless citizenry.¶¶ The mullahs can still muster crowds to shout "Death to America," but they aren't as large as they once were. Unlike Cuba, Iran has a robust and growing middle class that is desperate to travel to and trade with the West. That class elected the moderate Hassan Rouhani as president in 2013. And it is this aspirational class that will ultimately be the agent of social transformation in Iran.¶¶ Of course, there are arguments on the other side. Cuba is dead broke and needs the lifeline from the West, whereas the nuclear deal is about to loose a cataract of revenue on Iran. If the United States really wants to tip the balance between the theological state and an increasingly aspirational Iranian society, therefore, Washington should keep tightening the screws of sanctions until the citizens rise up against their rulers — as then-President Ronald Reagan did by raising the ante of military spending until the Soviets bankrupted themselves. Nevertheless, that seems less likely to dislodge the mullahs from power than the dynamic of economic freedom.¶¶ Revolutionary societies don't last forever; they are eventually undone by their own contradictions. Mao gives way to Deng; Andropov to Gorbachev and then to Yeltsin (and then, alas, to Putin). Sometimes the United States confronts such regimes, sometimes it contains them, and sometimes it tries to

furnish an exit ramp. Until now, Washington has focused its policy toward Iran on the first two of those options. Now it is trying the third. It's a gamble. It is, however, vastly preferable to the alternatives.

Deal prevents nuke—all paths prevented and sanctions easy to reinstate

Lewis 7/14 (Jeffery Lewis; July 14 2015; director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies; “**It’s a Damn Good Deal**”; Foreign Policy; <http://foreignpolicy.com/2015/07/14/its-a-damn-good-deal-iran-nuclear-agreement-joint-comprehensive-plan-of-action/>) jskullz

The reduction in centrifuges remains substantial — the limits are the same as those reported when the framework was announced. Moreover, little worries I had, like whether Iran would agree to remove piping and other infrastructure along with the centrifuges themselves, were resolved favorably.¶ The Vienna Plan also provides a path to resolve the outstanding issues with the International Atomic Energy Agency regarding Iran’s past covert nuclear weapons program (known delicately as “possible military dimensions”) and provides a public description of something U.S. officials had only described in private — a R&D schedule that limits Iran’s development of new centrifuges over the next eight to 10 years.¶ And, if like me you think “breakout,” or the time it would take to turn nuclear material into one bomb, is a dumb measure, the agreement also has lots of provisions to deal with “sneak-out,” or an attempt to get a bomb covertly. These provisions include granting inspectors access to military sites and monitoring of centrifuge workshops and uranium mines. But this shouldn’t be a surprise: It was in the bag in Lausanne.¶ It is worth looking at this chart issued by the Supreme Leader’s office showing all his “red lines” in the talks. It turns out the Iranians gave in on several of them and found rather creative solutions to a few others. You can make your own list, but I think they compromised on (1, 3, 5, 7, 8, and 9): [img removed]¶ What had to be resolved in Vienna was the tricky issue of sanctions. It was always clear that there would have to be an implementation period so that Iran could say sanctions came off “immediately” while the United States could claim the opposite.¶ One of the amazing things is how many of the pearl-clutching stories about how the agreement was going off the rails turned out to be nonsense. Most of these were written by the New York Times’ David E. Sanger, and they won’t age well: see 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.¶ One story said the administration was going to back off what looked like a hard cap on how much enriched uranium Iran could have at any one time. I called it the Great LEU Panic of June 2015. Sure enough, Iran is limited to “300 kg of up to 3.67% enriched UF6 (or the equivalent in different chemical forms).” The rest of Iran’s stockpile must be sold or diluted. I told you so.¶ The real issues in Vienna were how to re-impose sanctions if the deal collapsed, as well whether to lift the United Nations’ arms embargo and the sanctions on Iran’s missile programs.¶ The mechanism to re-impose sanctions, — called “snapback” by people who don’t wear baseball caps — is pretty clever. Any of the parties can raise an issue within a Joint Commission created to administer the agreement. If the party is unsatisfied, it then can notify the U.N. Security Council. The Security Council has 30 days to act — and if it does nothing, the sanctions are automatically re-imposed. That gives the United States and other parties the ability to blow up the deal and return to sanctions regime with no chance for Russia or China to veto.¶ The arms embargo and missile sanctions were trickier. The Iranians argued that those were only imposed as punishment for nuclear activities — and that they should come off as part of any deal. It’s a fair point, but rather too lawyerly for the situation. Iran’s missile program was part of the possible military dimensions to its nuclear program. And Iran is also engaged in several proxy wars in Middle East at the moment. One of the main reasons for being concerned about Iran’s past nuclear weapons work is how aggressive a nuclear-armed Iran might become. It should have been obvious to anyone in Tehran that the United States wasn’t going to agree to a flood of new arms and missile technologies.¶ The compromise, again, was obvious. U.N. sanctions will come off over time — reportedly five years in the case of the arms embargo and eight years in terms of the missile program — but national and other international restrictions stay. President Barack Obama will not waive U.S. sanctions for missile proliferation, terrorism, and human rights. Moreover, Iran remains outside the Missile Technology Control Regime, the cartel of suppliers that controls missile technologies. As a practical matter, Iran’s missile suppliers are still limited to North Korea — something already prohibited by sanctions — and entities already sanctions- busting.¶ That said, it probably makes sense to think about a follow-on agreement limiting Iran’s development of ballistic and cruise missiles as well as how to deal with a deteriorating regional security situation that has many U.S. allies understandably nervous. If Obama ignores these concerns, he will be handing his opponents back at home an issue that they will only too happily use to club him over the head.¶ Remember how House Republicans have repeatedly voted to repeal, defund, or deform the Affordable Care Act?

Fought all the way to the Supreme Court, twice?¶ The fight over the Iran deal is going to make the Obamacare battles look like two preppies slap-fighting over a cucumber sandwich.¶ Congress now has 60 days to review the deal and pass a resolution of disapproval that would remove the president's authority to waive sanctions on Iran. Obama has said he will veto such a measure, if his opponents can find the votes, which will give Congress another, shorter period to attempt to override the veto.¶ Even if the deal survives the congressional review period, you can expect a lot of leaks.¶ Much of the arguments in Washington to date have focused on making the process look disorganized or chaotic. At one point, Sanger moaned on Twitter that Mozart wrote Symphony No. 36 in less time than diplomats have been in Vienna for the last round of talks. Fellow nuke wonk Alicia Dressman noted, more than a little sarcastically, that she was going to miss his "poignant observations quarantined from relevance."¶ Good news, Alicia! He's not going away. The leaks are going to shift to how Iran is doing this or that. You kids may not remember this, but more than 20 years ago the Clinton administration — yes, Hillary's husband was president back then — struck a similar deal with North Korea to freeze its plutonium production infrastructure. Immediately the leaks began: North Korea is cheating! (North Korea probably was cheating, by the way, but just not in the ways alleged by opponents. That's another problem with the Beltway noise-machine.)¶ The low point was when satellite images showed a large, underground facility under construction near a place called Kumchang-ri. Someone at the Defense Intelligence Agency decided it was a covert underground nuclear reactor — based mostly on the military unit responsible for digging. No one else thought it was a reactor because, well, it was just a hole in the ground. Not surprisingly, this got leaked to the New York Times, which ran the headline: "North Korea Site an A-Bomb Plant, U.S. Agencies Say." (Guess who the author was?)¶ Never mind that it wasn't true. One agency, singular, said that; the others were unconvinced. But when something is on page A1 of the New York Times, it becomes true. The United States negotiated access to the site, which turned out to be empty. The site was "unsuitable" for a nuclear reactor and "not well designed" for a reprocessing facility. It was kind of a mini-Iraq, but where we had the good sense not to invade.¶ I've told this story over at 38North, but the point is that the Clinton administration realized too late that they needed to reinforce the 1994 Agreed Framework with other deals, starting with North Korea's ballistic missile program. It makes sense to start thinking now about regional security issues, including Iran's missile program, once this deal comes under monthly attack.¶ It is possible that the Iranians will cheat. It is also possible that they will insist on tendentious readings of certain provisions. And, although I hate to break it to you, we might not be perfect ourselves. One of my favorite passages in the agreement is an oblique acknowledgement by the Iranians that there is no telling what sort of stunt Sen. Tom Cotton and his friends might pull. (Paragraph 26. Check it out.) Even two committed parties may find that they disagree about how to implement an agreement. That's normal.¶ But there will also be a cottage industry in Washington, D.C., for the next decade dedicated to manufacturing one crisis after another to try to derail this agreement. We've already seen a series of press conferences by the National Council for Resistance in Iran, a.k.a. the MEK, making one allegation or another. I had to debunk one about a secret centrifuge plant that NCRI claimed was churning out LEU from the basement of the site printing national ID cards.

Deal ensures no nuke—the alternative is war

Jaffe 7/15 (Greg Jaffe; July 15 2015; Military expert for the Washington Post, citing Barack Obama, president of the United States; Obama says only alternative to a nuclear deal with Iran is war; Washington Post; http://www.washingtonpost.com/politics/obamas-defense-of-the-iran-deal-comes-with-a-tough-love-message/2015/07/15/a7614b4a-2b04-11e5-bd33-395c05608059_story.html) jskullz

President Obama's defense of the complex and painstakingly negotiated nuclear deal that his administration reached with Iran boiled down to a simple, if controversial, contention: The only real alternative to the deal was war.¶ Obama returned to that conclusion repeatedly Wednesday at a news conference that stretched for more than one hour.¶ "Without a deal," he said in his opening statement, "we risk even more war in the Middle East."¶ A few minutes later, in response to a reporter's question, Obama dismissed concerns that the House and Senate might vote down the deal, forcing him to use his presidential veto. Wouldn't a rejection of the deal by lawmakers make him question its wisdom?¶ "Either the issue of Iran obtaining a nuclear weapon is resolved diplomatically through a negotiation or it's resolved through force, through war," Obama countered. "Those are — those are the options."¶ What about those who argued that Obama should have employed more diplomatic, economic or military leverage to get a "better deal" from the intransigent Iranians?¶ "What does that mean?" Obama asked rhetorically. "If the alternative is that we should bring Iran to heel through military force, then those critics should say so. And that will be an honest debate."¶ The president's news conference in the White House's East Room came a day after his negotiators concluded contentious marathon talks with Iran. The deal they reached to limit Iran's nuclear enrichment program — more than six years in the making — was swiftly condemned by virtually every major Republican presidential candidate.¶ A spokesman for House Speaker John A. Boehner (R-Ohio) said Wednesday that Obama, in defending the deal, had shown himself to be "hopelessly disconnected from reality." Israeli Prime Minister Benjamin Netanyahu, addressing his country's parliament a few hours before Obama spoke, left open the possibility of military action against Iran.¶ "We will reserve our right to defend ourselves against all of our enemies," Netanyahu said. "We have strength, and it is great and mighty."¶ The president responded with a defense of the nuclear agreement that was equal parts pugilistic and legalistic. Obama was briefed on the progress of the

negotiations with Iran as often as twice a day and had amassed a detailed knowledge of the 109-page agreement and the additional 47 pages of annexes. He drew on that knowledge the way an experienced courtroom lawyer might rely on case-law expertise to answer criticisms that the deal didn't last long enough; that it wouldn't prevent the Iranians from covertly producing a nuclear weapon; that it still allowed the Iranians some nuclear enrichment capacity and therefore didn't go far enough. He seemed eager to address every question.¶ "Have we exhausted [all the] Iran questions here?" Obama said at one point. "I am really enjoying this Iran debate. . . . Go ahead. Go ahead."¶ President Obama took questions on the deal with Iran in the East Room of the White House on July 15. Here are key moments from that speech. (AP)¶ A few minutes later, Obama picked up a piece of paper from the lectern in front of him, eager to keep talking about the deal. "Okay," he said. "I made some notes about many of the arguments — the other arguments that I've heard here."¶ Obama's defense of the deal wasn't designed to win over dug-in critics, whom he dismissed as illogical and unrealistic. His audience was an American public worried about the threat posed by a nuclear-armed Iran but also exhausted by more than 14 years of war in Iraq and Afghanistan.¶ Obama has speculated in recent weeks that the nuclear deal could empower moderates in Iran who are eager for better relations with the rest of the world. "What I'd say to them is this offers a historic opportunity," he told the New York Times in an interview Tuesday.¶ Such hopeful talk was largely absent Wednesday from Obama's news conference, which focused on the dangers posed by Iran and the need to prevent the country from acquiring a nuclear weapon. "This has been a Democratic priority, this has been a Republican priority, this has been Prime -Minister Netanyahu's priority," Obama said.¶ Obama hit on almost all the major criticisms of the deal during the news conference.¶ Republicans have criticized the deal for allowing Iran as many as 24 days before it grants inspectors access to military sites that could house covert programs. The delay could give Iran enough time to conceal illegal activity, critics said. Obama dismissed the charges as unrealistic and not grounded in science.¶ "This is not something you hide in a closet," Obama said of the centrifuges and other sensitive equipment needed to make weapons-grade uranium. "This is not something you put on a dolly and kind of wheel off somewhere."¶ Even if the Iranians had moved nuclear material from the site, Obama said, inspectors would find it. "Your high school physics will remind us that leaves a trace," he said. "And so we'll know, in fact, there was a violation of the agreement."¶ Other critics have charged that the deal would pave Iran's path to a bomb by lifting some of the most onerous restrictions on its nuclear energy program after 10 years.¶ "That's a good one," Obama said.¶ He countered that the inspections would still be in place 20 years from now. So, too, would Iran's Non-Proliferation Treaty commitments. Iran would be about one year away from developing enough fuel for a nuclear bomb — a longer time frame than its current two to three months.

Deal key to prevent "sneak-out"

Acton 7/16 (James M. Acton; July 16 2015; Co-director of the Nuclear Policy Program at the Carnegie Endowment for International Peace; Iran Ain't Gonna Sneak Out Under This Deal; Foreign Policy; <http://carnegieendowment.org/2015/07/16/iran-ain-t-gonna-sneak-out-under-this-deal/idh7>) jskullz

Nonetheless, where verification is concerned, the details do matter and we really should be debating the finer points of the Iran deal's verification provisions. (See: Annex I, Sections L, M, N, O, P, Q, and R — yes, it's that detailed.) In assessing whether these arrangements are "good enough," the best place to start is with the following question: If Iran decides to cheat, how would it go about doing so?¶ Iran's leadership would have three options and, in deciding between them, it would presumably choose the pathway that maximized its chances of success.¶ First, Iran could overtly renounce all its nonproliferation commitments chuck out international inspectors, and build the bomb loudly and proudly. The Nuclear Nonproliferation Treaty contains a clause that allows states to withdraw under "extraordinary" circumstances and, even though JPCOA doesn't have any such provision, there can be no certainty that Iran won't abrogate it anyway. No verification system can prevent this scenario, but what almost certainly can deter it is the threat of American weaponry hitting Iran before Ayatollah Khamenei can say "death to."¶ The second, more likely scenario would be for Iran to use its declared nuclear materials and facilities for bomb-building: the much-discussed "breakout scenario." Many of the Iran deal's limits are intended to make breakout much more time consuming than it would currently be — and that's a good thing. Ultimately, however, breakout still isn't all that likely. Declared facilities are subject to International Atomic Energy Agency (IAEA) monitoring and . As a result, Iran understands it would almost certainly be caught quickly if it attempted breakout.¶ Iran's third option would be to build a secret parallel nuclear program dedicated to military purposes — sneak-out. Detecting small clandestine enrichment plants is difficult and Tehran might view sneak-out as its most attractive option. Indeed, Iran has tried to sneak-out before. Repeatedly. It failed to declare three out of the four facilities in which it has

enriched uranium (the Kalaye Electric Factory, the Fordow Fuel Enrichment Plant near Qom, and the Pilot Fuel Enrichment Plant at Natanz) in accordance with IAEA rules.¶ “Anytime, anywhere” access is often advocated as the solution to detecting secret facilities — in fact, Secretary of Energy Ernest Moniz, an MIT physicist and one of the U.S. negotiators, said back in April that the United States expected it. The Iran deal doesn’t provide for it, however, as critics, including Sen. Tom Cotton, have noted (rather gleefully, at that).¶ So, what access provisions does the deal contain?¶ It does allow the IAEA to go anywhere — including military sites — if there is evidence of undeclared facilities hosting nuclear activities. But, if Iran declined to grant access, a complicated dispute resolution negotiation process would ensue under which Iran would have to negotiate first with the IAEA and then with the Joint Commission created to oversee implementation of the deal. This process could take up to 24 days. (on day 25, if Iran still refused access, it would be in non-compliance with the agreement and sanctions could be re-introduced.)¶ Fortunately for the JCPOA, the refrain of an “anytime, anywhere” access may make for a great soundbite, but its utility is overstated by Cotton and other critics of the agreement. An access delay — even one of 24 days — wouldn’t make any material difference to the IAEA’s ability to detect undeclared nuclear activities.¶ When IAEA inspectors search for undeclared nuclear activities they look for tiny traces of nuclear material on surfaces. Fortunately for them, nuclear material lingers. And, modern detection technology is so amazingly effective that miniscule traces of nuclear material can be detected years after nuclear activities took place. Countries have tried to sanitize facilities completely to remove every last trace of nuclear material. Iran did so at the Kalaye Electric Factory after its secret nuclear program was revealed in 2002. Syria tried the same thing in 2007 after Israel bombed its plutonium production reactor at Al Kibar. In both cases, the IAEA still managed to detect nuclear material. Those findings were critical to persuading the organization’s governing body to make a formal finding of non-compliance against both Iran and Syria.¶ Perhaps Iran has learned from its past mistakes and could do a better job of cleaning up nuclear material in the future and keeping its program secret. But, what’s clear is that perfect cleanup — if it were possible — would take many months. After just 24 days, the IAEA would have little difficulty detecting the residue from undeclared nuclear activities.¶ So, here’s the bottom line: The Iran deal doesn’t provide for anytime, anywhere access, but it does facilitate timely access anywhere — and that’s what needed for effective verification.¶ But wait, as they say on QVC, there’s more!¶ Not only is anytime, anywhere access not necessary, it’s also not sufficient. In other words, its inclusion might have placated (a few) critics, but would not be enough, by itself, for effective verification. After all, it would be physically impossible for the IAEA to inspect every building where Iran could conceivably be hiding clandestine nuclear activities.¶ What the IAEA actually needs is some preliminary evidence about where a secret nuclear facility might be lurking. The much-discussed but little-understood Additional Protocol was developed precisely for that purpose and the JCPOA obliges Iran to accept it, first voluntarily and subsequently on a legally binding basis. But, the JCPOA goes beyond the Additional Protocol in two innovative and important ways.¶ First, IAEA monitoring will be extended to declared yellowcake (the precursor material to the feedstock for enrichment) and to declared centrifuge components. This measure will deter Iran from diverting this material and equipment to a secret program. Iran could, of course, try to acquire yellowcake or centrifuge components secretly instead — but doing so would create more opportunities for detection.¶ Second, the deal also creates a “Procurement Working Group” to oversee the import of all equipment and material that either is used or could be used for nuclear purposes. The intelligence communities of the United States and its friends spend considerable resources monitoring Iranian imports. If they discover that Iran has obtained any items that should have been declared but weren’t, they will have acquired clear evidence of secret nuclear activities in Iran. They could hand this evidence to the IAEA, which could conduct inspections to investigate further.¶ All in all, therefore, the JCPOA provides for some impressive verification provisions to guard against sneak-out. That said, no one should be under any illusions. Detecting small, undeclared centrifuge plants is difficult and there is no guarantee of success. But, perfection is the not right metric against which to assess a nonproliferation agreement. The real question is whether sneak-out is more likely with a deal or without one. And here the answer is clear: sneak-out would be much more likely without a deal, because the IAEA’s powers to detect clandestine facilities would be much more limited.

Iran deal does not lead to proliferation

Pashakhanlou 7/14/15 (Arash Heydarian, Postdoctoral Teaching Fellow in Politics & International Relations at University of Bath, “Beyond the Iran deal: nuclear proliferation is a myth”, <http://theconversation.com/beyond-the-iran-deal-nuclear-proliferation-is-a-myth-42441/BW>)

After nearly two years of incremental and painstaking negotiations, a full deal on Iran’s nuclear programme has at last been struck. In a feat of diplomacy and patience, Iran and the P5+1 – the

US, the UK, France, Germany, Russia and China – have managed to construct a deal that limits Iran’s nuclear activity and the sanctions imposed on it. Early reactions deemed this a “new chapter of hope” in more ways than one; not just a victory for diplomacy, but a major victory in the efforts against nuclear weapons proliferation. This is somewhat misguided. In reality, however, even a nuclear-armed Iran would not have meant that a nuclear weapons proliferation among states was underway. Proliferation, after all, means rapid spread. And whereas nuclear weapons have proliferated “vertically”, with existing nuclear states adding to their existing nuclear arsenals, there has not been a “horizontal” nuclear weapons proliferation – that is, a fast spread of these weapons to new nations. On the contrary, nuclear weapons have spread slowly across the world, even though academics, politicians and the media frequently discuss horizontal nuclear weapons proliferation as if it was a matter of fact. Currently, there are only nine states in the world with nuclear weapons among the UN’s 193 members: the US (since 1945), Russia (since 1949), the UK (since 1952), France (since 1960), China (since 1964), India (since 1974), Israel (since 1979, unofficial), Pakistan (since 1998) and North Korea (since 2006). Other countries have dropped off the list. South Africa joined the nuclear club in the 1980s, but dismantled its weapons in the early 1990s. Belarus, Kazakhstan and Ukraine inherited nuclear weapons from the Soviet Union when they became independent states after the Cold War, but they transferred their nuclear arsenal to Russia in the 1990s. In other words, only a handful of countries in Europe, Asia and North America possess these weapons, while Africa, Australasia and Latin America are devoid of nuclear weapons states. In fact, the number of nuclear weapons states has actually decreased ever since the 1990s. And even though the Pakistani nuclear weapons scientist Abdul Qadeer Khan confirmed the existence of a global nuclear black market which purportedly provided nuclear technology, expertise, and designs to various countries, including Libya, no horizontal nuclear weapons proliferation has taken place. Libya eventually voluntarily renounced its secret nuclear weapons efforts in December 2003. Argentina, Brazil, South Korea, and Taiwan have also shelved their nuclear weapons programs. As of now, there are 31 countries with nuclear power plant units in operation; countries such as Australia, Canada, and Japan are widely believed to have the technological sophistication to become nuclear weapons states in relatively short amount of time should they want to – but they have not pursued that path. In other words, even though there have been opportunities for nuclear weapons proliferation across a range of new states, such a development has not materialised. All of the available evidence thus unanimously suggests that no horizontal nuclear weapons proliferation has taken place throughout the 70 years that these weapons have existed. Claims to the contrary lack basis, whether they are made for political or economic reasons, sheer ignorance, or for any other purposes. Horizontal nuclear weapons proliferation is a bogeyman that does not exist. If we are to devise sound strategies and policies regarding nuclear weapons we have to ground them in existing reality. Recognising that there is no horizontal nuclear weapons proliferation is a good place to start.

Deal necessary to prevent nuclear annihilation—get the foot in the door for future reforms

Cirincione, president of the Ploughshares Fund, **7/9/2015**

(Joe, "What You Need to Know About the Coming Deal With Iran,"

http://www.huffingtonpost.com/joe-cirincione/what-you-need-to-know-abo_b_7763516.html)

What about Iran's support for terrorism, human rights record, it's recognition of Israel? Is that in any way part of these negotiations?¶ These are deeply troubling aspects of Iran's regional behavior. This is not a pleasant regime. Iran executes about a thousand people a year, more than any other country in the world. They support Hamas and Hezbollah, who are foes of our ally, Israel. We disapprove of a lot of Iran's behavior in the region, but that's not what this negotiation is about.¶ As I wrote earlier this year, "Iran's deplorable record is not a reason to walk away. It is the very reason we must hammer out an iron-clad agreement to ensure Iran cannot get its hands on a nuclear bomb."¶ We negotiate with untrustworthy or "evil" governments all of the time. One of the greatest achievements of the 20th century was our ability to work with the Soviet Union, a country that Reagan called an "evil empire," to avoid nuclear annihilation. That moniker was well deserved. Stalin's purges murdered millions of Russians. Political opponents were rounded up, given show trials and executed. They were sent to gulags where they were worked to death or simply disappeared. His successors supported scores of groups fighting against America and our allies.¶ But cooperation with the Soviets not only prevented a nuclear war, it also led to a series of security, economic and political agreements that helped stabilize the world and led to the gradual demise of the Soviet empire.¶ When Nixon toasted Mao in Beijing in 1972, the Chinese Communist Party was arming the North Vietnamese, who had killed over 2,000 American soldiers in Vietnam the previous year. But the relationship they brokered shifted global relations and resulted in dramatic changes in China that have made better lives for hundreds of millions of Chinese.¶ Negotiating with corrupt, brutal and often despicable governments is necessary to prevent even greater evils. This time, we are doing it to make sure that a dangerous regime does not get the bomb. Certainly that is an endeavor that is worth our effort.¶ If we try to load every single one of our concerns into this negotiation, we will break the table. You can't possibly resolve all those issues at once, so we are taking care of the most threatening, which is the nuclear program. As bad as Iran's behavior is, it might be worse if they actually got a nuclear weapon. And then we'll see if this opens up new channels of communication, and avenues for addressing these other issues.¶ If there is a good deal, or a good enough deal, over time that will have some kind of moderating influence on the Iranian government, on its behavior in its neighborhood and also on domestic issues as well?¶ I do think that, and I'm informed by human rights activists and civic activists inside Iran.¶ Research conducted by experts from the International Campaign for Human Rights in Iran, has shown that Iranians themselves believe that a nuclear agreement between Iran and world powers will lead to internal political and cultural reforms in Iran. A recent report shows that "sixty-one percent [of Iranians] believe a deal would enable political and cultural reforms, as a politically strengthened Rouhani administration could now turn its focus to such issues."¶ The Executive Director of the Campaign, Hadi Ghaemi, believes that the nuclear agreement will "will have the potential to validate voices of moderation and embolden those who have called for a loosening of the political and cultural environment in Iran." Indeed, the Campaign asserts that, "every poll undertaken has confirmed Iranian society's strong support for the nuclear negotiations, and the resounding electoral win of the centrist Hassan Rouhani reflects society's desire for greater political and social freedoms."¶ Activists inside Iran see it as a beginning. As a way to empower Rouhani, who campaigned not just on economic stimulation, but on opening up freedoms for the Iranian people, and establishing a more moderate

government. They think this will empower him and could be the opening that they're looking for.¶ That's why you saw these massive crowds greet even the interim agreement in April. Foreign Minister Zarif was mobbed on the way home from the airport not because they reached some complicated agreement on inspections and the nuclear program, but because they see this as a ray of hope, the beginning of change in the regime. Whether that will happen, we don't know. That will require a lot of struggle. But yes, I think this deal could be the beginning of big change inside Iran, and in Iran's relationship with us and its neighbors, including Israel.¶ Are the U.S. and its negotiating partners hypocrites in these negotiations? In that all of them possess nuclear weapons, and no one has called Israel on their nuclear arsenal?¶ This is a point the Iranians make quite often. The five permanent members of the Security Council all have nuclear weapons. The U.S. and Russia have thousands of nuclear weapons, about ninety six percent of all the weapons in the world. So this is a point.¶ Israel has somewhere around one hundred weapons in an undeclared arsenal. This is also a point.¶ But there are other means of addressing these arsenals, in the United Nations and in the Nonproliferation Treaty process, but we're not talking about those now, we're talking about the Iranian program. The Iranians swore when they signed the Nonproliferation Treaty, that they would not undertake nuclear weapons research. We caught them building secret facilities, in violation of the treaty. That's why sanctions were imposed, that's why we are talking about it now.¶ Is it an hypocrisy problem? Do we have a problem, as long as we are maintaining thousands of weapons and telling Iran they can't have one? Yes, but the legal and diplomatic arguments outweigh that at this point, and they're on our side. We are going to stop this program - and that may create the diplomatic and political space for us to further reduce our own obsolete nuclear arsenal.

Israel Strike Impact

Israel strikes cause extinction

Masko, 2/9/12

[Dave Masko is an Air Force News veteran who's filed stories from Washington, D.C., the Middle East, the Balkans and Europe. These days, he's a freelance writer based in Florence, Oregon. Masko's articles have appeared in European Stars and Stripes, The Washington Post, Rolling Stone and other publications. From 1977-1999 he was a reporter for the Defense Department, <http://www.huliq.com/10282/iran-nuclear-ambitions-alarming-israel-brink-war-say-experts>]

There's always been the danger of something "going nuclear" in our fragile world where countries such as Iran and Israel seem to like rattling sabers at each other was once viewed as "same old, same old," by political science experts when referring to these countries threats of war remaining the same. However, it's not same old, same old, when President Obama told NBC News in a TV interview Feb. 5 that while he does not think Israel has decided whether to attack Iran, the United States is "going to be sure that we work in lockstep as we proceed to try to solve this... hopefully diplomatically." Thus, if Israel does attack Iran's nuclear facilities and war breaks out, "even a small-scale, regional nuclear war could produce as many direct fatalities as all of World War II and disrupt the global climate for a decade or more, with environmental effects that could be devastating for everyone on Earth, university researchers have found," stated a report on the University of California Los Angeles website aasc.ucla.edu; while pointing to "a team of scientists" at Rutgers, the State University of New Jersey; the University of Colorado at Boulder and UCLA who've researched the implications of such an attack. What's at stake for the world? Overall, the stakes could not be any greater for a world that fears war after more than 20 years of

sabre rattling by Israel over Iran's nuclear ambitions. In turn, President Obama and other world leaders seem very concerned that it's not if but when "an Israeli military attack on the Islamic Republic of Iran" will leave in its wake a new war in the Middle East, with more terrorism worldwide laced with even broader economic woes at a time when many countries are already at a breaking point. Moreover, the top U.S. intelligence official told Congress Jan. 31 – in an annual report about threats facing the nation – that "Iran's leaders seem prepared to attack U.S. interests overseas, particularly if they feel threatened by possible U.S. action." Jim Clapper, director of National Intelligence, also told the Senate Intelligence Committee Jan. 31 in an MSNBC TV report that America "now faces many interconnected enemies, including terrorists, criminals and foreign powers, who may try to strike via nuclear weapons or cyberspace, with the movement's Yemeni offshoot and 'lone wolf' terror attacks posing key threats." Middle East nuclear confrontation feared "While a regional nuclear confrontation – such as the one feared between Iran and Israel – among emerging third-world nuclear powers might be geographically constrained," report this noted team of U.S. scientists, "the environmental impacts could be worldwide." Thus, even the great Atlantic Ocean – that sits between the U.S. and the Middle East – would not buffer the "fallout" that will be in the "global atmosphere" impacting an already fragile world climate situation. While these conclusions of dark days ahead for the world if the so-called "nuclear genie gets out of the bottle" -- by U.S. scientists during a meeting of the American Geophysical Union – was back in 2006, the UCLA website that presented these nuclear war fears, has updated such conclusions about a clear and present danger of possible nuclear confrontation if Israel attacks Iran, and as of Feb. 9, 2012, the news from Israel is not good at all, state experts.

Prolif Module

Proliferation is an existential threat—Iran deal is necessary to generate modeling and political will

Plame Wilson 15 (Valerie Plame Wilson; May 13 2015; former CIA covert nonproliferation officer; Looking Forward, Nuclear Proliferation Is Still Greatest Existential Threat We Face; Huffington Post; http://www.huffingtonpost.com/valerie-plame-wilson/nuclear-proliferation-existential-threat_b_7118460.html) jskullz

As a former covert CIA operative, specializing in counter-proliferation, I still believe that the spread of nuclear weapons and the risk of their use is the greatest existential threat we face. Twenty-six years after the end of the Cold War, the world still has more than 15,000 nuclear weapons. Whatever other issues people care about -- poverty, the environment, inequality and so many others -- if we don't get this one right, and soon, nothing else will matter.¶ We are at a crossroads on this issue and the decisions we make over the next 10 years will set us on a course either toward the elimination of all nuclear weapons or toward expanding arsenals and proliferation.¶ There are some disturbing trends.¶ All of the nuclear countries are investing heavily, or planning to do so, in modernizing their forces and/or expanding their arsenals. President Obama is proposing a massive overhaul of the U.S. nuclear arsenal that the Congressional Budget Office (CBO) estimates will cost \$1 trillion over the next 30 years. Russia has already begun a major upgrade of its arsenal. China is ramping up each leg of its nuclear triad, India is close to having a full nuclear triad with the addition of a nuclear submarine to its forces, and North Korea continues to develop its nuclear capability. Perhaps most worrisome is Pakistan, which has the fastest-growing nuclear arsenal and is plagued by persistent political instability and extremist elements.¶ In addition to developing new types of weapons, nuclear weapons countries also appear to be taking steps toward establishing the dangerous nuclear high-alert posture that the United States and Soviet Union adopted during the Cold War (and still maintain) -- shortening the decision time for launch and increasing the risk that nuclear weapons will be used in conflict, by accident or through unauthorized launch.¶ Longstanding regional conflicts involving nuclear-armed countries remain unresolved and tensions high, including on the South Asian Peninsula, the Korean Peninsula and the Middle East. Relations between Russia and the West have spiraled dangerously downward; Russia has even threatened to use nuclear force to defend its annexation of Crimea.¶ Meanwhile, terrorists are working to get their hands on the bomb. This danger has risen as states have failed and ungoverned zones have spread, especially in the Middle East and Africa. In the last two decades there have been dozens of incidents of nuclear explosive materials being lost or stolen. The so-called "Islamic State" group has already seized low-grade nuclear material

from a facility in Mosul.¶ These are very difficult challenges. But there are also significant factors that could provide opportunities for progress.¶ A final agreement with Iran would verifiably prevent it from developing a nuclear bomb. It would negate a long-standing leading argument of opponents to Global Zero -- that Iran and countries like it would never agree to forgo nuclear weapons. And it provides a model -- multilateral negotiations and intrusive verification -- for pursuing global reductions in nuclear arsenals.

Iran deal failure is a disaster—causes regional instability, nuclear proliferation, and escalation

Kaye 7/7 (Dalia Dassa Kaye; July 7th 2015; Director, Center for Middle East Public Policy; Senior Political Scientist, PhD in political science; “The Middle East After Vienna”; Foreign Affairs; <https://www.foreignaffairs.com/articles/iran/2015-07-07/middle-east-after-vienna>)
jskullz

The first and most dangerous scenario is that Tehran could break out of the interim nuclear agreement, the Joint Plan of Action, which has essentially frozen Iran’s nuclear program for nearly two years. With no promise of lasting and more significant sanctions relief, Iran may decide to resume its nuclear enrichment program at levels that reduce the time it would need to weaponize its nuclear program. Iran could still remain in the Nuclear Non Proliferation Treaty and come dangerously close to developing the capabilities to quickly break out if there is no international agreement placing further restrictions and inspections on its activities. To make matters worse, unless it is clear that Iran is at fault for the breakdown in nuclear talks, the current broad international support for sanctions against Iran could weaken. U.S. sanctions against Iran have proven effective because of the backing they have garnered among key oil-importing countries such as China, India, South Korea, and Japan. International sanctions have, by some estimates, cut Iran’s oil exports by more than half in recent years, costing Iran up to \$40 billion in revenue annually. Continued unilateral American sanctions and secondary U.S. sanctions on countries and institutions doing business with Iran following the breakdown of a deal would likely continue to keep U.S. and European companies away from Iran. But other key international powers, and even some in Europe, may tire of self-imposed restrictions, especially if Iran appeared to have negotiated in good faith. So, Iran could find itself less isolated over time, especially if Congress rejected the deal, leaving the United States to blame for the failure. Indeed, this is the worst-of-both-worlds outcome—few constraints on Iran’s nuclear program and dissipating international pressure on Iran.¶ A return to military escalation with Iran is also more likely in a no-deal Middle East. Iranian hardliners’ arguments that the West was never really interested in a deal with Iran will appear vindicated, undermining the leverage and influence of more pragmatic Iranian factions who were associated with the failed negotiations. This could lead to an expansion of Iran’s already destabilizing regional activism, particularly in Iraq, Syria, and in its relationship with Hezbollah. Israel and Hezbollah are not currently interested in another conflict, but at some point in time Hezbollah may perceive attacking Israel as a useful distraction from its losses in Syria. Military escalation between Israel and Hezbollah with Iranian-supplied missiles, could happen quickly. Hezbollah attacks on Sunni insurgent groups fighting the Assad regime close to Israel’s border could also mistakenly hit an Israeli target, leading Israel to retaliate. Israel would be more concerned about maintaining its deterrence posture in a regional context where Iran’s nuclear program was unchecked, leading to harsh retaliation against any missile strike that could also quickly escalate into a broader conflict. ¶ And of course, Israeli

leaders are likely to return to open threats about military options against Iran's nuclear facilities should Iran resume its enrichment program to levels that bring it closer to a weapons capability that crosses Israeli red lines. Pressures on neighboring states to consider nuclear programs of their own would also likely increase, even if concerns about the intentions and ability of neighboring countries like Saudi Arabia to pursue nuclear weapons capability are largely overblown.

Economy Module

Iran deal leads to an increase in US business – banking sector

Rosenfeld, Ward and Brennen 7/14/14 (Everett, Marguerite and Morgan, writers for CNBC, "Iran deal: Corporate winners from the nuclear agreement", <http://www.cnbc.com/2015/07/14/iran-deal-corporate-winners-from-the-nuclear-agreement.html>)//BW

Iran and six world powers reached an agreement on Tuesday to lift sanctions against the Islamic Republic, and while U.S. and Iranian leaders have heralded the deal as a victory, the real winners could be corporations across the globe. Iran holds the world's fourth-largest proved crude reserves and the second-largest natural gas reserves, according to the U.S. Energy Information Administration, so energy firms will be some of the clear beneficiaries of the deal. Most of those gains may not go to American companies, however, as they weigh the political costs of doing business with Tehran—especially considering the skepticism from Congress, according to Alireza Nader, senior international policy analyst at the Rand Corp. "Most likely European and Asian energy companies will see an increase in business—so companies like Total and Shell," Nader said. "For American energy companies, it's going to be tougher for them to go back in Iran." A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Morteza Nikoubazl | Reuters A view of a petrochemical complex in Assaluyeh on Iran's Persian Gulf coast. Other parts of the energy industry are also likely to benefit, including tankers and oilfield services, experts told CNBC. Citi Research analyst Chris Wetherbee said the opening of Iran is a "net positive" for international tanker firms, because Iran's aging fleet won't be able to compete, and more energy supplies will be on the market. Companies like Scorpio Tankers and Navios Maritime Acquisition saw their stocks rise Tuesday. In a note published by Barron's, Simon Wong of investment firm Gabelli wrote that an agreement would "open investment opportunities in the country's oil and gas sector." That would likely benefit oilfield service firms like Schlumberger, Weatherford International and Halliburton. Earlier this year, Schlumberger pleaded guilty to violating U.S. sanctions related to Iran, agreeing to a three-year period without any operations in Iran. A spokeswoman told CNBC that the company was not in a position to comment on Tuesday's deal. While the energy industry may be the most obvious beneficiary of an Iran deal, banks will also stand to benefit, experts told CNBC. "All of the major banking institutions in the industrial world will try to finance and facilitate increased trade with Iran," Christopher Whalen, senior managing director at Kroll Bond Rating Agency, told CNBC. "It's a big country, (and) they are very Western-focused. Iranians are consumers of everything. You can anticipate anything from industrial equipment to consumer products will definitely be bought, and will definitely be financed." As for which U.S. banks stand to benefit, Whalen said the gains will be concentrated among some of the top financial institutions—Citibank, JPMorgan, Goldman Sachs and Morgan Stanley. Those banks, he said, will likely work to facilitate the shipment of goods and services to Iran, taking on a trade finance function, and supporting project finance. They may also reach out to Iranian banks about sovereign business, Whalen added. But American banks aren't the only ones that stand to benefit from a reduction of Iranian sanctions, Whalen

said, explaining that they'll compete against European and Asian banks for the business. If sanctions on Iran's use of SWIFT (the financial messaging system that transmits and tracks international transactions) are lifted, then new financial sector opportunities could also open, experts said. "The SWIFT sanctions are more important at this point than any other type of sanctions because it affects all manner of industry and agriculture," Djavad Salehi-Isfahani, an economist at Virginia Tech, told CNBC earlier this year. Telecommunications firms may also be early winners, Blaise Misztal, director of national security at the Bipartisan Policy Center, said. Other industries could also benefit from the Iran deal. PSA Peugeot Citroen told Reuters that it's in advanced talks on an Iranian car-making venture with Iran Khodro and expects rapid progress. The political deal struck in Vienna "should clear the way for significant progress in our discussions," Peugeot's Africa and Middle East chief, Jean-Christophe Quemard, said in an emailed statement Tuesday. General Electric, which does business in Iran through its health-care division, could also consider expanding in the country. "We look forward to reviewing the details of the agreement reached and will watch the regulatory landscape that may unfold," the company said in a statement.

AT: Israel Strike

No Israeli strike—if Bibi was serious he'd had bombed Iranian facilities more than a decade ago

Keck 15 (Zachary Keck; Feb. 9 2015; managing editor of The National Interest.; "5 Resasons Israel Won't Attack Iran"; National Interest; <http://nationalinterest.org/commentary/five-reasons-israel-wont-attack-iran-9469?page=2>) jskullz

1. You Snooze, You Lose¶ First, if Israel was going to strike Iran's nuclear facilities, it would have done so a long time ago. Since getting caught off-guard at the beginning of the Yom Kippur War in 1973, Israel has generally acted proactively to thwart security threats. On no issue has this been truer than with nuclear-weapon programs. For example, Israel bombed Saddam Hussein's program when it consisted of just a single nuclear reactor. According to ABC News, Israel struck Syria's lone nuclear reactor just months after discovering it. The IAEA had been completely in the dark about the reactor, and took years to confirm the building was in fact housing one.¶ Contrast this with Israel's policy toward Iran's nuclear program. The uranium-enrichment facility in Natanz and the heavy-water reactor at Arak first became public knowledge in 2002. For more than a decade now, Tel Aviv has watched as the program has expanded into two fully operational nuclear facilities, a budding nuclear-research reactor, and countless other well-protected and -dispersed sites. Furthermore, America's extreme reluctance to initiate strikes on Iran was made clear to Israel at least as far back as 2008. It would be completely at odds with how Israel operates for it to standby until the last minute when faced with what it views as an existential threat.¶

AT: NPT Turn

No NPT breakdown—secondary agreements, lack of capacity, and no interest

Esfiandary and Tabatabai 4/28 (Dina Esfiandary and Ariane Tabatabai; Dina Esfiandary is a McArthur Fellow in the Centre for Science and Security Studies at King's College London. Ariane Tabatabai is a visiting assistant professor in the Security Studies Program at the Georgetown University School of Foreign Service and a columnist for The Bulletin of the Atomic

Scientists; “Why an Iran deal won’t lead to nuclear proliferation”; Washington Post; www.washingtonpost.com/blogs/monkey-cage/wp/2015/04/28/why-an-iran-deal-wont-lead-to-nuclear-proliferation/) jskullz

First, the entire region, except for nuclear-armed Israel, is party to the NPT. This means that they’ve already legally given up the nuclear weapon option. Moreover, nuclear weapon states can’t legally provide them nuclear weapons either. Second, many countries have safeguards agreements and some, the additional protocol, in place. This means that their programs are under close International Atomic Energy Agency (IAEA) scrutiny. ¶ ¶ None of these states have expressed an interest in reprocessing, which closes the plutonium path to the bomb. Some have even foregone enrichment, which blocks the uranium path to the bomb. That’s the case for the UAE. But some states, such as Saudi Arabia and Turkey, want to reserve “the right” to enrich. Riyadh went further and stated it wanted whatever Iran got out of the negotiations, including enrichment. ¶ ¶ Saudi Arabia, Turkey, Egypt, Jordan and the UAE are all dependent on foreign suppliers and expertise for their programs. They lack the human capacity for the programs. Foreign involvement makes it difficult, though not impossible, to covertly develop a nuclear weapon. This means that suppliers also need to do their due diligence and ensure that buyers use their equipment for purely peaceful purposes.

AT: Bomb Good

Iran bomb increases risk of nuclear miscalc

Dokos 12 (Thanos Dokos; Sep 2012; Director-General of the Hellenic Foundation for European & Foreign Policy (ELIAMEP); Why Kenneth Waltz is Both Right & Wrong About the ‘Iranian Bomb’; ELIAMP; <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?id=153731>) jskullz

At the heart of the views of the Waltz school is a simple, extrapolation from the non-use of nuclear weapons in the U.S.-Soviet context to the future non-use of those weapons in other regions. This analogy overlooks the unique combination of circumstances that has helped to ensure nuclear peace over the past decades. The non-use of nuclear weapons has rested upon particular geopolitical and technical factors: cautious leadership (despite the harsh rhetoric of both sides); the fact that neither national survival nor territorial integrity was immediately at stake and that neither power has ever been at war with the other; the lack of common borders, thereby lessening flash points for conflict and impeding escalation; and adequate technical means to prevent accidental detonation and the unauthorized use of nuclear weapons. Without these features, mere fear of nuclear destruction, though itself quite important, might not have sufficed. For example, the probability of the use of nuclear weapons as a result of miscalculation or loss of control during a crisis cannot be easily dismissed. The lack of secure second-strike forces and reliable C4I systems in most new nuclear weapon states and the adoption of launch-on-warning (LOW) postures as a consequence, could result to strategic instability and could increase the probability of the use of nuclear weapons due to miscalculation. And however small the risk of each individual scenario may be, one should also consider the cumulative risk of all the possible dangers arising from additional nuclear proliferation. The prospect of a nuclear “accident” or miscalculation would, therefore, be much higher in a proliferated world, as tensions between India and Pakistan have demonstrated in the past. The Middle East is probably a different case, mainly because Israel and Iran are not geographically contiguous states, nor do they constitute an existential threat for the other side (although many Israelis would take issue with that statement). Waltz also argues that “Israel’s regional nuclear monopoly has long fueled instability in the Middle East. It is Israel’s nuclear arsenal, not Iran’s desire for one, that has contributed most to the current crisis. Power, after all, begs to be balanced. What is surprising about the Israeli case is that it has taken so long for a potential balanced to emerge.” He also suggests that “Current tensions are best viewed not as the early stages of a relatively recent Iranian nuclear crisis but rather as the final stages of a decades-long Middle East nuclear

crisis that will only end when a balance of military power is restored.” This is a rather surprising statement. Israeli policies and actions, especially in connection with the Palestinian problem, often have had destabilizing consequences for the region, but its “nuclear behavior” can hardly be described as irresponsible or destabilizing (this doesn’t imply, of course, that efforts for a NWFZ in the Middle East should be abandoned). As a result, the only full-fledged effort to acquire nuclear weapons by a Middle Eastern state was motivated by Saddam’s regional ambitions, not concern about Israel’s nuclear arsenal. Similarly, Tehran’s current security policies, including its strong interest in the development of a nuclear weapon capability and its regional aspirations, antedate the Islamic revolution and are rooted in Persian nationalism and the country’s historical sense of regional leadership, not Israel’s nuclear capability. Iran’s nuclear programme is also motivated, among other, by some legitimate security concerns, including the experience of its war with Iraq, when Iraq used chemical weapons on a large scale against Iran with the international community protesting very weakly, and fears about regime survival. Post 9/11, influential groups inside Iran were concerned that the U.S. intended to change its regime by force. Indeed, it is possible that the Iranian leadership reached the conclusion that if a regime was considered by the U.S. as a member of the ‘Axis of Evil’ and did not possess a nuclear capability, a fate similar to Saddam Hussein’s could be expected, whereas if the country did have a nuclear weapon capability, like North Korea, it stood a reasonable chance of getting financial support and even regime survival guarantees from the US and the international community. Finally, one should also consider Iranian leadership’s distrust towards the West, mainly as a result of a sense of humiliation caused by a long colonial experience. At the same time it is probably true that since late 2003, with the U.S. entangled in an Iraqi (and increasingly an Afghan) quagmire, draining American resources and reducing its influence in the region and worldwide and in view of the domestic situation in Lebanon and Palestine, a permissive regional environment for spoiling strategies and the lack of a functioning regional security architecture in the Gulf region, the Iranian leadership saw a window of opportunity to increase the country’s geopolitical weight and establish Iran as a pivotal regional power. It is possible that the acquisition of a nuclear weapon capability may increase not only Iran’s self-confidence, but also its propensity for brinkmanship and risk-taking. Iranian official rhetoric, often bombastic in style, will not help in this context. At the global level, there is little doubt that further proliferation would make the strategic chessboard more complex whilst at the same time multiplying risks and complicating strategic decision-making. There is also growing concern that the open nuclearization of Iran could also, in combination with other negative developments, deal a serious –even deadly– blow to the NPT regime. Although one can speculate whether Iran’s nuclearization will be the ‘hair that broke the camel’s back’, Christoph Bertram rightly points out that ‘anyone seeing in an Iranian bomb a key factor which might prompt Saudi Arabia, Egypt or other countries to obtain one as well needs to explain why for 40 years the Israeli bomb has not had that effect.’ Waltz agrees that “If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now” (a rather controversial statement in view of his conviction that the real cause of the Middle Eastern crisis has been the Israeli nuclear monopoly).

Iran nuke causes runaway prolif and nuclear war

Lindsay and Takeyh 10 (James M. Lindsay and Ray Takeyh; Lindsay is Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations, Takeyh is a Middle East scholar, former United States Department of State official, and a Senior Fellow at the Council on Foreign Relations; *After Iran Gets the Bomb*; Foreign Affairs; <https://www.foreignaffairs.com/articles/persian-gulf/2010-02-22/after-iran-gets-bomb>) jskullz

Containing a nuclear Iran would not be easy. It would require considerable diplomatic skill and political will on the part of the United States. And it could fail. A nuclear Iran may choose to flex its muscles and test U.S. resolve. Even under the best circumstances, the opaque nature of decision-making in Tehran could complicate Washington's efforts to deter it. Thus, it would be far preferable if Iran stopped -- or were stopped -- before it became a nuclear power. Current efforts to limit Iran's nuclear program must be pursued with vigor. Economic pressure on Tehran must be maintained. Military options to prevent Iran from going nuclear must not be taken off the table. But these steps may not be enough. If Iran's recalcitrant mullahs cross the nuclear threshold, the challenge for the United States will be to make sure that an abhorrent outcome does not become a catastrophic one. This will require understanding how a nuclear Iran is likely to behave, how its neighbors are likely to respond, and what Washington can do to shape the perceptions and actions of all these players. MESSIANIC AND PRAGMATIC Iran is a peculiarity: it is a modern-day theocracy that pursues revolutionary ideals while safeguarding its practical interests. After three decades of experimentation, Iran has not outgrown its ideological compunctions. The founder of the

Islamic Republic, Ayatollah Ruhollah Khomeini, bequeathed to his successors a clerical cosmology that divides the world between oppressors and oppressed and invests Iran with the mission of redeeming the Middle East for the forces of righteousness. But the political imperative of staying in power has pulled Iran's leaders in a different direction, too: they have had to manage Iran's economy, meet the demands of the country's growing population, and advance Iran's interests in a turbulent region. The clerical rulers have been forced to strike agreements with their rivals and their enemies, occasionally softening the hard edges of their creed. The task of governing has required them to make concessions to often unpalatable realities and has sapped their revolutionary energies. Often, the clash of ideology and pragmatism has put Iran in the paradoxical position of having to secure its objectives within a regional order that it has pledged to undermine.¶ To satisfy their revolutionary impulses, Iran's leaders have turned anti-Americanism and a strident opposition to Israel into pillars of the state. Tehran supports extremist groups, such as Hamas, Hezbollah, and the Islamist militias opposing U.S. forces in Iraq. The mullahs have sporadically attempted to subvert the U.S.-allied sheikdoms of the Persian Gulf. But the regime has survived because its rulers have recognized the limits of their power and have thus mixed revolutionary agitation with pragmatic adjustment. Although it has denounced the United States as the Great Satan and called for Israel's obliteration, Iran has avoided direct military confrontation with either state. It has vociferously defended the Palestinians, but it has stood by as the Russians have slaughtered Chechens and the Chinese have suppressed Muslim Uighurs. Ideological purity, it seems, has been less important than seeking diplomatic cover from Russia and commercial activity with China. Despite their Islamist compulsions, the mullahs like power too much to be martyrs.¶ Iran's nuclear program has emerged not just as an important aspect of the country's foreign relations but increasingly as a defining element of its national identity. And the reasons for pursuing the program have changed as it has matured. During the presidencies of Hashemi Rafsanjani and Muhammad Khatami, nuclear weapons were seen as tools of deterrence against the United States and Saddam Hussein's regime, among others. The more conservative current ruling elite, including President Mahmoud Ahmadinejad and the Revolutionary Guards, sees them as a critical means of ensuring Iran's preeminence in the region. A powerful Iran, in other words, requires a robust and extensive nuclear infrastructure. And this may be all the more the case now that Iran is engulfed in the worst domestic turmoil it has known in years: these days, the regime seems to be viewing its quest for nuclear self-sufficiency as a way to revive its own political fortunes.¶ Going nuclear would empower Iran, but far less than Tehran hopes. Iran's entry into the nuclear club would initially put Tehran in a euphoric mood and likely encourage it to be more aggressive. The mullahs would feel themselves to be in possession of a strategic weapon that would enhance Iran's clout in the region. They might feel less restrained in instigating Shiite uprisings against the Arab sheikdoms in the Persian Gulf. But any efforts to destabilize their Sunni neighbors would meet the same unsuccessful fate as have similar campaigns in the past. Iran's revolutionary message has traditionally appealed to only a narrow segment of Shiites in the Persian Gulf. Sporadic demonstrations in Bahrain and Saudi Arabia have not sought to emulate Iran's revolution; rather, they have been an outlet for Shiites to express their economic and political disenfranchisement.¶ A nuclear Iran might also be tempted to challenge its neighbors in the Persian Gulf to reduce their oil production and limit the presence of U.S. troops on their territories. However, obtaining nuclear weapons is unlikely to help Iran achieve these aims, because nuclear weapons, by definition, are such a narrow category of arms that they can accomplish only a limited set of objectives. They do offer a deterrent capability: unlike Saddam's Iraq, a nuclear Iran would not be invaded, and its leaders would not be deposed. But regime security and power projection are two very different propositions. It is difficult to imagine Sunni regimes yielding to a resurgent Shiite state, nuclear or not; more likely, the Persian Gulf states would take even more refuge under the U.S. security umbrella. Paradoxically, a weapon that was designed to ensure Iran's regional preeminence could further alienate it from its neighbors and prolong indefinitely the presence of U.S. troops on its periphery. In other words, nuclear empowerment could well thwart Iran's hegemonic ambitions. Like other nuclear aspirants before them, the guardians of the theocracy might discover that nuclear bombs are simply not good for diplomatic leverage or strategic aggrandizement.¶ Likewise, although the protection of a nuclear Iran might allow Hamas, Hezbollah, and other militant groups in the Middle East to become both more strident in their demands and bolder in their actions, Israel's nuclear arsenal and considerable conventional military power, as well as the United States' support for Israel, would keep those actors in check. To be sure, Tehran will rattle its sabers and pledge its solidarity with Hamas and Hezbollah, but it will not risk a nuclear confrontation with Israel to assist these groups' activities. Hamas and Hezbollah learned from their recent confrontations with Israel that waging war against the Jewish state is a lonely struggle.¶ The prospect that Iran might transfer a crude nuclear device to its terrorist protégés is another danger, but it, too, is unlikely. Such a move would place Tehran squarely in the cross hairs of the United States and Israel. Despite its messianic pretensions, Iran has observed clear limits when supporting militias and terrorist organizations in the Middle East. Iran has not provided Hezbollah with chemical or biological weapons or Iraqi militias with the means to shoot down U.S. aircraft. Iran's rulers understand that such provocative actions could imperil their rule by inviting retaliation. On the other hand, by coupling strident rhetoric with only limited support in practice, the clerical establishment is able to at once garner popular acclaim for defying the West and oppose the United States and Israel without exposing itself to severe retribution. A nuclear Iran would likely act no differently, at least given the possibility of robust U.S. retaliation. Nor is it likely that Iran would become the new Pakistan, selling nuclear fuel and materials to other states. The prospects of additional sanctions and a military confrontation with the United States are likely to deter Iran from acting impetuously.¶ A nuclear Iran would undeniably pose new dangers in the Middle East, especially at first, when it would likely be at its most reckless. It might thrash about the Middle East, as it tried to press the presumed advantages of its newfound capability, and it might test the United States' limits. But the mullahs will find it difficult to translate Iran's nuclear status into a tangible political advantage. And if Washington makes clear that rash actions on their part will come at a high cost, they will be far less likely to take any.¶ THE RIPPLES IN THE REGION¶ In assessing the consequences of Iran's nuclearization, it is important to consider not only how Iran is likely to act but also how other states will react to this outcome -- and what the United States could do to influence their responses. Iran's nuclearization would not reduce Washington to passively observing events in the region. Washington would retain considerable ability to shape what Iran's neighbors do and do not do.¶ The nightmare scenario that could be unleashed by Iran's nuclearization is easy to sketch. Israel would go on a hair-trigger alert -- ready to launch a nuclear weapon at a moment's notice -- putting both countries minutes away from annihilation. Egypt, Saudi Arabia, and Turkey would scramble to join the nuclear club. The

Nonproliferation Treaty (NPT) would collapse, unleashing a wave of nuclear proliferation around the globe.

AFF a2 Impact

Deal Bad

Iran deal leads to nuclear proliferation

Rogin 6/24/14 (Josh, writer for Bloomberg, “Clinton Defense Chief: Iran Deal Could Spark Proliferation”, <http://www.bloombergview.com/articles/2015-06-24/clinton-defense-chief-iran-deal-could-spark-proliferation>)/BW

Gulf Arab powers are likely to respond to President Barack Obama’s pending nuclear deal with Iran by developing their own nuclear programs, former Defense Secretary William Cohen said Wednesday. He said they don’t trust either the Iranians or the United States to protect their interests. “The administration’s intent was to have a counter-proliferation program. And the irony is, it may be just the opposite,” he told a meeting of Bloomberg reporters Wednesday morning. As Secretary of State John Kerry prepares to meet Iranian leaders for the final push toward a comprehensive nuclear deal with Iran, there’s growing angst in countries like Saudi Arabia, the United Arab Emirates, Qatar and Israel about the deal, which will leave Iran with significant uranium enrichment capabilities and may not give the international community the right to inspect all of Iran’s nuclear facilities. The administration argues that a deal with Iran will remove the need for other regional powers to pursue their own nuclear enrichment and weapons programs. Cohen said the region doesn’t see it that way. “Once you say they are allowed to enrich, the game is pretty much up in terms of how do you sustain an inspection regime in a country that has carried on secret programs for 17 years and is still determined to maintain as much of that secrecy as possible,” said Cohen, who was a Republican lawmaker from Maine before serving under President Clinton from 1997 to 2001. Other regional powers are further skeptical of the international community’s ability to enforce any deal with Iran because the Obama administration has lost credibility in the region, according to Cohen. He said America’s relationships in the region were damaged in 2013, when President Obama backed away from striking Syria after telling Gulf allies he would do so, even though the Assad regime had crossed his “red line” on chemical weapons. “It was mishandled and everybody in the region saw how it was handled. And I think it shook their confidence in the administration. ... The Saudis, the UAE and the Israelis were all concerned about that,” Cohen said. “They are looking at what we say, what we do, and what we fail to do, and they make their judgments. In the Middle East now, they are making different calculations.” Cohen acknowledged that without a nuclear deal, Iran could have the ability to expand its nuclear activities with no restrictions, leading to an even more dangerous situation for the U.S. and the region. He doesn’t agree with some lawmakers, such as Senator Tom Cotton, who argue that a military strike on Iran’s nuclear facilities could be a solution. Cohen said that if a deal is reached, there will be significant international momentum for implementing the deal and lifting sanctions against Iran. The drive to do business in Iran will be alluring, especially to European countries, who have been eager to return to Iran but have been held back by the U.S.-led sanctions. Iranian officials have said that if the U.S. is the only country left with sanctions on Iran, that would amount to America sanctioning itself. “I anticipate this deal will be done. I think Congress is going to be hard-pressed to reject it,” said Cohen. “Congress, the only chance it has to influence it is now, before it’s signed.” Cohen disagrees with those who believe that a nuclear deal will mollify Iran. He is skeptical that giving Iran large economic benefits will lead to significant reform in the Islamic Republic. “Most people that I know believe that Iran will continue to be a revolutionary country, and that’s what bothers all of the others in the region, that this is going to continue the expansion of power, that they will be at a disadvantage, and they can’t count on the United States,” he said. Overall, countries in the Middle East have lost confidence in the Obama administration, Cohen said, in part because the U.S. has failed to articulate a clear vision for America’s role in the world in the 21st century. That may not be resolved in the remainder of this administration. “There’s a lot of worry about U.S. leadership and what we’ll do next. You couple that with the Iran situation, and you could see there’s a lot of nervousness now about where we are,” he said. “That’s something the next president will have to deal with.”

Iran deal leads to global proliferation and hurts the economy

Yashar, 7/2/15 (Ari, writer for Israel Nation News, "Experts Warn Iran Deal Will Kill Nuclear Non-Proliferation",

<http://www.israelnationalnews.com/News/News.aspx/197588#.VaVjMRNViko//BW>

Foreign policy experts warned this week that if the US proves itself unable to enforce a hard line against Iran's pursuit of nuclear power, America will be rendered unable to oppose nuclear proliferation on a global scale. The experts were speaking at the Heritage Foundation on Tuesday, reports the Washington Free Beacon, in an event just a week ahead of the extended July 7 deadline for a nuclear deal between world powers and Iran over the latter's controversial nuclear program. "The fundamental problem is that we're giving ground on what has been a principle of US non proliferation policy for 70 years, which (views) the spread of enrichment and reprocessing to any country, even our allies, as a problem," said Matthew Kroenig, associate professor at Georgetown University. "What this Iran deal does is make an exception, not just for any country, but for Iran, a country that's continually cheating on its agreements. So in the wake of the deal, I think it becomes very hard for us to go to our allies and say, 'we trust Tehran with this technology, but we don't trust you.'" Brian Finaly, vice president of the Washington DC-based think tank Stimson Center, added to Kroenig's troubling assessment. "As we understand how the world is changing, it is certainly impacting how we manage the proliferation threat, and I believe that getting out in front of this, thinking beyond the limited ability of the state to control proliferation in the future, is going to be essential to successful non-proliferation efforts," warned Finaly. He explained that non-state actors such as multinational companies can play a role in preventing nuclear crises, noting on the conflict between India and Pakistan in the 1980s. "A group of very senior level executives from an array of companies got together and sent a very clear message to the Indian Prime Minister: 'this crisis is bad for business and if we decide to leave India, we will not return,'" Finlay said. That warning "had the ultimate effect of, I think, contributing significantly to the easing of nuclear tensions between the two countries, and it returned to semi-regular relations between the two countries," he added. Regarding economic incentives, experts have warned that the current sanctions regime against Iran has not been tough enough to have an effect, as the Iranian GDP grew 3% in 2014. Just this Monday Iranian officials announced that 13 tons of gold had been repatriated as part of sanctions relief, bringing the total in unfrozen assets since the November 2013 interim deal was signed to just under \$12 billion.

Deal causes runaway prolif—breakdown of non-proliferation treaty

Pletka 7/14 (Danielle Pletka; July 14 2015; vice president for foreign and defense policy studies at the American Enterprise Institute; "8 Unplanned Results of the Iran Deal"; Politico; www.politico.com/magazine/story/2015/07/eight-unplanned-results-of-the-iran-deal-120129.html?ml=tl_38_b) jskullz

4. The beginning of the end of the NPT Like any set of rules, the Nuclear Non-Proliferation Treaty is only as good as its members make it. Once, a country that hid behind the NPT to violate safeguards agreements and work on nuclear weapons faced the certainty of international punishment. That is what happened to North Korea. With this deal, the exact reverse is happening with Iran. After using the treaty to advance its nuclear weapons program, Iran is now being pardoned, rehabilitated and allowed to keep its nuclear infrastructure. We can expect other countries — especially those most worried about Iran's rising power in the Middle East — to emulate Iran in using the NPT as cover for advancing their own nuclear weapons programs.

Deal causes Israeli first strike—escalates to nuclear war

Worral 15 (Eric Worral; Apr 28 2015; Writer for Breitbart; “Israel Will Strike Iran First To Thwart Nuclear Attack”; Breitbart; <http://www.breitbart.com/big-government/2015/04/28/israel-will-strike-iran-first-to-thwart-nuclear-attack/>) jskullz

Israel is not in a pleasant situation. Every day, her arch enemy Iran draws closer to refining enough uranium to build 100s of nuclear weapons.¶ Every day the Iranian program becomes more difficult to dislodge – as the uranium is concentrated, the number of centrifuges required to complete the process decreases, allowing the remaining refining operation to be moved to smaller and more covert facilities.¶ America, ostensibly Israel’s ally, is rumoured to have ordered US warships to shoot down Israeli aircraft, should a strike on Iran appear to be in progress. According to Israeli newspapers, President Obama thwarted a planned 2014 Israeli attack against Iranian nuclear facilities, by threatening to shoot down the Israeli bombers.¶ America is currently sending additional warships to the Persian Gulf – ostensibly to blockade Iranian supply runs to rebels in Yemen, but if rumours of President Obama’s threat against Israel are correct, perhaps also to reinforce US firepower, should Israel decide to mount an attack against Iran.¶ There is no doubt an attack is on the drawing board – the Israeli Defence Force admitted they are training for an attack on Iran, in a recent interview with The Times of Israel.¶ Iran may pose a grave existential threat to Israel – at least Israel believes they do and they appear to have good reasons for their concerns. According to an Israeli report written in 2008, Iran regularly state that Israel will shortly be wiped from the face of the Earth.¶ Regardless of whether the Iranian threats are as bad as is claimed, or whether Iran actually means what they say, the Iranian nuclear programme will provide Iran with the means to fulfill this terrifying threat.¶ Iran is currently purchasing an advanced Russian air defence system – which will further complicate the job of attacking Iran, should Israel choose to mount an attack.¶ If Israel does decide to mount an attack against Iran, they will run a gauntlet – they will have to fly long distances, over hostile Syria, and other unfriendly countries. They will potentially face a massive counterattack from the growing American presence in the Persian Gulf. When they finally reach Iran, they will suffer even more casualties from the advanced Russian anti-aircraft systems, which will shortly be operational.¶ And when a handful of Israeli aircraft finally reach their targets, the surviving Israeli warplanes will have to somehow inflict sufficient damage on heavily armoured nuclear facilities, some of which are buried hundreds of feet underground, to prevent them from being repaired.¶ There is only one kind of bomb in Israel’s arsenal, which can fulfill this military requirement.¶ A weak Iran deal, if it is ratified, will in my opinion be a lot more than a diplomatic failure – for the reasons I have provided, I believe it may trigger a nuclear war.

Despite the nuclear deal, Iran is still belligerent

Tamara Cofman **Wittes, 7/14**, senior fellow and the director of the Center for Middle East Policy at Brookings, July 14, 2015 , “An Iran deal won’t stabilize the messy Middle East — but maybe Arab states can”, [//Zabner](http://www.brookings.edu/blogs/markaz/posts/2015/07/14-iran-nuclear-deal-us-middle-east-wittes?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20603985&_hsenc=p2ANqtz-8OoJpmi79Mwck0F_5tTOKCv1XJfIYeJ47JNQR5QW97ziIJXupWdf3uk6CVwG7J8s6yfOL7tId6NVq5eYPDMYrvARu3NA&_hsmi=20603985)

Iran's proclivity for regional meddling is longstanding, and the chaotic politics of the Arab world since 2011 has given the Islamic Republic unprecedented opportunities to insert itself into local politics in destabilizing ways. In my recent congressional testimony, and in remarks to the Herzliya Conference in Israel last month, I explained my view that Iran's regional troublemaking is likely to grow worse in coming years, regardless of a deal over the nuclear program. I said: In fact, whether there's a nuclear deal or not, I predict we will see a more aggressive approach by Iran in a host of arenas around the region, where the upheaval has given them greater opportunities than before. If there is a nuclear deal, the hardline elements within the Iranian regime, those most opposed to a deal, are also those with the greatest interest and investment in regional troublemaking. They are likely to use their ability to make noise regionally to try and compensate for the power disadvantages they see inherent in a deal — and they are likely to have a green light from the Supreme Leader to do so, because he will want to compensate them for their unhappiness with a deal. If there's no deal on the nuclear issue, however, then the Iranian leadership will want to scale up its regional assertions of power for a different reason: in order to solidify or even strengthen its current regional power position in advance of whatever tougher American / Israeli / Sunni Arab efforts it anticipates to contain it. I stand by that prediction. While sanctions relief will give Iran considerably more resources, it has never lacked motivation for its assertions of power, and it continues to face ample opportunity. As my Herzliya panel partner, Meir Javandefar, revealed at the conference, Iran's sanctions-induced economic hardship in recent years has not prevented Iran from spending billions of dollars and its own soldiers' lives keeping Bashar al-Assad in power. So yes, Iranian meddling across the region will get worse in the wake of an Iran deal— but it was going to get worse anyway. The real question about Iran's regional behavior is not, therefore, whether a nuclear deal is too dangerous for the Middle East because it will give Iran more ability to make trouble. Trouble, in case you haven't noticed, is not lacking in the Middle East, and Iran is one major source (though not, to be sure, the only one). The real question is what the United States and America's Arab allies are prepared to do about it. Note that, in my view, America's Arab allies have an essential role to play here, independent of the United States. Read on to see what I mean.

The deal changes nothing

Suzanne **Maloney, 7/15**, interim deputy director of the Foreign Policy program at the Brookings Institution and a senior fellow in the Brookings Center for Middle East Policy, July 15, 2015, Brookings, "For the U.S. and Iran, a nuclear accord upends old assumptions", http://www.brookings.edu/blogs/markaz/posts/2015/07/15-iran-deal-diplomacy-sanctions-rouhani-beginning?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20624082&_hsenc=p2ANqtz-9SEY60r2pRxxjZc8Zu75XmCIZT-sdnEWMIAMc36o-qhMilxtyiusrW5bawoJ6D5CCKUxda4qPpcueDZOOFQw4TxorWVg&_hsmi=20624082
//Zabner

But though the negotiating process itself has ended, the factors that undermine its relationship with the world have not. The deal will not put an end to the dispute over Iran's nuclear ambitions. The agreement will now undergo an excruciating dissection in both capitals, with every word of the 159-page English language text probed for signs of leniency or capitulation. Then, if it survives legislative scrutiny (as it is likely to do), a laborious implementation process will ensure that the issue remains a major preoccupation for each of the states that is a party to the agreement, as well as a source of continuing frictions and suspicions between Washington and Tehran. Nor do Washington's other differences with Tehran appear to be nearing a more auspicious conclusion. Only the most credulous optimist can assert that a nuclear deal will somehow produce an Iranian epiphany about the horrific and destabilizing consequences of its assistance to Bashar Al Assad. Tehran's approach to extending its regional influence, via the funding and direction of violent proxies across the region, will continue to exacerbate instability in Iraq, Yemen, Lebanon, and beyond, while fueling the geostrategic rivalry with Saudi Arabia and the related

sectarian tensions. This week's resumption of a trial of a Washington Post reporter underscores that Iran's unjust detention of American citizens for months or even years will likely continue as well. The same streets where Iranians celebrated a deal yesterday were the scenes of anti-American and anti-Israeli protests, where both flags were burnt in effigy, only a few days ago. Perhaps most importantly, as I'll argue in a follow-up piece tomorrow examining the uncertain prospects for new beginnings, the underlying logic of Islamic regime is unlikely to be altered significantly by the resolution of the nuclear impasse. The nuclear agreement was a transactional decision for Iranian leaders, not a transformational one, and the odds against the moderation of the Iranian system remain overwhelmingly stacked against the establishment of the revolution's elusive Thermidor.

Turn—the Iran bill is problematic and shouldn't pass—concedes too much nuclear power to Iran

Edelman and Takeyh 7/17, Eric Edelman, undersecretary of defense for policy from 2005 to 2009, is a scholar in residence at Johns Hopkins School of Advanced International Studies. Ray Takeyh is a senior fellow at the Council on Foreign Relations., “On Iran Congress should just say no,” Washingtonpost, 7/17/15, http://www.washingtonpost.com/opinions/on-iran-congress-should-just-say-no/2015/07/17/56e366ae-2b30-11e5-bd33-395c05608059_story.html

After two years of painstaking diplomacy, the Obama administration has finally concluded a nuclear agreement with Iran. A careful examination of the Joint Comprehensive Plan of Action (JCPOA) reveals that it concedes an enrichment capacity that is too large; sunset clauses that are too short; a verification regime that is too leaky; and enforcement mechanisms that are too suspect. No agreement is perfect, but at times the scale of imperfection is so great that the judicious course is to reject the deal and renegotiate a more stringent one. The way for this to happen is for Congress to disapprove the JCPOA. Prior to the 2013 interim accord, the Obama administration's position rested on relatively sensible precepts. The United States insisted that, given Iran's practical needs, it should only have a symbolic enrichment program of a few hundred centrifuges, and that the Islamic republic could not be considered a member of the Nuclear Non-Proliferation Treaty (NPT) in good standing until it secured the trust and confidence of the international community in the peaceful nature of its program. These were not just U.S. aspirations but also the position of members of the “P5+1” powers — the five U.N. Security Council members plus Germany. These prudent parameters were overtaken by a cavalcade of concessions that began in 2013. The administration soon brandished the notion of a one-year breakout period that would allow Iran to maintain a substantial enrichment apparatus, in effect abandoning the goal of preventing development of an Iranian nuclear capability in favor of managing its emergence. The much heralded one-year breakout period will only shrink over time as the JCPOA concedes that Iran can begin phasing out its primitive centrifuges in favor of more advanced ones. Even more troublesome is the agreement's stipulation that after its limits expire, the “Iranian nuclear program will be treated in the same manner as that of any other non-nuclear weapon state party to the NPT.” This means that Iran can proceed with the construction of an industrial-sized nuclear infrastructure similar to that of Japan. At that time, Iran could easily sprint to the bomb without risking timely detection. In the coming weeks, the administration will justify its concessions by professing that the agreement establishes an unprecedented inspections regime. The verification measures of the JCPOA rely on “managed access” whereby the International Atomic Energy Agency has to first offer credible evidence of untoward activity and then negotiate with Iran for timely access to the suspect facility. This certainly falls short of the inspection modality pledged by Energy Secretary Ernest Moniz, the administration's chief nuclear physicist, who said in April that “we expect to have anywhere, anytime access.” Under the current arrangement, the likely response to Iranian mischief will be prolonged negotiations mired in arcane detail over at least a three-week period. In as little as a few months, Iran will for all intents and purposes no longer be a sanctioned country. Although elaborate and protracted procedures are in place for the re-imposition of the U.N. Security Council sanctions resolutions, the economic sanctions imposed by the European Union and the United States — always the most essential ones — will be rolled back quickly and will not be easily reconstituted. The European oil embargo, international banking restrictions and efforts to segregate Iran from the global economy will be suspended. And the notion that U.S. business will be left out of the commercial march to Iran because congressionally imposed U.S.

sanctions will remain in place is itself undermined by a loophole in the deal allowing “non-U.S. entities that are owned or controlled by a U.S. person to engage in activities with Iran that are consistent with this JCPOA.” **The JCPOA stands as one of the most technologically permissive arms-control agreements in history.** All is not lost, however, and with sensible amendments the accord can be strengthened. The United States should return to the table and insist that after the expiration of the sunset clause, the P5+1 and Iran should vote on whether to extend the agreement for an additional 10 years. A majority vote every 10 years should determine the longevity of the agreement, not an arbitrary time-clock. Further, the JCPOA has usefully stressed that all of Iran’s spent fuel from its heavy-water reactor will be shipped out permanently. A similar step should be taken with Iran’s enriched uranium. The revised agreement should also limit Iran to the first-generation centrifuges and rely on “anytime, anywhere access.” These and other such measures could help forestall an Iranian bomb and stem the proliferation cascade in the Middle East that this agreement is likely to trigger. At this late date, the only way that the agreement can be reopened and amended is for Congress to first reject it. At that time, the Obama administration or its successor can return to the table and confess that given the absence of a bipartisan foundation of support in the United States, **key provisions of the agreement have to be reconsidered.** At the end of such a process, the United States may yet be able to obtain a viable accord that reliably alters Iran’s nuclear trajectory.

Bomb Good

Iran bomb good—no prolif or terrorism, and prevents escalatory war with Israel and other states

Waltz 12 (Kenneth N. Waltz; July/Aug 2015; Political Science prof at Columbia and one of the single most influential international relations scholars; Why Iran Should Get the Bomb; Foreign Affairs <https://www.foreignaffairs.com/articles/iran/2012-06-15/why-iran-should-get-bomb>)
jskullz

The third possible outcome of the standoff is that Iran continues its current course and publicly goes nuclear by testing a weapon. U.S. and Israeli officials have declared that outcome unacceptable, arguing that a nuclear Iran is a uniquely terrifying prospect, even an existential threat. Such language is typical of major powers, which have historically gotten riled up whenever another country has begun to develop a nuclear weapon of its own. Yet so far, every time another country has managed to shoulder its way into the nuclear club, the other members have always changed tack and decided to live with it. In fact, by reducing imbalances in military power, new nuclear states generally produce more regional and international stability, not less. ¶ Israel’s regional nuclear monopoly, which has proved remarkably durable for the past four decades, has long fueled instability in the Middle East. In no other region of the world does a lone, unchecked nuclear state exist. It is Israel’s nuclear arsenal, not Iran’s desire for one, that has contributed most to the current crisis. Power, after all, begs to be balanced. What is surprising about the Israeli case is that it has taken so long for a potential balancer to emerge. ¶ Of course, it is easy to understand why Israel wants to remain the sole nuclear power in the region and why it is willing to use force to secure that status. In 1981, Israel bombed Iraq to prevent a challenge to its nuclear monopoly. It did the same to Syria in 2007 and is now considering similar action against Iran. But the very acts that have allowed Israel to maintain its nuclear edge in the short term have prolonged an imbalance that is unsustainable in the long term. Israel’s proven ability to strike potential nuclear rivals with impunity has inevitably made its enemies anxious to develop the means to prevent Israel from doing so again. In this way, the current tensions are best viewed not as the early stages of a

relatively recent Iranian nuclear crisis but rather as the final stages of a decades-long Middle East nuclear crisis that will end only when a balance of military power is restored. ¶ UNFOUNDED FEARS ¶ One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, **Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive** just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction. It would be a grave error for policymakers in the United States and Israel to assume otherwise. ¶ Yet that is precisely what many U.S. and Israeli officials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear. ¶ Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the EU announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not want to provoke what would surely have been a swift and devastating American response to such a move. ¶ Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold. ¶ As for the risk of a handoff to terrorists, no country could transfer nuclear weapons without running a high risk of being found out. U.S. surveillance capabilities would pose a serious obstacle, as would the United States' impressive and growing ability to identify the source of fissile material. Moreover, countries can never entirely control or even predict the behavior of the terrorist groups they sponsor. Once a country such as Iran acquires a nuclear capability, it will have every reason to maintain full control over its arsenal. After all, building a bomb is costly and dangerous. It would make little sense to transfer the product of that investment to parties that cannot be trusted or managed. ¶ Another oft-touted worry is that if Iran obtains the bomb, other states in the region will follow suit, leading to a nuclear arms race in the Middle East. But the nuclear age is now almost 70 years old, and so far, fears of proliferation have proved to be unfounded. Properly defined, the term "proliferation" means a rapid and uncontrolled spread. Nothing like that has occurred; in fact, since 1970, there has been a marked slowdown in the emergence of nuclear states. There is no reason to expect that this pattern will change now. Should Iran become the second Middle Eastern nuclear power since 1945, it would hardly signal the start of a landslide. When Israel acquired the bomb in the 1960s, it was at war with many of its neighbors. Its nuclear arms were a much bigger threat to the Arab world than Iran's program is today. **If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now**. ¶ REST ASSURED ¶ In 1991, the historical rivals India and Pakistan signed a treaty agreeing not to target each other's nuclear facilities. They realized that far more worrisome than their adversary's nuclear deterrent was the instability produced by challenges to it. Since then, even in the face of high tensions and risky provocations, the two countries have kept the peace. Israel and Iran would do well to consider this precedent. If Iran goes nuclear, Israel and Iran will deter each other, as nuclear powers

always have. There has never been a full-scale war between two nuclear-armed states. **Once Iran crosses the nuclear threshold, deterrence will apply, even if the Iranian arsenal is relatively small. No other country in the region will have an incentive to acquire its own nuclear capability, and the current crisis will finally dissipate, leading to a Middle East that is more stable than it is today.**

Defense

Iran won't launch a nuke—only interested for defensive purposes

Shanahan 15 (Roger Shanahan; Jan. 8th 2015; ANU's National Security College and is a non-resident fellow at the Lowy Institute for International Policy; "Would Iran Start a Nuclear War?"; National Interest; <http://nationalinterest.org/blog/the-buzz/would-iran-start-nuclear-war-11995>) jskullz

¶ The language is dramatic but the posts lack much by the way of reasoned argument. Don't get me wrong, I'm a devoted counter-proliferator and think that a nuclear-armed Iran should be stopped simply to avoid other states seeking to do the same. But I disagree with the view advocated by Andy Nikolic and others that a nuclear-armed Iran will seek to use those weapons to become more regionally influential or to launch them against Israel.¶¶ (Recommended: 5 Iranian Weapons of War Israel Should Fear) ¶¶ The main reason I oppose such views is because they lack intellectual rigour. Firstly, simply having nuclear weapons doesn't make anyone more influential. Pakistan and India are no more influential following their acquisition of a nuclear capability than they were before it. Influence comes through a range of media, and Iran has always understood that in many ways it's an outsider in the region—ethnically, linguistically and religiously different from its Arab and Turkic neighbours. Hence its reliance on allies and proxies to exert influence—and that wouldn't change if it became a nuclear-capable country.¶¶ Second, Andy's argument is predicated on Iran's seeing a nuclear weapon as simply an offensive weapon. The reality is that nuclear weapons are often the ultimate defensive weapon. Tehran could look east and see how Islamabad's nuclear capability has stopped it from going to war with India, and it could look west and see how Tel Aviv's undeclared capability has deterred its neighbours from invading it. Its nuclear capability hasn't stopped conflict or guaranteed military success for Israel, as it has faced two intifadas, invaded Gaza, had to withdraw from southern Lebanon and fought a short but bloody war against Hizbullah in 2006. But none of those have been existential threats.¶¶ (Recommended: Five Israeli Weapons of War Iran Should Fear) ¶¶ The argument follows that Tehran sees a nuclear capability as the ultimate shield, rather than as a potential sword. Having been invaded by the British and the Soviets in World War II, and then suffering through eight years of a war with Iraq backed by its Arab neighbours and some in the West that cost hundreds of thousands of lives, it's easy to see the logic of Tehran viewing a nuclear weapon as the ultimate shield.¶¶ In order to protect the Islamic Revolution the leadership seeks to guarantee its survival from external attack first and foremost and a nuclear weapon would do that. Any preemptive use of such weapons would be nearly guaranteed to receive more in return and hence end the rule of those charged with ruling in accordance with God's will. Again, there seems to be no reason why the Supreme Leader would seek to do such a thing. Some have argued that a strain of Shi'a millenarianism would see Iran loose off volleys of nuclear weapons in order to set the conditions to hasten the arrival of the Awaited Imam. There's no explanation of how that would follow, nor evidence of any support for such a concept by the Supreme Leader, who is in charge of Iran's nuclear file.¶¶ (Recommended: 5 Israeli Weapons of War ISIS Should Fear) ¶¶ Andy claims that Iran exhibits "a determination to leverage the anticipated benefits of that [nuclear] investment" and that it seeks a nuclear capability "because of the prestige, power and authority which Iran believes such weapons would give it, both regionally and beyond." What he doesn't do is explain exactly what he sees those benefits to be, nor how he sees Tehran achieving power and authority as a nuclear state. I agree that Tehran seeks regional influence commensurate with how it views its rightful place in the international system. But I don't see how having a nuclear capability achieves that other than by safeguarding it from existential threats. Rather, I'd argue that Iranian national power, and hence that of the Islamic Revolution, will be furthered by leveraging its enormous potential economic and human capabilities. In many ways that's what its Gulf neighbours truly fear.¶

Censorship Good—Russian Scenario

1NC Russian Regime Collapse

Russian Internet Censorship Suppress Dissent and Create Support for Putin's Regime

Pfeifer 15 (Ezekiel Pfeifer, a journalist with seven years of experience covering international politics, business, and culture, in Moscow, Russia. He is also the director of IMR (Institute of Modern Russia) international relations division. 'Why doesn't Russia Censor The Internet like China' <https://www.linkedin.com/in/ezeikielpfeifer>)

Last April, Russian president Vladimir **Putin's** spokesman Dmitry Peskov gave an interview on state TV in which he talked about the president's use of technology. Peskov said the president does not have a **mobile phone** ("Putin doesn't use smileys—people have to call and report to him."), but **he does actively use the Internet.** This was something new: in 2011, Peskov said that Putin rarely used the Internet, in contrast to then-president Dmitry Medvedev, whose use of social media and enthusiasm for technology became one of his best-known (and most widely ridiculed) traits. Peskov said that Putin would not be joining Medvedev in creating personal accounts on Facebook or Twitter, because "There is no need, for now... **he faces no problems whatsoever with delivering his point of view to people.**" Why is it that Putin has no problem getting his message out? The reason, of course, is that **most of what Russians see and hear is Putin's point of view and Putin's point of view only.** Ninety percent of Russian citizens watch the TV news, **and television in the country has been monopolized by state-controlled channels, which primarily show Putin,** Putin, Putin. But Russians are also increasingly getting their news online. A poll last June showed that 24 percent of Russians read about current events on the Internet, up from just 9 percent in 2009. Overall use of the Web is also on the rise: last October, a poll showed that 65 percent of Russians use the Internet, an increase from 48 percent in 2011. From Peskov's comments, it can be inferred that as **the Internet becomes more widely used and begins to rival television in its reach, the Kremlin will attempt to make Putin's voice one of the only voices heard there as well.** In order to prepare for this scenario, **the Russian government is building the infrastructure it would need to stifle dissent online more broadly than it already does.** This can be thought of as scaffolding for Russia's own version of the Great Chinese Firewall. The Kremlin has already built a much shorter firewall than China operates, blocking select materials, such as the blog of opposition leader Alexei Navalny. It also uses hybrid tactics to eliminate unwanted online resources and combat what it sees as threats to Putin's authority, such as Western news reports and critical political commentators. But while the Russian government is steadily constructing the scaffolding for a taller firewall, it has shown no intention of matching the height of China's defensive structure, for a variety of reasons. As with television, **Putin recognizes the massive potential impact of the Internet.** Just last month, at a meeting of a pro-Kremlin Internet lobby group, Putin said "in the near future, the influence of these technologies"—referring to a range of online startups presented to him—"will be simply enormous." He's almost certainly wary of the possibilities. As a KGB officer **in the 1980s, he watched how the freer information flows** of glasnost **helped bring about the collapse of the Soviet Union, a fate that he clearly wants his own authoritarian regime to avoid.** Part of what makes the Internet so potentially virulent in Putin's eyes is its Western origins—last year he called it a "CIA project." At a meeting of the Federal Security Service last month, Putin ordered officers to continue their efforts to "rid Russian cyberspace of illegal and criminal materials" and to "more actively use modern technologies for this purpose." (It should be noted that Putin also said he was "not speaking of limiting online freedom." He said people should not be prevented from "communicating online and posting legal, permissible, and proper information.") **Putin's fear-mongering about the dangers lurking on the Internet seems to have had a major impact on public opinion: a recent study showed that 49 percent of Russians think the Internet should be censored and 42 percent think foreign countries are using the Internet against Russia.** Over the last three years, the Russian government has enacted more and more onerous Internet restrictions, and has justified them mostly by citing security concerns. Under a law passed last year, foreign Internet companies will be required to store Russians' personal data on servers inside the country beginning in September 2015, due to state concerns about the West using such information to aid in anti-Kremlin conspiracies. There are now four different state Internet blacklists, two of which are ostensibly related to security: a list of web pages containing extremist materials, and a list of pages containing calls for unsanctioned gatherings. (The other two blacklists contain web pages that violate copyright rules and pages containing child pornography or information about suicide methods or illegal drugs.) **In the last six months, officials have floated various new measures that would further strengthen state control of the RuNet** for security reasons. **These include creating a "kill switch," which would cut Russia off from the World Wide Web** in an emergency, and bringing the .ru and .pф domains completely under state management. These measures have not become laws but were likely floated

as a way for the Kremlin to gauge the reaction of the public and elites. No matter what the Kremlin's economic calculations are, **chances are it doesn't feel the need to crack down harder online in order to contain political threats, because the opposition is already so weakened.** One other area of concern for the Kremlin is online media and commentary, and it has taken steps to restrict some websites it doesn't like and to neutralize the influence of others. In a few cases, the government has simply blocked access to whole websites—opposition media Kasparov.ru, Grani.ru, and Ej.ru—but more often it uses subtler tools. Recent exposés have revealed the work of infamous pro-Kremlin Internet trolls, who are paid to leave huge numbers of comments on Western news websites and social media pages criticizing the Russian opposition and praising Kremlin policies. Another tactic has been cooption: In recent years, highly influential RuNet sites such as the social network VK and news website Lenta.ru were brought under the control of Putin-friendly managers, after previously being known for their independence. In Russia's parliament, lawmakers passed a measure requiring bloggers with over 3,000 subscribers to register as media outlets, making them targets of stricter regulation. A recent leak of messages attributed to a young Kremlin official revealed that the government also has sway over Internet companies that it does not control directly. In one of the leaked messages, the official, Timur Prokopenko, tries to help a Kremlin-friendly movie star deal with a scandal involving Russian Internet giant Yandex. Prokopenko tells the star to get in touch if he needs help, saying, "We're close with Yandex right now, they're very attentive to us." Another leaked message contains an exchange between Prokopenko and the general director of online news agency RBC, Nikolai Molibog (who confirmed the authenticity of the leaked messages). In the exchange, Prokopenko notes his displeasure at a report about a rally for the federalization of Siberia, to which Molibog responds that he will "be more careful." The leak underscores the difficulty inherent in trying to limit the influence of the Internet, however. After all, the messages were susceptible to being hacked because they were online—many government officials use online communication just like the rest of us, because it's so convenient. The same group of hackers who released the Prokopenko messages, known as Anonymous International, also leaked emails of Deputy Prime Minister Arkady Dvorkovich last year, and the group says it has two terabytes of data, much of it files about people "close to Vladimir Putin." Had this occurred in China, the government would likely have blocked all news reports about the leaked messages. Why didn't the Russian government do this? Part of the explanation may be logistical. China reportedly employs over two million people to monitor online activities, manpower that would be very difficult for Russia to match. Even as a percentage of the population, the equivalent number in Russia would be over 200,000, and the government likely cannot spend the money necessary to support that number of Internet monitors. The Kremlin has successfully forced businesses to take on some of the expense and logistics of enforcing Internet restrictions, by requiring the installation of Internet filtration technology. But recently, Internet providers balked at the expense of a new filter proposed by lawmaker Yelena Mizulina aimed at protecting children from certain online materials, and the initiative has been shelved. The overall economic impact of blocking large portions of the Internet is likely also a concern for the Kremlin. In China, the blockage of widely used resources like Gmail is taking a greater and greater toll on the business environment. Given the current sanctions by the West and the low price of oil, Russia can ill-afford to make conditions for doing business even worse by barring the use of popular websites. The Kremlin might think such damage can be offset by the economic opportunities presented by international isolation. If companies like Google, Facebook, and Twitter abandon the Russian market due to the near-impossible task of storing Russians' data on local servers, the Kremlin might hope the vacuum will be filled by domestic equivalents like Yandex and VK. Indeed earlier this month, Russia's communications minister presented a plan to boost support for Russian software companies as part of a drive to increase domestic production of all manner of goods. No matter what the Kremlin's economic calculations are, chances are it doesn't feel the need to crack down harder online in order to contain political threats, because the opposition is already so weakened. This is partly due to the increase in censorship that occurred after the mass political protests of 2011–2012. Over the past year, since the Ukraine crisis began, there has been another uptick in Internet censorship as well as online propaganda, due to state paranoia about the possibility of a Maidan-like revolution overthrowing the Putin regime. **So far, these efforts have been effective politically, helping to produce record-high approval ratings for Putin. The scathing anti-Western propaganda and the vitriol produced by pro-Kremlin trolls create an atmosphere of intimidation that** security analyst Andrei Soldatov says **is the central feature of the Kremlin's system for controlling the Internet.** In other words, the government doesn't need to block a huge amount of online material, because it effectively intimidates people into not posting things they otherwise might. A recent government statement banning a popular type of meme is a prime example of this strategy at work. No one expects the government to actually root out every single one of these memes and order them deleted, but people will likely think twice about posting them now. This fear of getting in trouble, either with the law or with peers, neighbors, or family, keeps people quiet. It's the same principle that led Soviet citizens to avoid saying controversial things in case the KGB was listening or neighbors were eavesdropping. But this constant spooking of people may not suffice in the future. If the economy continues to worsen and political dissent rises, the Kremlin will likely combine this intimidation with more blunt methods, like building up its Internet firewall. Political developments over the next few years will determine just how high the firewall will go, and only a successor to Putin is likely to consider knocking down the wall and the scaffolding altogether.

Internet Liberalization Facilitate Dissent and Anti-Regime Protest

Filder 12 (the Doctor of Philosophy degree in Political Science in the Graduate College of The University of Iowa. "Dissent in digital: the Internet and dissent in authoritarian states"
<http://ir.uiowa.edu/cgi/viewcontent.cgi?article=3240&context=etd>)

Does **the Internet facilitate anti-regime dissent within authoritarian states?** I argue that **the Internet fosters dissent mobilization through three factors: distance, decentralization and interaction. First, the Internet fosters dissent mobilization by allowing protesters to communicate relatively cheaply and instantaneously over great distances.** While other communication mediums also reduce distance costs, **the second factor, decentralization, allows dissenters to use the Internet to evade state controls and reduces the state's ability to restrict information flows. Third, the Internet's**

Interactive nature allows users to both become consumers and producers of information. Interactivity also fosters trust between users that can evolve into offline action. However, the empirical record consists almost entirely of open sourcenews reporting and qualitative studies, and there are few clear theoretical links between the traditional dissent and repression literatures and recent Internet mobilization theories. My goal in this project is to place a generalizable theory of Internet-mediated dissent within traditional mobilization context and more recent communication, computer science and legal literatures. I frame my theory of Internet mediated dissent through three components. The first component is Internet access as a mobilizing structure, in which I posit that Internet access creates conditions for social mobilization that are difficult for regimes to counter. The second component is the effect of Internet censorship on Internet-facilitated dissent. For the third theoretical component, I assess that despite the type of censorship, increased Internet use eventually overwhelms the regime's capacity to censor information. I test my theoretical components through a series of large N cross national time series negative binomial regressions spanning 1999-2010. In the first test, I find that increased Internet access increased the likelihood of protest in non-democratic states. Results of the second tests are mixed: technical censorship has no effect on protest, soft controls decreased incidence of protest, and combined technical and soft programs increase the likelihood of protest, albeit the substantive effect is slight. In the third test, I hypothesize that Internet use eventually crosses a user threshold after which censorship is no longer effective. The results of the third test suggest that censorship is not effective regardless of Internet access levels. However, the influence of Internet use on protest tapers off once a specific threshold is reached. The dissertation proceeds as follows: in Chapter 2, I present literature review that frames my research question within previous empirical work. Next, in Chapter 3 I propose and illustrate my theory of Internet-mediated dissent. In Chapter 4, I test whether or not incidents of anti-regime protest increase as Internet use increases inside non-democratic states. I build on these results in Chapter 5, in which I test whether technical filters, soft controls or a combination of methods decrease the likelihood of protest inside non-democratic states, followed by a test for whether increasing Internet use overwhelms censorship programs. Finally, in chapter 6 I summarize my findings, discuss data complications, offer ideas for future research, and discuss the implications of this project.

Russian Collapse would lead to Instability, Economic Collapse, Refugee, and Bloodshed- that would Spillover to Eastern Europe

Motyl 15 (ALEXANDER J. MOTYL is professor of political science at Rutgers University-Newark, as well as a writer and painter. He served as associate director of the Harriman Institute at Columbia University from 1992 to 1998. A specialist on Ukraine, Russia, and the USSR, and on nationalism, revolutions, empires, and theory. "Preparing for the Imminent collapse of Russia" <http://www.worldaffairsjournal.org/users/alexander-j-motyl>)

A just-published report by Russia's premier political analyst, Lilia Shevtsova, has important implications for the post-Soviet states in general and Ukraine in particular. Titled "Russia XXI: The Logic of Suicide and Rebirth," the report was released by the Moscow Carnegie Center in January 2013. Shevtsova, who together with democratic reformer Grigory Yavlinsky shares the distinction of having been born and raised in the West Ukrainian city of Lviv, chairs the center's Russian Domestic Politics and Political Institutions Program and is the author of, among many other books, Putin's Russia and Russia—Lost in Transition. When Shevtsova speaks, Western policymakers and academics listen—and post-Soviet dictators should listen. XXI" report has good news for democrats and well-wishers of Russia: Vladimir Putin's days as Russia's dictator are numbered. According to Shevtsova, "The Russian system is beginning to decay. It cannot sustain the crumbling status quo, nor can it be certain of finding a new incarnation for itself. The only real questions are what stage of decay the system is in, whether the agony of its demise has already started, and, if so, how long it will last." To be sure, the system still has some resources, if not to revive itself, then to draw out its death, and that survival instinct could take a nasty, even bloody, form." That last sentence suggests that the demise of Putin's fascistoid regime could take on nasty forms with profoundly deleterious consequences for Russia and Russians: The system no longer has adequate resources to manage society through means of mass coercion and force; the resources required for that are being quickly depleted. By opting for harsher management instruments, the regime will significantly truncate its

own support base. **By suppressing the relatively moderate opposition**, which is trying to express itself openly and constitutionally, and by rejecting constitutional rights and freedoms, **the Kremlin itself will breed a radical and destructive opposition** that will act clandestinely and opt for violent methods. It is the Kremlin that is shoving these differences of opinion and opposing viewpoints into a revolutionary niche. **In its attack on pluralism, the regime** is not only radicalizing the conflict and accelerating the political cycle, it is also **reducing the chances of reaching an agreement between the opposition** and a part of the ruling elite. As it tries to shift responsibility for the use of force to all of the elite, the Kremlin impairs the chances for the formation of a pragmatic wing ready for a peaceful exit from the Russian system. No less serious is the fact that the current ruling elite, feeling that it has been cornered and apparently beginning to understand the nature of the challenges, has started to consciously pursue a policy that will deepen the degradation of society, preserve its atomization, and provoke ethnic and social hatreds. This is the goal of the Kremlin's propaganda and policy: to prevent society's consolidation against the authorities and to provoke conflicts and tensions that make the authorities the arbitrator. If this policy is successful, Russia is doomed. In order to forestall such a dire outcome, says Shevtsova, it is imperative for the democratic opposition to get its act together as soon as possible: The agenda for the upcoming political season contains a few objectives. One of them is consolidating the opposition and formulating an agenda that is responsive to the challenges posed by a more repressive regime. Another objective is integrating political and socioeconomic demands. Yet another is uniting all of the opposition factions **and the moderates within the system ready for change under the banner of universal democratic demands and the peaceful transformation of the system**. The fast-paced events of the day and the degradation of the system may call for some ad hoc changes to the agenda, but one objective remains paramount under any circumstances: the pledge by all participants in the political process to renounce personalized power and to step down from positions of power in case of electoral defeat. This has never happened in Russian history. If Russia finally manages to do it, it will have reached its "end of history" and the beginning of a new one. Note that Shevtsova's analysis could be applied, word for word, to Ukraine, Belarus, Kazakhstan, and a number of other dysfunctional post-Soviet authoritarian regimes. Just as these regimes emerged from similar political and economic circumstances that may loosely be termed the "Soviet and post-Soviet legacy," so, too, these regimes are likely to break down, collapse, or crack up for the same reasons, the primary one being their systemic unsustainability. Moreover, just as these regimes emerged pretty much at the same time, so, too, they are likely to vanish at the same time. Indeed, one can easily imagine that **the collapse of** any one of them—and especially of **Putin's regime—will immediately have spillover effects** in the others, **producing a chain reaction of regime breakdowns similar to the collapse of communism** that swept East Central Europe in the course of six months in 1989. Domino theory redux, anyone? As Shevtsova warns us, **Russia's collapse** could be peaceful and lead to democratic consolidation or it **could be bloody and spell Russia's doom**. Exactly the same outcomes face post-Yanukovich Ukraine, post-Lukashenko Belarus, and post-Nazarbayev Kazakhstan. It is conceivable that we'll witness, within the next five or so years, a wave of democratic transitions in the entire post-Soviet space or a wave of bloody breakdowns. The former scenario would be wonderful, but, as Shevtsova says, it can happen if and only if the democrats prepare for it accordingly. **The latter scenario—breakdown—would be a disaster** for everyone concerned. Its consequences—**instability, economic collapse, refugees, bloodshed—would definitely spill over into East Central Europe** and, despite the iron curtain set up by the Schengen-zone countries, into the core of the European Union as well. Smart Western policymakers might consider asking themselves whether they're doing enough to prevent that doomsday scenario from happening. The wrong way to proceed is to try to prop up doomed regimes, even if they export gas. The right way is to start working with the democratic oppositions in preparation for the day the dictators disappear. It's too late for the regimes in Russia, Belarus, and, probably, Kazakhstan to change: they've been around for too long and they're too entrenched. It may not be too late for the significantly younger and less entrenched Yanukovich regime to try to change its spots and avoid an ignominious end. All Yanukovich need do is free Yulia Tymoshenko and Yuri Lutsenko, sell his palatial estates outside Kyiv, tell his son Sasha to go back to dentistry, fire the thuggish Minister of Education Dmitri Tabachnik, and retire before the 2015 presidential elections. Oh, and read Shevtsova's excellent report now, when he could learn a thing or two about survival—and not several years from now, when he's in the slammer or on the lam.

1NC Russian Terrorism

The Threat of Terrorism is high

Cohen 12 (Ariel Cohen is a political scientist focusing on political risk, international security and energy policy, and the rule of law.^[1] Cohen currently serves as the Director of The Center for Energy, Natural Resources and Geopolitics (CENRG) at the Institute for Analysis of Global Security (IAGS.) “A Threat to the West: The Rise of Islamist Insurgency in the Northern Caucasus and Russia’s Inadequate Response”

<http://www.heritage.org/research/reports/2012/03/a-threat-to-the-west-the-rise-of-islamist-insurgency-in-the-northern-caucasus>)

Russia’s Northern Caucasus is turning into one of the most volatile, lawless regions in the world and a hotbed for international terrorist activity in spite of decades of Russian military operations and repeated assurances from the Russian GOVERNMENT that peace has been achieved. As Russia continues to lose control of the region, it is becoming a significant base for Islamist terrorist organizations and organized crime and may ignite an even greater terrorist campaign inside Russia and beyond. Islamist terrorists from the self-proclaimed Caucasus Emirate have already attacked energy infrastructure, trains, planes, theaters, and HOSPITALS. They are increasingly involved in terrorist activities in Western Europe and Central Asia, including Afghanistan. North Caucasus Islamist insurgency is part of the global radical Islamist movement, which is deeply and implacably inimical to the West and the United States. Russian counterinsurgency programs have partially failed, marred by excessive use of force and repeated HUMAN RIGHTS VIOLATIONS. The Russian civilian and military leadership tends to overemphasize counterterrorist operations, while largely ignoring the broader counterinsurgency perspective.[1] To alleviate the hostilities, the Russian government has implemented many economic and developmental programs and provided billions of dollars in aid to the North Caucasus in the past few years. Russian officials have invested to curb the appeal of radical Islam among the youth, but the area’s overall economic and social prospects remain grim due to the ongoing SECURITY crisis caused by heavy-handed security policy and the pervasive corruption and mismanagement of the Russian government. Thus, Russia’s entire counterinsurgency strategy is in question. Its primary goal is “to make the local population less afraid of the law enforcement than the insurgents,”[2] but the overly violent Russian approach has often produced the polar opposite. Since the dissolution of the Soviet Union in 1991, the North Caucasus has experienced two major wars and numerous skirmishes, resulting in hundreds of thousands of casualties and internally displaced persons, while the fear of terrorism has spread throughout Russia. Spreading ungovernability in the Northern Caucasus facilitates the emergence of Islamist SAFE havens, complete with terrorist training facilities, religious indoctrination centers, and hubs of organized crime. This should be a cause for concern for the United States.

Internet Prompts up Terrorist Attacks against Russia

Cross 13 (Dr. Sharyl Cross was appointed Director of the Kozmetsky Center at St. Edward’s University beginning in September 2013. From 2005-2013, Dr. Cross was Professor in the COLLEGE of International & SECURITY Studies at the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen Germany. Prior to the Marshall Center, Dr. Cross was at the United States Air Force Academy where she had been appointed

Distinguished Professor of Political Science. Dr. Cross earned a Ph.D. in Political Science from the University of California, Los Angeles, and was resident fellowship scholar and consultant at the RAND Corporation completing programs in Russian area and policy studies. “RUSSIA AND COUNTERING VIOLENT EXTREMISM IN THE INTERNET AND SOCIAL MEDIA: EXPLORING PROSPECTS FOR U.S.-RUSSIA COOPERATION BEYOND THE “RE-SET”

Russia’s central priority with the terrorist challenge has tended to concentrate on the threat emanating from Chechnya and the surrounding regions of the North Caucasus. **Violence emanating from the Makhachkala region within Dagestan territory has been a priority concern in Russia’s counter terrorist efforts.** While there has been no single assault in **Russia** resulting in the loss of thousands of lives, such as the September eleven attacks in the United States, the nation **has suffered a series of terrorist incidents** over the past several years. Bombings of apartment buildings, theaters, subways, airlines, the school hostage incident in Beslan in 2004, and the more **recent attack** at the Domodedovo airport in January 2011 perhaps captured the most international attention and **demonstrated Russia’s vulnerability to the terrorist threat.** The violent extremist threat in Russia spans the gamut from Islamist extremists to militant ultranationalists. There are no official statistics on the number of Muslims in Russia. Figures range of three million to thirty million, with most sources estimating between eighteen and twenty million geographically concentrated in the large cities of the Volga-Ural and North Caucasus regions. Demographic trends indicating declining birth rates among Orthodox ethnic Russians compared with the relative growth among Russia’s Muslim population suggests the potential for shifting political and social influence in the future. While the bulk of Muslims in Russia, primarily of the Sunni, Hanafist, and Sufi traditions, simply seek to practice their faith in peace, adherents of the anti-Sufi New Islamic Movement and radical Shahidists and Salafists share the objective of imposing a fundamentalist Islamic state under sharia law. Sharia courts operate today on Russia’s territory in Dagestan, Ingushetia, and Chechnya. While some observers consider the influence of Wahhabism and Salafism a more recent phenomenon in the North Caucasus, the writings of Dagestini scholar Yaseen (Makhach) Rasulov and leader of the Sharia Jamaat group who was killed in 2006 traces the origins of to the anti-Russian resistance movements of the 18th century.³⁰ **Socio-economic problems, unemployment, lack of opportunity, and corruption provide a fertile ground for recruiting** followers in the region. Concerns with maintaining the territorial integrity of the Russian Federation have generated speculation about a potential contagion effect ³⁰ Andrei Smirnov, of the Arab revolutions that might inspire young people who have become disenchanted with traditional Islam in the North Caucasus, Tatarstan, and Bashkortostan. Russia includes the Muslim Brotherhood among **terrorist** organizations, and a number of Islamist or Salafist publications have been banned in the country. Prosecutors in Birsik in Russia’s Republic of Bashkortostan shut down a website during Summer 2012 for publishing a news portal entitled “Wake Up Tatar!” which was described as containing extremist ethnic and religious content.³¹ Islamist groups that do not purport the use of violence such as Hizb-ut-Tahrir have also been targeted and banned.³² At the same time, the Russian government maintains constructive relations with the mainstream Islamic community in the country and abroad. Russian officials have engaged the Islamic community to combat extremism. Over the past several years, the office of the Russian President has held conferences involving the participation of foreign policy officials with Islamic religious clerics and leaders of other faiths in combating terrorism and extremism.³³ Russia holds observer status in the Organization of Islamic Cooperation (OIC), and does not include Hamas and Hezbollah as terrorist organizations as does the United States and other Western countries. At times, the Russian foreign policy community has suggested that Moscow could serve as a “bridge” between the Islamic and Western worlds emphasizing the importance of avoiding any “clash of civilizations” or religions in addressing the contemporary global terrorist challenge. ³⁴ Extreme nationalist groups have become more widespread in Russia over the past two decades and are a source of greater concern.³⁵ Riots in Manezhnaya square in December 2010 highlighted the problem when some 5,000 sports fans and nationalists groups went to the street in response to the death of a Spartak Moscow supporter who was killed in ethnic clashes with migrants of the North Caucasus. Vladimir Putin offered the observation that extremists used soccer fans as “cannon fodder” urging the necessity for “cracking down on all extremist organizations.”³⁶ Putin noted: “...A person from the Caucasus should not be afraid to go out in the streets of Moscow, and our ethnic Slavic citizens should not be afraid to live in the North Caucasus republics...”³⁷ In responding to the riots, Deputy Prosecutor General Alexander Buksman emphasized that Fascism has also grown in recent years in terms of those affiliated with groups such as “Blood and Honor” (the Russian branch of the international neoNazi organization), “Russisky Kulak” (Russian Fist), “Nationalist Socialist Group 88,” “Skinlegion,” and others. Russia’s President Vladimir Putin acknowledges the problem noting that “...Even in our country that did so much to vanquish Fascism we see, unfortunately, manifestations that are cause for shame.”⁴¹ **These groups have become increasingly technologically competent developing websites to aid their recruitment efforts, and engaging in hacking to promote their objectives.** Demushkin’s “Slavyansky Soyuz” boasts an “information warfare department” pledging to close down websites of their so-called “enemies.”⁴² Russia’s political parties throughout the spectrum promote the importance of Russian values, culture, tradition—or the “Russian” as opposed to the “Western” model as the path most suited for their country. Pro-Kremlin groups for example champion themes characterizing the “West” as the “Other” and “Russia” as “Nashi” (Ours), whereas ultra- nationalist right wing groups trumpet references to “Great Russia” and racial superiority. As such, mainstream messages of patriotic national identity can at times become blurred with extreme ultra-nationalism. Russia’s authorities have

consistently spoken out against terrorism, extremism, xenophobia, and racism. However, Emil Pain makes the important point that Russian law enforcement authorities have been much more willing to employ force against Chechen nationalists and Islamist fundamentalists in the Republics of the North Caucasus, than to use coercive action in responding to extreme ultra-nationalist elements of the native populations.⁴³ **Russia's most recent National Security Strategy (to 2020) specifically identifies the threat of terrorism and extremism and vulnerabilities created by the "global information struggle."** The document states: "The global information struggle will intensify, threats will increase to the stability of industrialized and developing countries, their socio-economic development and democratic institutions. Nationalist sentiments, xenophobia, separatism and violent extremism will grow, including under the banner of religious radicalism."⁴⁴ Member of Russia's Security Council Nikolai Patrushev has called for the creation of a "global watchdog" to monitor violent extremism and terrorism in the Internet.⁴⁵ In an interview published in *Kraznaya Zvezda* following the 2012 Presidential elections, Patrushev offered the following observation on the relationship between terrorism, extremism, and information security: "At the threshold of the 21st century the primary threats to international peace and security have "shifted" to the information sphere. **The intensive development of information and telecommunication technologies** (IKT), the globalization of the information infrastructure and the information space along with its positive component also have the opposite side. In present-day conditions, the hostile use of IKT **for criminal and terrorist purposes is becoming a real threat to international security.**"⁴⁶ Patrushev continues underscoring the importance of international cooperation in information security: "...in modern conditions effectively providing national and international security and stability is impossible without strengthening security in the informational sphere, or as they are now saying, international information security..."⁴⁷ The Moscow Patriarchate of the Russian Orthodox Church has expressed concern about the frequency of attacks made on religious leaders who resist extremism. Following a recent car bombing incident resulting in seriously injuring Mufti Ildus Faizov, Chief of the Synodal Information Department of the Russian Orthodox Church Vladimir Legoyda expressed concerns regarding increasing attacks against those "who resist extremism and preach the rejection of violence, and peaceful and balanced ways of dealing with problems..."⁴⁸ He continued emphasizing that "...Fighting religious extremism is an acute problem facing the public in Russia..."⁴⁹ Archpriest Vsevolod Chaplin has suggested that Russia and European countries should "adopt a law banning expansion of religious extremism, which results in deaths..."⁵⁰ He suggested that international organizations (Council of Europe and others) should equate the ban on religious extremism to the ban on Nazism, and noted that while "...Western ideologists believe a ban on spreading ideas is impossible. I am sure there is a need to restrict the expansion of such ideas as they justify the killing of civilians..."⁵¹

Terrorist would acquire Weapons of Mass Destruction in Russia

Saradzhyan 03 (Simon Saradzhyan is a research fellow at Belfer Center for Science and International Affairs at Harvard University.^[1] Prior to joining the Belfer Center, Saradzhyan worked as a researcher for East West Institute and as a consultant for the United Nations and World Bank. "Russia's Reality of Nuclear Terrorism"
<http://belfercenter.hks.harvard.edu/files/russia-grasping-reality-nuclear-terror-eng.pdf>)

The likelihood of a catastrophic terrorist attack against Russia is growing, as radical separatist in trouble Chechnya increasingly become more desperate, and security at many of Russia's civil nuclear facilities remains insufficient. They have already demonstrated their capability and willingness to inflict massive indiscriminate casualties by organizing an apartment bombing in the southern Russian city of Buena's. They have acquire radioactive materials, threatened to attack Russia's nuclear facilities, plotted to hijack a nuclear submarine, and have attempted to put pressure on the Russian leadership by planting a container with radioactive materials in Moscow and threaten to detonate it. The disintegration of the Soviet Union left 40000 nuclear weapons, more than 1000 metric tons of nuclear material vast quantities of chemical weapons and biological material, and thousands of missiles scattered across several independent states. The largest portion of this deadly arsenal were concentrated in Russia, Ukraine, and Kazakhstan, which faced the biggest challenges to secure these material. Frantic effort by the Russian and US government coupled with the good will of the other former Soviet states have brought most of the arsenal to Russia for storage and disposal. **However, the decentralized and weak country was initially unprepared to safeguard the stockpiles** accumulated by the totalitarian Soviet regime. The Soviet Union took pains to maintain a strong second line of defense against proliferation of NBC materials by making its border impenetrable from within and without. But post-communist

democratic Russia can ill afford to build a strong Iron Curtain. Instead Russian authorities have focused on strengthening the first line of defense. Security perimeters at nuclear facilities. **Considerable improvement in security have been made** during the past decade at the Defense Ministry's nuclear facilities, as Russian authorities view the threat of terrorism and proliferation more seriously. Acknowledging the scope of this danger, Russian policymakers have defined terrorism as one major threat to the country in both by Russia's nation security Concept and military. **Nevertheless, the possibility that terrorist could acquire nuclear materials or even seize a Russian military nuclear facility still exist.** "We are facing a growth threaten the use of nuclear material by terrorist," deputy head of the 12th Main Directorate of the Defense Ministry General Alexander Frolove told a US newspaper in July 2002. "They may even go so far as capturing nuclear facilities. Among the matter of concern are lack of personnel regulation and the diminishment of military personnel from nuclear facilities. Former workers of our nuclear complex may be the focus of attention for terrorist groups."

Link—Scenario #2

Sudden Liberalization of the Internet Increases Threat of Terror

Cross 13 (Dr. Sharyl Cross was appointed Director of the Kozmetsky Center at St. Edward's University beginning in September 2013. From 2005-2013, Dr. Cross was Professor in the COLLEGE of International & SECURITY Studies at the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen Germany. Prior to the Marshall Center, Dr. Cross was at the United States Air Force Academy where she had been appointed Distinguished Professor of Political Science. Dr. Cross earned a Ph.D. in Political Science from the University of California, Los Angeles, and was resident fellowship scholar and consultant at the RAND Corporation completing programs in Russian area and policy studies. "RUSSIA AND COUNTERING VIOLENT EXTREMISM IN THE INTERNET AND SOCIAL MEDIA: EXPLORING PROSPECTS FOR U.S.-RUSSIA COOPERATION BEYOND THE "RE-SET"

Russia has an estimated 61.5 million Internet users in 2012, ranking number seven among nations in the world in terms of Internet usage. **4 Russian officials estimate that the number of Internet users in Russia could reach 90 million users by 2013.**⁵ In 2011 .ru moved from 6th to 5th place ranking of the * Dr. Sharyl Cross is Professor of International Security and Politics at the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen Germany. The views expressed in this article are those of the author and do not reflect the official policy or position of the George C. Marshall European Center for Security Studies, the U.S. European Command, the Department of Defense, or the U.S. Government. **The enormous growth of the Internet and social media networks** in recent years **has precipitated** one of the most serious security threats that nations face today, **the utilization of the Internet by violent extremists** as a way **to advance their agendas**. Countering violent extremism is a critical security issue for both the United States and Russia, but establishing a common ground for cooperation between the two has proven challenging. There are, however, areas where building U.S.-Russian collaboration on countering violent extremism is possible, and efforts to do so could contribute to a long-term agenda for U.S. Russian security cooperation post "re-set."² largest domains in the world.⁶ The second Russian national domain .RF also ranks among the top twenty among European nations in terms of usage.⁷ Among Russian Internet users, the most popular resources are available on Yandex.ru, Rambler.ru, and Wikipedia.ru. Social media and social networking has also grown exponentially. The number of Facebook users exceeded 800 million by 2012.⁸ Social networking and blogging communities popular in Russia include Vkontakte, Facebook,

Odnoklassniki, LinkedIn, My Space, Google, Twitter, Ushahidi, and more. Mikhail Yakushev has observed that “Only a couple of years ago the number of users of Internet blogs or social networks was just a fraction of what it is now. Five years ago, these services were virtually unknown.”⁹ Russia’s former President and Prime Minister, Dmitry Medvedev, started his own blog in 2008 engaging with the public on the popular LiveJournal. Nations have not been able to keep pace with preparing and responding to the security challenges accompanying the enormous growth of the Internet and social media networks. **The threat of cyber war, cyber crime, and cyber terror have become very real and potentially devastating security challenges** for nations of the twenty first century international community. **Recent conflicts in Estonia and Georgia demonstrated the potential employment of cyber attacks in both state-to-state and non-state warfare.** The Russian security and academic communities point to the cyber attack on Iranian nuclear facilities with the STUXNET virus as representing a critical turning point revealing the vulnerability of nation-states to cyber attacks. The world community is plagued today by threats of electronic identity theft, use of cyberspace by sexual predators, and many other types of criminal activity utilizing the Internet. One of the most serious threats we face is violent extremists’ harnessing of the Internet and social media to advance their agendas. The world community must not only confront terrorists/violent extremists in our public venues and in the physical war zones, but equally or potentially even more important are the presence of those perpetrating ideologies of violence in the social networking sites to advance their agendas and interests. Moreover, all trends would only point toward the Internet/ social media venues continuing to grow in the future, and we must anticipate that **extremists purporting violence will continue to attempt to make full use of these mediums of communication.** For Russia, and other nations of the world, 90% of Internet users are under the age of 35. **The plethora of extremist video sites available** at YouTube, Google Video, and other venues featuring highly creative and illustrative **images are widely accessed, particularly among the youth.** The policy community is sorely in need of innovative and creative approaches capable of fully grasping the dimensions of such a threat in an increasingly globalized world where information can be exchanged instantaneously and freely from any point on the earth. **Al Qaeda and its affiliates and other violent extremist groups** have recognized the importance of images and perceptions, and widely utilize the traditional media and online platforms to disseminate their 3 messages. Terrorist **groups have skillfully employed the Internet / social media to recruit and indoctrinate followers, disseminate literature, instantaneously broadcast beheadings and other outrageous acts of violence, and to finance and coordinate attacks.** The Task Force on the Future of Terrorism formed by the United States Homeland Security’s Advisory Council (HSAC) in 2007 offered the conclusion that **the “Internet has become a major facilitator of terrorist activities, especially the spread of jihadist ideology.”**¹⁰ Russian terrorism expert Ekaterina Stepanova observes that **the Internet, offering a means of real time exchange of information, provides the perfect mechanism for disproportionate magnification of acts of violence.**¹¹ Philip Seib and Dana M. Janbek have documented the development of use of the Internet by contemporary terrorist groups. Azzam.com, originally established in 1996, eventually came to feature reporting on the Chechen and Afghan mujahedeen and offered a forum for exchanging teachings among the AQ affiliated network throughout the world.¹² Sites such as Al Neda, Global Islamic Media Front, Laskar Jihad and others have served the full range of objectives for these groups including facilitating the transfer of ideological convictions.¹³ **For Russia, extremist websites** such as Kavkazcenter.com **promoting the establishment of an Islamist state in the Caucasus have posed a direct challenge to the existing government.** The site is banned in Russia and appears on the world terror list for the United States, but Kavkazcenter.com continues to operate in several languages on the Internet. Observers have noted that the appeal of these sites stems from the fact that they are anonymous, cheap, provide global reach, and prove difficult to monitor or control. **The Internet / social media arenas offer a gathering point or virtual forum for like-minded individuals with shared views, grievances, and perhaps some basis for common identity.** As Sajjan Gohel notes “**the virtual world is fast becoming the most important meeting place for terrorists** ... after consolidating relationships over the Internet, the recruits can then **plot and plan mass casualty attacks** while remaining in contact with their handlers over the world wide web.”¹⁴ Johnny Ryan has observed that participation in

chat rooms and websites which advance conspiratorial or religio-identity messages and symbolism may fulfill a deep psychological need for community or identity in an otherwise existence devoid of a social network. As Ryan states: "To be a part of an elite network, particularly a conspiratorial one, might be a large part of a person's existence," which "allows a connection to an amorphous community to discuss matters regarded by the wider society as subversive, to find mentors, seek out justification."¹⁵ "It allows individuals who are isolated and alienated, both physically and psychologically, to feel that they are linked, empowered and members of an international movement."¹⁶ Extremist groups can tailor their images for specific audiences and they target specific groups of society including adolescents, women, or children. In 2011, Russia's Interior Minister Rashid Nurgaliyev reported that approximately 7,500 websites with extremist content were active in the Russian segment of the Internet.¹⁷ The problem of terrorism in 4 social networks is included on the agenda of the Russian Security Council. In April 2011, then President Dmitry Medvedev held a meeting with representatives of the Internet community acknowledging the range of security challenges associated with the "explosive growth of the Internet / blogosphere including manifestations of extremism, terrorism, crime, and threats to personal data information."¹⁸ Medvedev emphasized the difficulties these new mediums pose for managing the "creative commons" or issues of copyright.¹⁹ He also stressed that it was important for the President to make the right decisions with respect to all social relations including the Internet.²⁰ The Arab Spring, combined with the widespread protest activity that took place in Russia during the Presidential election period in Spring 2012, brought the issues of the appropriate role of social media and regulation of these sources to center stage in Russia. Reflecting on concerns about the role of social media in revolutions, Oleg Demidov notes that "A harmless technology designed to help people socialize... is being portrayed as something of a weapon of mass destruction which poses a threat to the stability and security of individual nations and the international community as a whole."²¹ In July 2011, Demidov had organized a major conference entitled "Social Networking Services in the Contexts of National and International Security" bringing together officials of the secretariat of the Russian government, Russian Ministry of Communication, U.S. Embassy in Moscow, Russian Foreign Ministry's MGIMO, and other representatives of the security of social media communities to discuss Internet security and social media.²² One of the main questions explored was whether social networking services could represent a national security threat. While the state controls much of the television and news media in Russia, citizens in contemporary Russian society have been able to rely on the Internet as a source of information and communication with few restrictions. Many in society are quite anxious today about the potential for increasing government regulation and monitoring of the Internet / social media. The United States will have to work together with partners throughout the world in finding the proper balance between protecting freedom of information and expression and security in managing the threat from violent extremists. At what point do nations undermine the basis for a democratic society in attempting to manage violent extremism in the Internet / social media arenas? How far can nations go in regulating websites, for example, in instances when those sites are used to recruit terrorists and organize violent attacks? Should we be concerned that nations might exploit the threat of extremism to thwart democratic freedom and development? The new media venues will continue to present challenges for democratic societies in considering imposition of various levels of regulation when the technology is manipulated for purposes of fostering violence and harm to society.

Impact #2

Terrorism causes extinction---hard-line responses are key

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation, July 2013, "Strategic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several powerful trends have aligned to profoundly change the way that the world works. Technology now allows stateless groups to organize, recruit, and fund themselves in an unprecedented fashion. That, coupled with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage. They may act on their own, or they may act as proxies for nation-states that wish to duck responsibility. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of technology trends means that small numbers of people can obtain incredibly lethal power. Now, for the first time in human history, a small group can be as lethal as the largest superpower. Such a group could execute an attack that could kill millions of people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even to drive the human race to extinction. Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. A real defense will require rebuilding our military and intelligence capabilities from the ground up. Yet, so far, strategic terrorism has received relatively little attention in defense agencies, and the efforts that have been launched to combat this existential threat seem fragmented. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

Uniqueness

Overview

Scenario #1: Russian internet censorship has played a key role in suppressing dissent and creating support for Putin's regime. The country's internet control blocks any voice that critiques Putin's Regime. The only voice the people hear is Putin's. This method has fostered strong public support in favor of the regime—that's Pfeifer 15

Scenario #2: The threat of terrorism is high in Russia because the lawless land of the Northern Caucasus have become a hotbed for terrorism. It has become to increase the number of terrorist attacks.

Scenario #2:

Uniqueness Wall—Scenario #1

Putin Regime Needs Censorship to Silence Opposition

Orttung 14 (Robert W. Orttung, after working at the Open Media Research Institute, EastWest Institute, Transnational Crime and Corruption Center, and the Jefferson Institute. Orttung works as the assistant director of the Institute for European, Russian, and Eurasian Studies. In correlation with his work at GW

The repressive “bloggers law” signed by President Vladimir V. Putin on May 6 says a good deal about the troubling decline of free expression in Russia. This measure comes on the heels of a series of

other laws that have recently been put in place to restrict television, books, films, and certain public performances, further **curtailing Russia's** already besieged **media space**. But at a time when Putin's governance system is mutating from a venal, kleptocratic regime into a belligerent, revanchist power, what the Russian authorities do at home has important effects on the media environment in countries on Russia's borders, and beyond. **During** the decade and a half **of Putin's rule, media freedom in Russia has gradually eroded**. As we write in a recent issue of the *Journal of Democracy*, the Kremlin is finding alarmingly effective ways to manipulate and control media, despite the proliferation of new communication technologies and methods of news distribution. With Putin as paramount leader, Russia's most important media have more become instruments of the state, at least when it comes to information about politics. **The authorities have sidelined virtually all mass media outlets** that are capable of offering an independent point of view. The effort to marginalize alternative voices **and** to create a state media system has been in the works since Boris Yeltsin handed Putin the presidency at the end of 1999. Putin began by reasserting control over the national television stations, for example NTV, a private network that during the Yeltsin years had provided critical coverage of important issues, such as the war in Chechnya. By controlling such stations, Putin **achieved dominance over the messages that reach the vast majority of Russian citizens**, most of whom (over 80 percent) still get their information primarily from television. Putin's censorship campaign marches on. Since the start of 2014, the Russian authorities have taken aim at the remaining pockets of independent thought, including TV Rain, Ekho Moskvy, and websites such as *Lenta.ru*. **The Diffusion of Kremlin Media Values** Putin's revanchism brings with it some distressing byproducts, one of which is the projection of illiberal Kremlin media values beyond Russia's borders. Crimea is a case in point. In the short period since its annexation, the peninsula's media have been subdued and integrated into the repressive Russian information space. The relative media pluralism Crimeans had enjoyed until recently is gone, replaced by a Russian standard that effectively limits alternative viewpoints. The dismantling of Crimea's media was achieved swiftly. Days in advance of the rigged March 16 referendum on annexation, Ukrainian television broadcasts were silenced and replaced by programming from Moscow. The first order of business for Russian-backed forces in Crimea was to **cut off sources of information beyond the control of the Kremlin**. **The crackdown on mass media was accompanied by fierce repression of local activists, bloggers, and others who voiced opinions contrary to the Kremlin line**, according to a report written by Ivan Šimonović, the UN assistant secretary general for human rights. In the end, officials in Crimea reported that 97 percent of referendum voters supported secession from Ukraine and annexation by Russia. In the aftermath of Russia's takeover, most Crimeans now get their news from Russian television and the government-run local broadcaster. These stations tend to follow Moscow's version of events in Ukraine, describing the government in Kyiv as illegitimate, warning of instability across the country, and generally seeking to discredit any Kremlin opponents. The same type of propaganda invasion that coincided with the physical invasion of Crimea has been on view in eastern Ukraine. As pro-Russian forces extend their hold, **Kremlin media values take root there, too**, with coercive tactics used on independent journalists and dissidents in ways that are common in Russia, but had been rare in Ukraine. Just this week, separatists in several eastern cities have disrupted local rebroadcasts of Voice of America and Radio Free Europe/Radio Liberty, in some cases replacing them with Russian or pro-Russian content. Reporters from various outlets have been threatened, attacked, or arbitrarily detained. In addition to Ukraine, Russia's state television influences other neighboring states with significant Russian-speaking populations. As the Kremlin's ability to project media power has strengthened over time, the authorities in countries on Russia's periphery have been forced to contend with increasingly provocative and destabilizing messaging. **Moscow's well-funded media complex** simply outguns local Russophone alternatives in places like Moldova, Kyrgyzstan, and the Baltic states. Moscow's propaganda effort in these countries is nothing new; it has been a staple of Putin's rule, calibrated to suit Russian authorities' needs at any given time. What is different now is its intensity, **the sheer brazenness of the falsehoods** disseminated by Kremlin-controlled media, and the fact that its disruptive and provocative elements are being escalated as part of Russia's new revanchist push. The Kremlin's claims that it wants stability on its borders ring hollow in the face of its own utterly destabilizing propaganda. The authorities in **Moscow understand very well that propaganda is most effective when accompanied by stringent censorship**, so that half-truths and outright lies cannot be challenged by independent voices. This explains a good part of Putin's rationale for seizing firm control of television in Russia. With this objective achieved, the coupling of propaganda with censorship is increasingly visible online as well. Even as the Kremlin and its surrogates saturate social networks and the internet in general with **comments from Kremlin-friendly trolls and provocateurs**, more elaborate measures to censor online expression are being put in place. The "bloggers law," for instance, requires bloggers with significant audiences to register with the authorities and obliges both domestic and international hosting services to record and turn over user data. Additional evidence that the walls are closing in on Russia's online world is abundant. Pavel Durov, the founder of Russia's largest social-networking website, fled Russia on April 22, a day after he said he was forced out as the company's chief executive for refusing to share users' personal data with Russian law enforcement agencies. At a forum in St. Petersburg on April 24, **Putin called the internet a "CIA project" that needed to be controlled**, giving a strong signal that further restrictions are in the offing. Putin has effectively "weaponized" Russia's media. The most visible dimension of Russia's "Special War" with neighboring countries is its withering and divisive propaganda effort. For all of the outlandishness of so much Kremlin messaging, Russia's state media have been able to draw outsiders into a debate on its terms. The Russian propaganda machinery's repeated depiction of the new Kyiv government as "neo-Nazis" and "fascists" has the effect of muddying the waters, making it difficult to have a coherent conversation

about Ukraine's leaders. The relentless dissemination of false accusations also undermines the possibility of a clear-headed examination of the rampantly corrupt and repressive record of the ousted Yanukovich administration, whose abysmal governance drove Ukrainians into the streets. And many foreign media outlets instinctively steer a "balanced" course between Kremlin propaganda and Kyiv's rebuttals, for example by discussing the farcical separatist referendums in a cautious, credulous tone. Despite its effectiveness, the Kremlin's massive investment in propaganda and censorship betrays the Russian leadership's anxiety about its own grasp on power. Indeed, the overall effort to destabilize Ukraine and its critical May 25 elections reflects the deep insecurities stemming from the Putin regime's own lack of democratic legitimacy. The latest mutation of Russia's media began with the mass antigovernment protests in Moscow and other cities in 2011–12, and gathered pace with the rise of popular protests in Kyiv. Both protest movements were a public response to deeply corrupt, unresponsive, and increasingly repressive systems. The common features of these two popular movements—and their implications—were not lost on the Kremlin. The elaborate media weaponry deployed by Russia and the venomous messaging it projects cannot be wished away. There is little doubt that its success to date will encourage the authorities to rely even more on media manipulation and subterfuge. Given this likelihood, understanding the two connected challenges presented by the Russia's illiberal media system is essential. One arises from censorship, the other from propaganda. **Russia's deepening censorship means that ordinary Russians are increasingly cut off from independent information about the actions of their own government and the wider world.** It suggests that outside efforts to enable the flow of such information into Russia will need to be enhanced. Meanwhile, the ever more sophisticated propaganda disseminated by the Kremlin, which is grounded in anti-Westernism and anti-Americanism, requires a more effective answer from democracies, which have been caught flat-footed by the Russian media onslaught. **Putin's regime** and other corrupt, repressive governments **need a first-rate propaganda capacity and an ability to silence alternative voices.** After all, what the authoritarians actually offer by way of a governing vision demonstrably lacks mass appeal. Russia's leaders undoubtedly understand this all too well, and therefore invest as much as possible in media arsenals that can distract the public from the grim reality they have created.

Russian Censorship is increasing

Kemp 14 (Cheryl Kemp is the Content Director for the WHIR and HostingCon. "Russian Lockdown on the Internet Continues with Strict Data Storage Regulations")

<http://www.thewhir.com/web-hosting-news/russian-lockdown-internet-continues-strict-data-storage-regulations>)

On Wednesday the **Russian** lower chamber of **parliament passed a bill that requires internet companies to** comply with a new law regarding personal data **storage** much sooner than anticipated, ACCORDING to the Wall Street Journal. In July, Russia passed a law that **all online personal data collected from Russians** must by law be stored **in Russia**. The law was to take effect Sept. 1 2016. The deadline has been moved to January 1, 2015, just 3 months away. Under the new law, **non-Russian companies will also be banned from sending a Russian citizen's personal data out of the country** unless they can MEET RUSSIAN GOVERNMENT-imposed storage conditions. Earlier this year, the Russian parliament passed many new restrictions on the internet and blogging. "Today, the Internet is the last island of free expression in Russia and these draconian regulations are clearly aimed at putting it under GOVERNMENT control," Hugh Williamson, Europe and Central Asia director at Human Rights Watch, told the Wall Street Journal. "**The ADOPTION of the law will become a yet another step in increasing government control over the Internet in Russia,** which will negatively impact the development of the industry," a spokesman for Yandex, Russia's biggest search engine, said. Laws put in place over this year will have an effect on any CLOUD or hosting company attempting to do business with Russia. **Legislation is becoming so restrictive it** may even cut out the rest of the tech world and possibly the entire Internet. Earlier this month, the Guardian reported that the Kremlin **is** "**considering radical plans to unplug Russia from the global Internet in the event of a serious military confrontation or anti-government protest** at home." Up to this point, even though the Russian print media is mostly under control of THE GOVERNMENT, the internet has been a place where relatively open discussion could take place. "Before, such ideas were mostly to do

with so-called government communications (how to make them independent from western technologies),” wrote Andrei Soldatov, an expert on Russia’s spy agencies, in an email to the Guardian. “Now they want to expand this crazy idea to the entire internet of the country. The latest law to keep data in Russia has been postured by the government as PROTECTION against spying, hacking and threats from the Ukraine crisis. However, as a country with state controlled media, new restrictions on internet and blogging and a **new law coming** to limit foreign companies interest in Russian media firms to 20 percent, it **seems** to some **like an even greater effort to censor and cut Russia off from the rest of the world**. It’s obvious that foreign companies don’t have nearly enough time to build data centers in Russia before this law goes into effect. “But if a company wants to operate on the territory of the Russian FEDERATION, there are a wide range of rental opportunities,” Alexander Yushchenko, a Communist Party deputy in the Duma and co-author of **the bill**, said this month. Yushchenko said foreign Internet firms could rent storage from Russian companies such as state-controlled telecom provider OAO Rostelecom. One might suspect the offer to rent **is yet just another way Russia can attempt to control data and continue moving towards greater censorship**.

Aff Answers

Scenario #1

Non-unique-Russia Economic Recession Spurred Dissent and Protest

Stratfor 15 (Stratfor Global Intelligence “Amid an Economic Criss, Russia Contains Dissent?”

<https://www.stratfor.com/analysis/amid-economic-crisis-russia-contains-dissent>

With **Russia entering its second recession in six years, the country's economic and financial hardships are starting to weigh on the Russian people and regional governments. In times of severe economic crisis,** such as those in 1905 and 1998, **the Russian populace** and regional authorities traditionally **react against federal authority, fragmenting the country. Those in power in Moscow understand this and are taking measures** to ensure that they counter and **prevent any social or regional backlash and dissent.** The Russian economy has been in steep decline for more than a year and is slipping into another recession. A constellation of factors is causing the decline, including lower oil prices, the West's sanctions and sour Western investment attitudes because of **the Ukraine crisis.** This **has led to massive capital flight of \$160 billion in 2014 and an estimated \$80 billion in 2015, a volatile ruble that lost 40 percent of its value in late 2014, and a likely federal budget deficit of approximately \$45 billion in 2015. The Russian people are starting to feel the pain.** In March, inflation skyrocketed from just under 7 percent the previous month to nearly 17 percent. According to a Levada poll, **Russians see inflation as the most acute problem facing Russian society. Food price inflation has risen even faster** because of Russia's ban on importing food from the European Union and the United States. According to the Agriculture Ministry, during the past six months **the cost of cabbage in Russia has risen 66 percent.** onions rose 40 percent, potatoes 36 percent, carrots 32 percent, and beef 10 percent. At the end of February, most Russian supermarkets announced a two-month price freeze on more than 20 socially important items, including meat, fish, milk, sugar, salt, potatoes, cabbage and apples. Some regional grocery chains, such as the ones in the Norilsk region that are run by Russia's largest mining firm Norilsk Nickel, are taking losses to subsidize food prices. Another area of dissatisfaction among the Russian people is the closure of medical facilities in some regions, such as Moscow, Novosibirsk and Vladivostok. In Moscow, nearly a quarter of inpatient medical facilities have been closed since November, sparking minor protests in the capital. In addition, **the economic pressure is affecting the country's job market.** Russia's Labor Ministry estimated that some 154,800 jobs were cut in 2014, and **approximately 127,000 jobs were cut** in the first two months of 2015. According to Deputy Labor Minister Sergei Velmyaikin, the majority of these layoffs were at large Russian firms, such as Rosneft, Rostelecom, Avtovaz

and Mechel, which are run by the state or oligarchs. There are also reports that in the Murmansk and Zabaikalsk regions, salaries for teachers have not been paid in three months. The teachers in Murmansk are petitioning their governor to ask Russian President Vladimir Putin for increased financial subsidies. The teachers in Zabaikalsk have held three minor street protests. The federal government has allocated \$300 million for employment subsidies for some Russian regional governments, such as Tatarstan, Altai Krai, Samara and Tver. These subsidies are aimed at maintaining employment at regional companies such as KAMAZ, Avtovaz, AltaiVagon and Tver Carriage Works. **Sporadic minor protests have also taken place across Russia during the past month.** Communist Party members in Stavropol got in coffins to protest their regional government's low pension payouts. **In Novosibirsk, farmers dumped manure in front of state-run Sberbank with signs saying, "Bankers are enemies of the people," and, "Down with credit slavery."** Besides financial assistance programs, the Kremlin is also setting up ways to crack down on the regional leaders should there be dissent or should they not be able to control their respective regions. On March 30, a Kremlin-linked think tank, the Civil Society Development Foundation, released a rating of the best and worst regional heads. The study was mostly rated on improvements in the regions' socioeconomic conditions. The foundation also said it would be releasing this ranking every quarter, as if the Kremlin will now have a quarterly check on the regional leaders' competency. Putin has never been shy about **reshuffling regional heads**. Since the start of the year, he has appointed new or acting leaders in six regions: Tatarstan, Amur, Sakhalin, Yamal-Nenets, Khanty-Mansiysk and the Jewish Autonomous Oblast. Now it looks like Putin is ensuring that all the governors and regional heads can see where they stand and has created a system to drum up public sentiment against those governors that do not comply with Putin's policies. Putin tightening his grip on power may not be controversial among the Russian people. In the 1998 financial crisis, some 71 percent of Russians believed that keeping order in the country was more important than democracy, according to a Levada poll. Interestingly, Levada released a poll on March 31 that indicated 45 percent of Russians think the crackdowns that Soviet leader Josef Stalin conducted during economic hardships were justified — a sharp rise from just 25 percent in 2013. Consequently, Russians could be increasingly in favor of crackdowns and a tighter Kremlin hold, as long as the country remains stable.

Russia Opposition found Way to Circumvent Censorship—Won't Suppress Online Dissent

Global Voice Advocacy 14 (Global Voice Advocacy. "How Russian are Outsmarting Internet Censorship" <https://advocacy.globalvoicesonline.org/2014/03/25/how-russians-are-outsmarting-internet-censorship/>)

Mere days after several opposition websites were blocked [Global Voices report] by Russia's mass communications regulatory agency, Roskomnadzor, free speech proponents have created a unique system for circumventing censorship — and imposing counter-attacks. This approach could create problems both for censors and pro-Kremlin websites. Indeed, it seems that Russian Internet activists have taken the adage “the best defense is a good offence” to heart. **The system gained popularity when blogger Ruslan Leviev [ru] implemented the approach in order to access opposition leader Alexey Navalny's blog, which was blacklisted and blocked last year.** A programmer identified as alexkbs, who first developed the system, explained in a blog post [ru] that he wanted to create a way for average users to access blocked material — a method for those who might not have the technological aptiturrnde to use specialized services like Tor, i2p, VPN and proxy servers [ru]. This is why his approach is centered on allowing users to access blocked sites through plain old World Wide Web. The method consists of a network of mirrors, or exact copies, of the blocked site, combined with an “active defense” mechanism. Because Roskomnadzor requires ISPs to constantly check if a resource is trying to circumvent a ban by changing its IP address, blocked resources can introduce code that redirects some of these IP queries to a different website. Eventually, goes the theory, ISPs will pick up on this redirect and block the secondary website as well. So if a blocked site is savvy enough to redirect to a government site, say Kremlin.ru, ISPs will ultimately block Kremlin.ru, a block that obviously can't stay in place for long. This idea was put to the test on March 17, **when the popular pro-government website LifeNews was banned by many ISPs [ru] through this redirection trick.** The website responsible for the block was one of the mirrors of Navalny's blog. **LifeNews later appealed the block to Roskomnadzor, and the mirror was unblocked as a result, proving the exploit successful at actively forcing a reversal of censorship.**

Putin Popularity is Declining and Opposition is Strengthening

Sakwa, Galeotti, and Balzer 15 (Richard Sakwa, Mark Galeotti, and Harley Balze are senior research working for the Center on Global Interest. “Putin’s Third Term—Assessment Amid Crisis” http://globalinterests.org/wp-content/uploads/2015/03/Putins-Third-Term_CGI.pdf

Although Putin delivered unprecedented prosperity and opportunities to the citizenry during his first years in power, Russia was suffering from serious governance problems, including corruption, elite kleptocracy, weakly defended property rights and the lack of an independent judiciary. A symptom of this political crisis was the longterm erosion of the Putinite majority: well before the announcement of his return in September 2011, there had been signs of crumbling support. Russia is not immune to the laws of political gravity, and even Putin’s remarkably long period of sustained high public opinion ratings would one day have to come down to earth. Although the fall in Putin’s popular support is often exaggerated, there was a real decline from the heights enjoyed in his second term and during his time as prime minister. The “Putin majority” had dissolved, and Putin was forced back onto his core electorate, which tended to be more traditionalist and susceptible to anti-Western and conservative rhetoric. 6 The methods of rule that had worked so well for Putin in his first two terms as president between 2000 and 2008 were not as well-suited for his third term. There was less political capital to be made from condemning the smutnoe vremya of the 1990s, since Putin now had to take responsibility for the conditions in the country that he had largely created. The legitimacy derived from the recuperative agenda had to be supplemented by performance. A period of unprecedented economic growth and rising living standards had expanded and transformed what Russian commentators like to call the “middle class,” otherwise dubbed the “creative class.” A large group of urban, educated and professionally confident people now demanded their full citizenship rights, above all the right to free and fair elections. Moreover, the country now expected to see policy innovation and good governance, above all through lifting the burden of corruption, raiding and bureaucratic interference, and in general by imbuing the economy with a new dynamism and the country as a whole with a sense of renewal and positive purpose. Instead, Putin’s return became associated with a return to the past and to more politics as usual, which proved a dreary prospect for many of Russia’s best and brightest.

There will be no major Protest even if there Economic Hardship

Koshkin 15 (“Pavel Koshkin is Deputy Editor-in-Chief of Russia Direct and a contributing writer to Russia Beyond The Headlines (RBTH). He also contributed to a number of Russian and foreign media outlets, including Russia Profile, Kommersant and the Moscow bureau of the BBC. Will There be Social Protest in Face Economic Hardship” <http://www.russia-direct.org/analysis/here%E2%80%99s-why-russia%E2%80%99s-economic-problems-won%E2%80%99t-lead-social-protests>)

Although most Russians support the Kremlin and its policies, there is still no certainty that it will be a long-lasting trend if Russia’s economic challenges persist in 2015. This might threaten one of the country’s most important advantages – its social capital, which has been defined as the “investment in social relations with expected returns in the marketplace” by prominent scholar Nan Lin, professor at Duke University. However, the experts and sociologists who came together at the 2015 Gaidar Economic Forum, organized by the Russian Presidential Academy

(RANEPA), seem to be hesitant about making any predictions about the future of Russia's social capital during a period of economic volatility and unpredictability. Although social protests look like major risks, experts argue that in the short-term they don't threaten Russia; however, in the long RUN, there is no certainty. IF THE CRISIS IS PERENNIAL, IT WILL ERODE LIVING STANDARDS OF PEOPLE AND THREATEN PROSPERITY. IN THIS CASE, PEOPLE MIGHT TAKE TO THE STREETS. Prof. Robin J. Lewis, director of the Master of Global Public Policy Program (MGPP) at RANEPA, argues that, at present, there is no reason to worry about the revival of the protest movement in Russia as long as THE CURRENT economic difficulties come to an end. But if the **crisis is perennial, it will erode living standards of people and threaten prosperity**. In this case, people might take to the streets, Lewis cautiously assumes. So far, the majority of the Russian population has been loyal and grateful to the Kremlin because Russians have been able to enjoy two key social amenities offered by the Russian GOVERNMENT – comparably high living standards and high consumption opportunities. But it may be not the case in the future, **after the Ukrainian crisis, the sanctions wars and the headlong drop in oil prices**. “At the beginning of the new century, Russia's citizens finally began to enjoy the fruits of their post-Soviet freedoms when another long bout of low oil prices prompted President Vladimir Putin's first GOVERNMENT to dramatically improve Russia's macro-economic policies. As a direct result, personal incomes, pension levels, savings and investment soared annually,” said Bernard Sucher, a member of the board of directors at Aton Group. In contrast, in 2014 Russia was “locked into a downward economic trajectory.” Oddly enough, the Russian authorities feel relatively optimistic, even though the upcoming poor economic performance might dissatisfy the Russian population. The Kremlin believes that it is able to use all the economic and political challenges in its favor. As implied from Russian Prime Minister Dmitry Medvedev's speech at the 2015 Gaidar Economic Forum, the Kremlin brought people together by using the so-called “besieged fortress” mentality to mobilize Russian society against sanctions. HISTORY SUGGESTS THAT ONE SHOULD NOT UNDERESTIMATE THE CAPACITY OF THE RUSSIAN PEOPLE TO ENDURE THE UNENDURABLE “Even in its current inefficient form, **Russia's economy is sustainable as long as the citizenry is willing to live with hardship and lost OPPORTUNITY**,” Sucher points out. “History suggests that one should not underestimate the capacity of the Russian people to endure the unendurable.” **Russians' presumed endurance, combined with their capability to put up with hard times and losses, are among the reasons why some experts don't believe that social protests will happen in the foreseeable future**. However, the problem appears to be more complicated than it does at first glance. Even though Russians might have stamina to deal with economic hardships, will they trust the authorities in the future? Trust in the government and the president remains crucial for maintaining a country's social capital, as Ngaire Woods, dean at Oxford University's Blavatnik School of Public Diplomacy, and her counterpart from China's Tsinghua University, Xue Lan, agreed during the Gaidar Forum. So far, Russian President Vladimir Putin approval ratings are robust. But it remains to be seen if that will be the case in two to three years. If one accepts the logic of Irvin Studin, the editor-in-chief and publisher of Global Brief Magazine and a participant of the Gaidar Forum, who views social capital as a matter of mentality, the situation becomes more complex. **RUSSIANS ARE EXPERIENCING A DEEP INFERIORITY COMPLEX AND A SORT OF PSYCHOLOGICAL TRAUMA AFTER THE COLLAPSE OF THE SOVIET UNION, ALL OF WHICH MAKES THEM EASIER TO MANIPULATE** After all, some of Russia's prominent sociologists and historians believe that the Kremlin manipulates the mentality of Russians to legitimize its regime. For example, Lev Gudkov, director of Russia's Levada Center for public opinion polling, points out that Russians are experiencing a deep inferiority

complex and a sort of psychological trauma after the collapse of the Soviet Union, all of which makes them easier to manipulate. Likewise, Victoria Zhuravleva, professor of American History and International Relations and director of the American Studies Program at the Russian State University for the Humanities (RSUH), argues that the Kremlin uses the “besieged fortress” mentality to spur anti-American sentiment in Russia. So, the Kremlin seems to use its implied social contract with its citizens as a way to counter the impact of sanctions and slumping energy prices. **THE CHALLENGE FOR THE RUSSIAN LEADERSHIP IS NOT ONLY IMPROVING ITS ECONOMIC OUTLOOK OVER THE NEXT 24 TO 36 MONTHS, BUT ALSO NURTURING THE TALENTS AND POTENTIAL OF A NEW GENERATION** Yet, Marcos Troyjo, adjunct professor of International and Public Affairs at Columbia University, is more optimistic about the nature and future of Russia’s social capital. Despite the serious implications of declining oil prices, **the Russian political leadership looks very skillful in bringing people together**, he argues. ACCORDING to him, the challenge for the Russian leadership is not only improving its economic outlook over the next 24 to 36 months, but also nurturing the talents and potential of a new generation. **“Russia has to use its expertise and its comparative advantage in mineral resources in ORDER to build the knowledge economy, a tech-intensive society for the future.”** he said. That is the big challenge: Building a bridge from the world of comparative advantages [in mineral resources] to the world of competitive advantage [in knowledge]. That’s the secret for Russia.”

Russian Protest fails—Weak Opposition and Increasing Government Crackdowns

Bennett 14 (Marc Bennett is a British journalist based in Moscow, where he has lived for the past fifteen years. He has reported from Russia, Iran, and North Korea for the *Guardian*. “Could Protesters overthrow Putin?” <http://www.telegraph.co.uk/news/worldnews/vladimir-putin/10669786/Russia-Could-these-protests-topple-Putin.html>)

It was a little over 48 hours since enraged protesters based at Kiev’s Maidan opposition camp had driven Ukrainian president Viktor Yanukovich from power, but the shockwaves were already being felt on the glitzy streets of central Moscow. “If there is no freedom in Russia, there will be a Maidan!” shouted a middle-aged man, as **some 1,500 protesters, angry at jail sentences handed down to fellow opposition activists, defied a police ban to gather opposite the Kremlin** on Monday evening. Jittery riot police – nicknamed “cosmonauts” by Russian activists for their bulbous, visor-equipped helmets – pounced instantly, wrestling the protester to the ground, before dragging him away to a police TRUCK. Before the evening was out, hundreds of people – including members of the Pussy Riot guerrilla art collective and Alexei Navalny, the popular anti-corruption activist who is the nearest thing Russia’s beleaguered opposition movement has to a leader – would likewise find themselves in police custody. Opposition activist Alexei Navalny On Friday, a Moscow court placed Navalny under house arrest without access to THE INTERNET or telephone for at least two months before his impending trial on fraud charges, widely seen as revenge for his political activities. His supporters were rallying again in central Moscow yesterday. Related Articles Ukraine crisis: sanctions won’t worry Vladimir Putin 04 Mar 2014 People diary: Stony silence over Tony Blair statue 02 Mar 2014 Ukraine accuses Russia of 'invasion' 28 Feb 2014 Ukraine revolution: 150,000 Russian troops on alert 26 Feb 2014 We're letting Putin win in the Ukraine 20 Feb 2014 “Things can’t go on like this forever,” **sighed Olga**, a rosy-cheeked young woman SPORTING ear muffs and the white ribbon that is the symbol of discontent with “national leader” Vladimir Putin’s long rule, as police snatched

another activist from the crowd. “The people of Kiev rose up to kick out Yanukovich, and we’ll do the same to Putin one day.” The chanting of “Maidan!” was not the only indication that Russia’s 21st-century dissidents have been inspired by recent events in Ukraine. As opposition activists in Kiev burnt car tyres and erected barricades in the weeks and months before their final bloody showdown with state SECURITY forces, Russian anti-government protesters could only watch with a mixture of admiration and envy. Now, that admiration has turned to mimicry. Following an online call by a well-known opposition journalist, some activists hauled tyres to this week’s demonstration in Moscow, where they were promptly nabbed by police. Other copycat tactics were also in evidence, such as the singing of the national anthem and the unfurling of the Russian FLAG, both clear nods to the rousing displays of patriotism by Kiev’s tenacious protesters. It will take much more, however, than simply ADOPTING the symbols and rallying cries of the Maidan protesters to topple Putin, the ex-KGB officer who has ruled Russia since the dawn of the century. The scores of arrests at Monday’s demonstration were just the latest stage of an ongoing crackdown against Russia’s protest movement, a loose and increasingly strained alliance of Western-style democrats, Leftists, and self-proclaimed “Russian nationalists”. Marginalised and mocked for years as Russia grew fat on oil dollars and apathy reigned, the protest movement’s ranks swelled in late 2011, when a new breed of political activist such as Navalny and the shaven-headed Leftist Sergei Udaltsov seized on discontent among Russia’s growing middle class to lead mass protests against Putin. For a brief period, as young and energetic demonstrators filled THE SQUARES and boulevards of central Moscow, it seemed as if they might change Russia forever. But Putin not only faced down this challenge, he also lashed out, unleashing his hard-line allies in the FBI-style Investigative Committee on the protest leaders and their most vocal supporters. A swathe of politically motivated criminal charges brought the white-ribbon movement to its knees. “The Kremlin hasn’t broken the protest movement, but its pressure is being very keenly felt,” said Alexei Sakhnin, a member of Udaltsov’s Left Front movement recently GRANTED political asylum in Sweden. “Its leaders have been neutralised.” Although Pussy Riot are the best known faces of the opposition to Putin in the West, the group’s influence within Russia is marginal, at best. Loathed by many Russians for their “blasphemous” protest in Moscow’s main cathedral, the ART collective’s stunts have allowed the authorities to portray the entire opposition as anti-religion, a potent message in a country where hundreds of thousands were executed for their faith by the officially atheist Soviet authorities. For many in the protest movement, however, the Kremlin’s current crackdown is simply a temporary setback ahead of what they believe is Putin’s inevitable downfall. “History demonstrates that all authoritarian regimes, be they in Ukraine, Libya, Tunisia or Russia, eventually share the same fate,” insisted Dmitry Gudkov, a snappily DRESSED thirtysomething who is one of just a handful of MPs openly to side with the anti-Putin movement. “If the people are denied the chance to change their leaders democratically, they will find other means.” Russia’s protesters have, however, so far proven largely unwilling to demonstrate the kind of spectacular commitment to change exhibited by their counterparts in Kiev. Brief attempts by more radical members of the opposition to establish a permanent protest camp in Moscow after Putin’s controversial 2012 election victory were met with alarm and bewilderment by mainly middle-class protesters. If a sustained attempt to dislodge Putin is to materialise, then its “muscle”, as in Ukraine, is likely to be supplied by the far-Right. “For Russia to get its own Maidan, we need the PARTICIPATION of at least 7,000 nationalist activists and 150,000 ordinary citizens, hipsters and the like,” said Dmitry Dyomushkin, the ex-head of the outlawed ultra-Right Slavic Union movement. “In this case, we’d see an escalation, victims and open confrontation, and so on,” Dyomushkin added. “But so far the protests have all been hijacked by liberal protest leaders.” There are also

formidable logistic obstacles to sustained street protest in Moscow, the stronghold of the anti-Putin movement. Unlike in Ukraine, where western regions seethed with anti-government sentiment, **organised dissent has failed to take hold in Russia's provinces. Discontent may be growing in Russia's poorer regions, but there is also deep distrust of the** figures **DRIVING** **the Moscow-based opposition to Putin**. In Ukraine, the Maidan camp was supplied by activists making daily runs from opposition-held cities such as Lviv and Ivano-Frankivsk. In Russia, any protest camp in Moscow would be likely to be targeted by Putin loyalists shipped in from the conservative heartland. "Anger at Putin hasn't boiled over yet in Russia," said Dmitry Oreshkin, an independent political analyst with ties to the opposition. "**For most Russians,** especially outside of Moscow, **Putin remains a legitimate president**. Yanukovich was on much shakier ground." Equally significant in Ukraine was the existence of genuine opposition parties with the organisational skills to support the months-long protests in Kiev. In Russia, Putin has tamed parliament, filling it with fake opposition parties that provide the masses with the illusion of **DEMOCRACY**. **Genuine opposition is impoverished, low on resources, and has nowhere to go but the street**. Although Putin might appear to hold all the cards, the insurrection in Ukraine is certain to have sent a chill through the Kremlin's corridors. "Putin will be extremely worried by events in Ukraine," said Marat Guelman, a former Kremlin **SPIN** doctor who now openly supports the opposition. "The Kremlin has spent a long time convincing Russians that our troubled history – the Soviet era, all the revolutions we've seen, and so on – is why living standards here are so much lower than in, say, England or France. But if Ukrainians, who share a common past with Russia, can now build a successful country, then this will prove a real problem for Putin." Both the Kremlin and the anti-Putin protest movement have, of course, been here before. When Ukraine's largely peaceful 2004 Orange Revolution swept a pro-Western **GOVERNMENT** into power, **Putin turned the screws on dissent at home**, while his mysterious grey cardinal – the chain-smoking, half-Chechen Vladislav Surkov – put the final touches to Russia's system of "sovereign" or "managed" democracy. This time around, events in Ukraine, where independent TV channels aired uncensored broadcasts from Maidan until the final days of fighting, have led to a further clampdown on Russia's already tightly controlled national media. The opposition-friendly channel, TV Dozhd, has effectively been barred from the airwaves, while the relatively objective state news agency RIA Novosti has been handed over to an anti-Western, pro-Putin TV presenter named Dmitry Kiselyov. "Putin is extremely conscious of the power of **TELEVISION**," said Guelman, the one-time Kremlin spin doctor. "And now, after the events in Ukraine, he is likely to move on print media, as well." In the run-up to Putin's decision yesterday to deploy Russian troops to Ukraine, state-run media had portrayed the uprising in Kiev as the work of "radicals and fascists" backed by Western powers. Images of dead bodies in **THE STREETS** in Kiev and the possibility of the violent break-up of Ukraine were held up as the inevitable and terrifying consequences of revolt. In an opinion survey published by the state-controlled VTSiOM pollster on Friday, 29 per cent of Russians described events in Ukraine as "anarchy, lawlessness, and banditism". A mere 8 per cent sympathised with the protest leaders who deposed Yanukovich. For now, then, Putin appears **SECURE**. But Russia is nothing if not unpredictable, and it is far from certain **that Russians will continue to protest quite so passively in the future**. Events in Ukraine have both set a precedent and raised the stakes. "When the time comes, and it may well come, when I will ask you to take part in unsanctioned demonstrations, to overturn vehicles and **LIGHT** flares, I will tell you straight out," Navalny said last summer at an opposition rally to sustained applause. On Friday, as news broke that the protest leader had been placed under house arrest, a supporter posted an inflammatory tweet. "Am I the only one who thinks that the time has come?"

Scenario #2

Russia Causes Their Own Terrorist Problems

Zarkia 11 (Fareed Zarkia, is an Indian-born American journalist and author. He is the host of CNN's *Fareed Zakaria GPS* and writes a weekly column for *The Washington Post*. He has been a columnist for *Newsweek*, editor of *Newsweek International*, and an editor-at-large of *Time*. He is the author of five books, three of them international bestsellers, and the co-editor of one. "How Russia created its Own Islamic Terror Problem)

The terrorist attack at the Moscow airport on Jan. 24 was horrific, murdering dozens of innocent civilians. It is probably linked to Chechnya or the surrounding areas in the Caucasus, from which so many such attacks have emanated. **Russia has been the site of the largest number of serious terrorist attacks over the past decade** (excluding Afghanistan, PAKISTAN and Iraq, which are really war zones). Why? **The answer to this question sheds a sorry light on Russia's counterterrorism strategy.** In fact it is a case study in how not to fight Islamic terrorism. It's now conventional wisdom that **Moscow faces a brutal Islamic terrorist movement**, bent on jihad, unwilling to compromise and determined to inflict pain on Russians almost as an end in itself. That's the view presented by Russian officials and accepted by Western leaders. Over the past decade, George W. Bush and Tony Blair reacted to terrorist incidents in Russia by quickly condemning them and describing them as instances of Islamic terrorism, tied to al-Qaeda and its fanatical vision. This **unthinking acceptance of the Russian narrative allowed Moscow to respond with brutal violence, often against innocent civilians and without prompting international criticism.** A little history provides a different perspective. **Chechnya's struggle against Russia, at root, has nothing to do with Islam.** About 200 years ago, the Russian empire began a war of colonial expansion in the tiny area called Chechnya. After resisting for several bloody decades, the Chechens were forcibly incorporated into the empire in 1859. As soon as the Czar's rule ended in Moscow, the Chechens began clamoring for independence, which they were GRANTED in 1918. By 1920, Lenin had invaded the region and brutally suppressed the independence movement and all subsequent revolts. But the problem did not go away, so Lenin's successor, Josef Stalin, APPLIED an even more brutal solution. In 1944 he deported most of the Chechen population — nearly half a million people — to central Asia and burned their villages to the ground. Still, the Chechens retained their identity and national desires, so in the 1950s, Nikita Khrushchev allowed them to return to their homeland. In 1990, as the Soviet Union was collapsing, a national convention of all **Chechen political groups** united in a **call for immediate independence from Moscow. In response, the Russian government invaded Chechnya.** Over the course of the past two decades, **it has** fought two ferocious wars, **killed tens of thousands of Chechen civilians and razed large parts of the republic**, flattening its capital, Grozny. Moscow finally subdued Chechnya and INSTALLED as President a pliable local warlord, Ramzan Kadyrov, whose regime has managed to make Freedom House's Worst of the Worst list of the most repressive governments on the planet. As Russia's brave human-rights organization Memorial concludes in a 2009 report, "in Chechnya there has formed a totalitarian regime based on violence ... and fear." As the once secular **secessionist movement in Chechnya** **CONTINUED to be brutally suppressed, it became more extreme**, taking help anywhere it could find it, including from Islamic extremists. Chechen groups, always fractious, fragmented and became uncontrollable. **As Russia destroyed Chechnya's civil society**, the place became a wasteland characterized by anarchy and gang warfare. **And as tales of Russian brutality spread, Muslim warriors who were searching for jihad traveled to the Caucasus to do battle with the unbelievers.** Muslim fundamentalists from Saudi Arabia and other countries have provided funds to some of

these groups. Even today, despite the surface calm in Chechnya, Russia maintains a brutal reign of terror there and in its surrounding regions. Any signs of religious behavior are viewed with hostility. "Retribution is inevitable" was Russian Prime Minister Vladimir Putin's comment on the Moscow airport attack, setting up the next stage in this cycle of violence and extremism. Had Russia approached the Chechnya problem with less brutality, tried political outreach or OFFERED greater autonomy, the opposition to its rule might have turned out to be vigorous but still manageable. Now, given the nature and ferocity of the terrorists it faces, Russia might not have a choice. At this point, it is fair to describe the Chechen rebellion as dominated and defined by Islamic extremism. But it did not start out as such, and it didn't have to turn out that way. Outside the Af-Pak region and Iraq, Islamic terrorism has not been able to strike with great force in recent years. Except in Russia. In fact, one could argue that the Russian GOVERNMENT, far more than Osama bin Laden, has managed through its actions over the past two decades to create the largest and most active new center of Islamic terrorism in the world today.

4 Reasons-- the Threat of Terror is in decline

RFERL 14 "Why is the Death Toll Tumbling in The Northern Caucasus"

<http://www.rferl.org/content/insurgency-north-caucasus-terrorism-isis/26840778.html>

In 2014, the total number of people killed and wounded in the North Caucasus in clashes between the Islamic insurgency and police and SECURITY forces declined for the fourth consecutive year. The death and casualty toll fell last year by 46.9 percent, to 525, down from 986 in 2013. Expert opinions differ, however, on the reasons for that decline and whether it is likely to be sustained in 2015. Since 2010, the overall death toll has fallen by more than half, from 754 to 341 in 2014. Those figures are misleading, however, given diverging trends in the number of fatalities among insurgents, on the one hand, and police and SECURITY personnel, on the other. The number of insurgents killed in 2014 (249) was just one fewer than in 2010; the figures for 2011 and 2012 were 384 and 404 respectively. By contrast, despite a slight increase in 2011-12, the number of police and security personnel killed has fallen dramatically, from 225 in 2010 to 55 in 2014. Thus the ratio of militants to siloviki killed has changed from close to 1:1 in 2010 (250 and 225 respectively) to approximately 2:1 in 2011, 2012, and 2013, and almost 5:1 in 2014. The overall downward trend was observed in every republic bar one. The exception was Chechnya, where according to official statistics 14 police and a dozen insurgents were killed in large-scale attacks on Grozny on December 4. As a result, the overall death and casualty toll rose by 15 percent compared with 2013, from 101 to 117. Several factors, SINGLY or in combination, are likely to have contributed to the overall decline in casualties and the variations between individual republics. First is the death of individual insurgency commanders. The insurgents' most prominent losses in recent years were the Chechen brothers Khusayn and Muslim Gakayev, both skilled veteran fighters, who were killed in January 2013. But the deaths of Tengiz Guketlov in Kabardino-Balkaria in March 2014 and of Artur Gatagazhev in Ingushetia in late May were also followed by a lull in insurgent ACTIVITY. In Ingushetia, overall casualties were down 60.6 percent in 2014 compared with 2013, and the number of fighters killed fell from 24 (in 2013) to 15. Second, and possibly related to the first, is what Colonel General Sergei Chenchik, head of the Interior Ministry Main Directorate for the North Caucasus FEDERAL District, termed a steady decline in the NUMBER of times insurgents have opened fire or planted bombs (down 50

percent during the first 10 months of 2014). Third is an increase over the past year, particularly in Daghestan and Kabardino-Balkaria, in the number of "counterterror operations" in which premises where one or more fighters have taken temporary refuge are surrounded and, if the fighters refuse to surrender, destroyed by artillery fire. Fourth is the systematic targeting by federal forces of the support personnel on whom the insurgents rely heavily for supplies of food and medications. Russian Deputy Prosecutor-General Ivan Sydoruk told the daily Kommersant two years ago that the siloviki in other North Caucasus republics had begun following Chechnya's example and systematically rounding up support personnel. Sydoruk said the number of support personnel apprehended in the North Caucasus had increased from "just a handful" a few years previously to over 300 in 2012. That targeted erosion of the insurgency's support base could prove damaging in the medium term. U.S. counterinsurgency expert Robert Schaefer made the point in his recent book on the North Caucasus insurgency that the OPTIMUM ratio of support personnel to fighters in rural areas is 4:1. Some Russian analysts have attributed the decline in violence in 2014 to the ongoing exodus of fighters from the North Caucasus to SWELL the ranks of the militant group Islamic State (IS) in Syria. That assumption may hold true for Daghestan but not necessarily for other republics. Daghestan REGISTERED the steepest decline (54.3 percent) in the overall NUMBER of casualties, even though the number of fighters killed fell by just 4.7 percent. In that context, it is worth NOTING that of the total 208 killed and 85 wounded in Daghestan in the course of the year, only 40 and four respectively died during the last quarter, which is when Daghestan insurgent Amir Abu-Muhammad (Rustam Aselderov) announced that he and a large number of his fighters had sworn allegiance to Islamic State leader Abu-Bakr al-Baghdadi. If the exodus of fighters to swell the ranks of IS and thus hone their combat skills continues, then the level of fighting in the North Caucasus is likely to fall even further. And as Russian journalist Orkhan Djemal has pointed out, it is likely to be several years before the bulk of those who are currently fighting in Syria return. Whether or the legislative amendments SUBMITTED by the Chechen parliament to the Russian State Duma that would reinstate the death penalty for insurgents' relatives will impel more fighters to leave the North Caucasus remains to be seen.

Islamophobia DDI

Inc Terror da link

The plan drastically cuts all FBI programs- that drastically reduces domestic counter-terrorism

Baer '09 (Robert Baer, Counterterrorism: A Role for the FBI, Not the CIA, Time Magazine, <http://content.time.com/time/nation/article/0,8599,1902335,00.html>, AZ)

As CIA Director Leon Panetta journeys to Capitol Hill to testify this week, there is reportedly a movement afoot in the Obama Administration that could diminish the agency's role in counterterrorism. Dubbed the "global justice" initiative, the new law-enforcement approach would give the FBI and the Department of Justice a more prominent part in collecting evidence against and questioning terrorists and bringing more cases to a civilian criminal trial, according to the Los Angeles Times. The CIA will still collect intelligence on counterterrorism. And no one right now is talking about putting a ban on CIA interrogations of terrorism suspects. But given the right political climate, that is where this initiative could be heading. And that, despite what some CIA loyalists might reflexively think, would be great news for the agency. In fact, if I were Panetta, I would neatly gift wrap counterterrorism, put a bow on the top, and hand it over to FBI Director Robert Mueller. It can't be any clearer that renditions, harsh interrogations (if not torture) and secret prisons have been a catastrophe for the CIA, promising to tie it up legally for years to come, not to mention completely overshadow its successes. With the torture scandal sucking up all the oxygen, who today remembers that it was the CIA in the months before 9/11 that was jumping up and down on the table warning that bin Laden was about to attack us? (Read "The CIA's Silent War in Pakistan.") None of this is to say the FBI can't do a good job at counterterrorism. On the contrary, the FBI investigated the 1998 African bombings, breaking open our understanding of al-Qaeda. Special agents in the FBI's New York office came to know al-Qaeda as well as anyone in the government. However, the FBI was forced to take a backseat when the CIA resorted to abusive interrogations, depriving us of expertise we so badly needed. There's an old piece of wisdom inside the Beltway, one that carries a lot more truth than most: the FBI catches bank robbers, and the CIA robs banks. I suppose you have to swim in this sea to really understand what this means. But to give you an idea, the other day I was on the phone with an FBI agent about a wanted terrorist. I'd heard he was holed up in some city in the Middle East. The FBI agent asked how I knew this. A rumor, I answered, adding I had no idea whether there was any truth to it. I'm certain the FBI agent took notes, but only to file them away. An FBI agent needs solid, actionable information — solid enough to arrest people, convict them in a court of law and put them behind bars. In this case, the FBI needed an address, a phone number, a license plate — anything to act on. On the other hand, the CIA is conditioned to steal anything that looks like a secret, even a suspect one, letting analysts in Washington sort out the truth from fiction. The FBI and CIA cultures couldn't be more different. The biggest mistake the Bush Administration made was not criminalizing 9/11 and making the FBI the lead investigator. This would not have stood in the way of Pakistan arresting 9/11 mastermind Khalid Sheikh Mohammed (K.S.M.). In a war of ideas, we would have been well served as a country to have put K.S.M. on public trial, confronting him with damning evidence and exposing the bloody insanity of a man who has caused the death of more Muslims than anyone in modern history. But now, thanks to waterboarding and other interrogation abuses, this option may be closed off to us. (Read "Why the CIA Turned Down Dick Cheney.")

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Definition Surveillance must be defined as both directed and intrusive

Philip **Gounev et al.** (Tihomir Bezlov, Anton Kojouharov, Miriana Ilcheva, Mois Faion, Maurits Beltgens, Center for the Study of Democracy, European Commission) **2015** “Part 3: Legal and Investigative Tools” http://ec.europa.eu/dgs/home-affairs/e-library/docs/20150312_1_amoc_report_020315_0_220_part_2_en.pdf

7.7.1. Definition There is no universal definition of surveillance. The various definitions for surveillance generally depend on whether it is used as an umbrella term or it is more narrowly defined. Advances in technology appear to be a factor in defining what surveillance is, as they hold the potential to periodically enable previously unavailable methods, techniques and tools for conducting surveillance operations (i.e. geolocation/tracking, electronic surveillance, cloud technologies, storage capacities). Analysis of information in the questionnaires indicates that MS use different approaches in defining surveillance in their legislation. Some MS differentiate between simple observation conducted without technical means and surveillance utilizing technical tools (AT, BE, FI, FR DE, LU). In other MS legislation distinguishes short-term and long-term surveillance, wherein the defined periods may vary from state to state (AT, DE, BE). The significance of making a distinction in the periods for which surveillance is authorised is that most often short-term surveillance is regulated more loosely and/or does not require a judicial oversight. Some MS definitions isolate surveillance conducted on the premises of private homes as a special circumstance, whereby it requires additional judicial authorisation and oversight (AT, CZ, LU, UK). Overall, MS definitions may be grouped into two main categories:¹²⁰ General / broad definitions. In these instances surveillance is more broadly defined as a special investigative tool that may be executed through the utilisation of various technical and other means (BG, EE, HU, LT, SI, FI, SK, SE). Specific examples include: - The method of intelligence data gathering, when information collected identifying, recognizing and (or) watching an object (LT). - Covert surveillance of persons, things or areas, covert collection of comparative samples and conduct of initial examinations and covert examination or replacement of things... the information collected shall be, if necessary, video recorded, photographed or copied or recorded in another way (EE). - Secret observations made of a person with the purpose of retrieving information (FI). Technically specific definitions. Some MS have opted for a more detailed and specific approach to defining surveillance in their legislations. In such instances, legal provisions often define surveillance along the logic of the types of technical means and/or outcome from surveillance activities (BE, AT, FR, DE, LU, PT, SK, SE). In general, the different types of surveillance methods, such as video surveillance, photographic imaging, bugging, audio surveillance and geo-tracking may be separately detailed in the definition of surveillance. For example, in France geolocation/tracking and video-surveillance are regulated separately (FR). This is because different types of surveillance are deemed to have potentially varied levels of intrusion and may be regulated with differentiated criteria, e.g. period for surveillance, authorisation procedure, crime threshold (FR, SI). Surveillance conducted using technical means is difficult to define as it covers a wide array of activities and capabilities, as well as methods and techniques. A breakdown of some the most used methods may help illustrate what is contained in the term.

Violation:

The most Islamophobic fbi policies are in education- the plan is extra-topical

Weinsten '11 (Adam Weinstein, September 15th, 2011, Mother Jones, [That Islamophobic FBI Training Is Just the Tip of the Iceberg](http://www.motherjones.com/mojo/2011/09/islamophobic-fbi-training-military), <http://www.motherjones.com/mojo/2011/09/islamophobic-fbi-training-military>, AZ)

Agents at the FBI's Quantico, Virginia, **training grounds are taught that all mainstream American Muslims are terrorist sympathizers** in a cult that likes to donate money to killers. That's according to a scoop by Wired's Spencer Ackerman, who has exposed a series of amazingly clueless Powerpoint slides and documents from the federales' training on Islam. If you haven't read his story yet, do so now. Ackerman's report brings new light to an alarming problem that's been well-documented since 9/11: **American police officers, airport screeners, and soldiers have no freaking clue how to deal with the distinction between the vast majority of Muslims and the minisule minority that actively seek to do us harm.** My MoJo colleague Adam Serwer points out that local cops around the country have been getting training that's even worse than the FBI's. He refers to an excellent March Washington Monthly story detailing how **Islamophobic trainers are collecting homeland security dollars while spewing complete nonsense.** For example: "When you have a **Muslim that wears a headband**, regardless of color or insignia, basically what **that is telling you is 'I am willing to be a martyr.'**" one trainer blathers. But it goes way beyond that. Our Islamophobia-beat reporter, Tim Murphy, has detailed on this site how Rep. **Allen West (R-Fla)** is **championing a skewed, conspiratorial vision of Islam to convince Americans that we're under attack.** I've written about the meager cultural **training** offered to service members and contractors headed for Iraq and Afghanistan. The **materials would be humorous if they weren't so disturbing: In them Arab men look suspiciously like Lego figures; they're described as "illogical or irrational," paranoid, and prone to extremes, "perhaps due to the harsh, desert environment that Arabs have lived in for thousands of years."** And that's just Iraqi Arabs—just wait 'til you read what they say about those dirty Kurds. All of which is to say that, 10 years after the US government got really preoccupied with Muslims of all stripes, from Iraqi Kurds, Sunnis, and Shiites to Afghan Pashtuns, Tajiks, Uzbeks, Hazaras, and a couple hundred other ethnic and tribal identities (not to mention Muslim-Americans)—our civil servants are still taking a reductive, unfair, and ultimately dangerous attitude toward them. Which may explain why we let foreign governments lock them up and torture them, even if they're American citizens. And perhaps it's why the FBI relies blindly on terrorism informants who walk the fine between tracking potential terrorists and making them. **If we continue to miseducate the well-intending agents and soldiers who serve at the tip of the spear, we shouldn't be surprised when that spear misses its target.**

C) that's a voter, 2 reasons

1 De-justifies the Resolution – something more is needed to solve, proving the resolution insufficient

2. Ground- the topic is written to provide negative ground isolated from the affirmative – extra T allows the affirmative to co-opt neg ground that doesn't include surveillance, even solvency arguments radically disrupt the balance of ground

Inc PTX Agenda link

Obama will use his PC to fight the plan- Recent meeting proves he supports surveillance of Muslims

Blumenthal 14 (Max Blumenthal: Writer for Altnet- Syndication service and online community of the alternative press, featuring news stories from alternative newsweeklies, magazines and web publications, “Obama Humiliates Muslim Guests at White House Ramadan Event, Endorses Israel’s Gaza Assault and NSA Surveillance,” 7/17/14, <http://www.altnet.org/world/obama-humiliates-muslim-white-house-guests-endorsing-israels-gaza-assault-defending-nsa>, Accessed: 7/17/15, RRR)

At the annual White House Iftar dinner commemorating the Muslim holiday of Ramadan, President Barack **Obama** endorsed Israel’s ongoing assault on the Gaza Strip and **defended government spying on Muslim-Americans**. Alongside dozens of Muslim-American community activists and Muslim diplomats, **the White House welcomed Israeli Ambassador** to the US Ron Dermer, **an outspoken advocate of Israel’s settlement enterprise who has claimed Muslim and Arab culture is endemically violent**. In the past, the annual Iftar dinner passed without much notice. Last year, President Barack Obama delivered a boilerplate speech to the assembled crowd of Muslim-American community activists and Middle Eastern ambassadors about his efforts to spur entrepreneurship. But this time, amidst a one-sided Israeli assault on the Gaza Strip that was about to claim its 200th death in just a week, and which the US had backed to the hilt, the heat was on. While Obama prepared his remarks, calls rang out with unprecedented intensity for invitees to boycott the July 14 ceremony. Among those who urged a boycott in protest of the Gaza assault and ongoing government spying on Muslim-Americans was the Arab-American Anti-Discrimination Committee (ADC), an established presence in Washington representing the country’s largest Arab-American advocacy group. Joining the boycott call was Mariam Abu-Ali, the sister of Ahmed Abu Ali, a US citizen renditioned to Saudi Arabia for torture before being sentenced to life in prison on dubious charges of threatening to kill George W. Bush. **“The White House Iftar is a slap in the face to those in the Muslim community who have been victims of U.S. civil-rights and human-rights abuses.”** Abu Ali wrote. **“It is an attempt by administration after administration to whitewash the crimes of the U.S. government against Muslims by painting a less-than-accurate picture of their relationship with the American Muslim community.”** As established Muslim-American leaders like Laila Al-Marayati lined up to boycott (Al-Marayati rejected an invitation to the State Department’s Iftar), others defended their presence at the ceremony. Most vocal among them was Rep. Keith Ellison (D-MN), one of the two Muslim members of Congress. “I disagree with the tactic,” Ellison remarked in a statement released by his office. “It will not close Guantanamo Bay, guarantee a cease-fire between Israel and Palestine or undo the NSA’s targeting of Muslims.” The Muslim Public Affairs Council (MPAC) echoed Ellison, insisting that the event would “allow [them] to engage with senior White House officials for a decent amount of time on substantive issues.” While Muslim-American civil rights groups like the Council on American Islamic Relations have assumed a more confrontational posture towards the White House and boycotted a prayer breakfast with former New York City Mayor Michael Bloomberg in protest of his support for NYPD surveillance of Muslims, MPAC has taken an altogether different tack. Its role as a paid consultant on the cable TV series, “Tyrant,” was perhaps the best example of its accommodationist stance. Produced by Howard Gordon, the creator of “24” and “Homeland,” the show starred a white actor playing a pathological Arab dictator who ruled over the deeply dysfunctional fictional nation of Abuddin. Even mainstream TV critics derided the series as unbearably Orientalist, with the Washington Post’s Hank Stuever describing it as a “stultifyingly acted TV drama stocked with tired and terribly broad notions of Muslim culture in a make-believe nation on the brink.” Leading up to the White House Iftar, a leader of a major Muslim advocacy organization told me on background that MPAC was bleeding support, especially from younger activists. At the Iftar dinner, Obama launched into a defense of Israel’s assault on the Gaza Strip, declaring, “I will say very clearly, no country can accept rockets fired indiscriminately at citizens. And so, we’ve been very clear that Israel has the right to defend itself against what I consider to be inexcusable attacks from Hamas.” He went on to claim against all evidence that his administration had “worked long and hard to alleviate” the humanitarian crisis in Gaza, and that it had “emphasized the need to protect civilians, regardless of who they are or where they live.” Ali Kurnaz, the central regional director for the Florida-based Emerge USA, was in the audience. He told me that **Obama’s remarks provoked deep discomfort, with attendees exchanging disturbed looks and rolling their eyes in astonishment**. No one walked out in protest, however. “After the dinner, I overheard at least three different exchanges attendees pointing out that Palestinians should have a right to defend themselves too,” Kurnaz recalled. Like many others who joined the dinner, Kurnaz was not aware that Israeli Ambassador Ron Dermer had been invited. Dermer was a longtime confidant of Israeli Prime Minister Benjamin Netanyahu and the son of the Republican former Mayor of Miami Beach. This year, Dermer broke diplomatic protocol by appearing at a fundraiser for the Republican Jewish Committee, helping to raise money for a partisan organization dedicated to undermining Obama’s agenda. **Perhaps the most startling aspect of Dermer’s presence at the Iftar dinner was his stated belief that “a cultural tendency towards belligerency” is “deeply embedded in the culture of the Arab world and its foremost religion.”** According to Kurnaz, Dermer spent the evening isolated in the White House’s Green Room adjacent to the main reception area, where he milled around mostly without company. None of the activists invited to the

dinner approached him.¶ When dinner began, Kurnaz said Obama was unusually candid with those seated at his table. They confronted him on the issue of domestic spying, an issue that took on renewed immediacy after revelations by the Intercept that the NSA and FBI has spied on leading Muslim-American civil rights activists. Obama attempted to remind them that the spying had begun under his predecessor, Bush, but defended the practice nonetheless, denying that the NSA had violated any laws.

Obama will fight the plan- It undermines administration's counterterrorism efforts

Ackerman 14 (Spencer Ackerman: National security editor for Guardian, "White House Iftar dinner guests press Obama on surveillance of Muslims", The Guardian, 7/16/2014, <http://www.theguardian.com/world/2014/jul/16/white-house-iftar-obama-surveillance-muslims>, Accessed: 7/17/14, RRR)

Attendees of a White House dinner this week celebrating a Muslim holiday attempted to leverage their direct interaction with Barack Obama into a presidential commitment to discuss widespread and controversial surveillance of their communities.¶ They left feeling they had Obama's interest, but not much more.¶ Less than a week after the Intercept, based on documents leaked by Edward Snowden, showed US Muslim activists and attorneys had been targeted for surveillance, Obama gathered legislators, diplomats and US Muslim community leaders to the White House on Monday night for an Iftar dinner, the sunset meal during Ramadan. In remarks released by the White House, Obama stressed the value of pluralism, sidestepping the surveillance controversy.¶ Not everyone was satisfied with the omission.¶ Some of the people who attended were signatories of a letter sent to the White House in the wake of the Intercept story urgently requesting a meeting with Obama. Without that commitment yet in hand, took the opportunity to raise the issue with Obama personally at the Monday dinner.¶ "I specifically asked the president if he would meet with us to discuss NSA spying on the American Muslim community. The president seemed to perk up and proceeded to discuss the issue, saying that he takes it very seriously," said Junaid Sulahry, the outreach manager for Muslim Advocates, a legal and civil rights group.¶ Obama was non-committal, Sulahry said, but displayed "a clear willingness to discuss the issue."¶ Hoda Elshishtawy, the national policy analyst for the Muslim Public Affairs Council, said that she brought it up as part of a "table-wide discussion" on post-9/11 surveillance of US Muslims.¶ "Our communities can't be seen as suspects and partners at the same time," Elshishtawy said.¶ That tension has plagued the Obama administration's domestic counterterrorism – or, as it prefers, "countering violent extremism" – for its entire tenure. The departments of justice and homeland security lead outreach efforts in Muslim and other local communities, stressing vigilance against radicalizing influences and dialogue with law enforcement.¶ Yet Muslim communities labor under widespread suspicion of incubating terrorism. Surveillance from law enforcement and US intelligence is robust, from the harvesting of digital communications to the recruitment of informants inside mosques. The Federal Bureau of Investigation compiles maps of Muslim businesses and religious institutions, without suspicion of specific crimes.¶ The mixed message comes amidst the freight of a foreign policy featuring drone strikes in Muslim countries, a reluctance to foreclose on indefinite detention that functionally is only aimed at Muslims, and difficulty concluding the war in Afghanistan – all of which have strained relations with American-Muslim communities.¶ Some of those community leaders have already come under fire for attending the White House dinner. The American-Arab Anti-Discrimination Committee urged a boycott over the surveillance and administration support for Israel during the current Gaza offensive, rejecting what it called "normalization of the continuous breach of our fundamental rights."¶ Representatives of organizations that rejected the boycott argued that they can exercise greater influence through access than through rejection.¶ "Our strategy is to work through the system," said Farhana Khera, Muslim Advocates' executive director.¶ The White House declined comment on what it called "private conversations at a closed press event."

Inc PTX Elections link

Conservatives are hardliners on Muslims- the plan would isolate their base
Dean Obeidallah, reporter for daily beast , "For Republicans, Muslims Will Be the Gays of 2016," Daily Beast, <http://www.thedailybeast.com/articles/2015/01/21/for-republicans-muslims-will-be-the-gays-of-2016.html>//GV

Bobby Jindal isn't stupid enough to believe in Muslim no-go zones. He's working the base, which is more than willing to be worked. Now that Republicans realize that the fight over gay marriage is over, they're pivoting back to the old reliable: Muslims. It's true that Muslim-bashing among Republicans is hardly new, but I think that as 2016 approaches we're going to see even more of it as candidates try to outflank one another. The latest example was Louisiana Governor's Bobby Jindal's speech on Monday in London. Jindal told the audience that there are "no-go zones" in Europe where Muslims have in essence carved out Islamic "autonomous" zones that are ruled by Koranic law and where non-Muslims fear to tread. His point, of course, was to warn Americans that Muslims could try the same thing in the United States. Now if that concept sounds familiar it's because last week Fox News served up this same rancid red meat to its viewers. Some Fox News anchors claimed these so-called "no-go

zones” existed in parts of France. And Fox News’ terrorism “expert” Steve Emerson even went as far as to say that Birmingham, England, the nation’s second biggest city with more than one million people, was a “totally Muslim city where non-Muslims don’t go in.” The backlash to these comments was swift. Even British Prime Minister David Cameron responded, “When I heard this, frankly, I choked on my porridge and I thought it must be April Fools Day. This guy is clearly a complete idiot.” **Fox News stirring up fear of Muslims is nothing new.** In fact, in my view it’s part of Fox’s business model since its viewers hold the most negative views of Muslims of any cable news audience. Fox is simply giving their viewers what they want to see. But a few days ago, Fox did something truly shocking. They apologized for making the claims about Muslim-controlled “no-go zones” in Europe. In fact, they apologized not once, but four times, and admitted unequivocally that these “no-go zones” don’t even exist. Yet even though the Fox retractions occurred days before Jindal delivered his speech, that didn’t stop him from asserting the same baseless claims. After his speech, Jindal was asked by a CNN reporter for specifics on where exactly these “no-go zones” are located. Jindal, in what looked almost like a sketch from Saturday Night Live, hemmed and hawed, finally responding: “I think your viewers know.” **So what do you do if you are a Republican candidate seeking conservative votes? Simple. Bash Muslims.** We are truly an easy target. For those unfamiliar with Jindal, he’s no Louie Gohmert. He’s an Ivy League graduate and a Rhodes scholar. Jindal’s remarks were not a mistake, but rather part **of a calculated strategy to garner support from more conservative Republicans** for an expected 2016 presidential run. Now, **in the past, candidates trying to garner support from these right wing voters could use opposition to gay marriage to curry favor.** As conservative James Kirchick noted in an article he penned for The Wall Street Journal in 2008, the Republican Party has a long history of its candidates using not just opposition to gay marriage, but also anti-gay rhetoric to attract support from the GOP Base. Kirchick went on to urge Republicans to “kiss gay-bashing goodbye.” But we still saw this bigotry in the 2012 race. For example, Rick Perry ran a campaign commercial that said you know “there’s something wrong with this country when gays can openly serve in the military.” Polls, however, now show a majority of Americans support gay marriage. And even the Mike Huckabees of the GOP would have to admit that after the Supreme Court announced Friday that it is considering the constitutionality of same-sex marriage this term, gay marriage will likely soon be the law of the land. Bottom line: **gay marriage will probably be dead as an issue capable of rallying conservative voters.** So what do you do if you are a Republican candidate seeking conservative votes? Simple. Bash Muslims. We are truly an easy target. First, **Muslims are a small percentage of our nation’s population at approximately 1 to 2 percent.** Second, there are horrible **Muslims who do commit terror in the name of our faith, which does offer cover for anti-Muslim bigotry.** Third, we still don’t have **many allies outside of our community that stand with us.** Sure, we have some interfaith supporters. But when anti-gay comments are made, like in the case of “Duck Dynasty’s” Phil Robertson in 2013, the response by the left was swift and united. But with anti-Muslim bigotry, we don’t see that. We see silence from many on the left, including from most Democratic elected officials. And worse, we see some outright anti-Muslim fear mongering by so-called liberals like Bill Maher. If I’m right, what can we expect to see as the 2016 presidential race heats up? More speeches like Jindal’s designed to stir up fear with no factual support. His remarks were applauded by conservative ++Larry Kudlow in The National Review. Even more comments like the ones recently made by **Oklahoma State Representative John Bennett that Muslims are a “cancer” that must be cut of our country and that Muslim-Americans are not loyal to the United States but to the “constitution of Islam.”** **Bennett received a standing ovation from the conservative audience** that heard these remarks, and the Oklahoma GOP Chair even backed him up. And possibly even more comments like the one made by newly sworn in member of Congress Jody Hice who stated that Islam is not a religion and doesn’t deserve First Amendment protection. Was there any backlash from GOP leaders to this remarks? Nope, in fact people Red States’ Erick Erickson even spoke at one of his fundraisers and wrote he was “proud to support” Hice. This is a far cry from the 2008 presidential race when John McCain countered anti-Muslim remarks made by a supporter at one of his campaign rallies. My hope is that I’m wrong. But after seeing close to a thousand people over the weekend protesting a Muslim-American event in Texas that was ironically organized to counter extremism, I’m not so optimistic. The more conservative parts of the GOP base tend to vote in higher numbers in the primaries. So **don’t be surprised when you see Republican candidates trying to get their attention with this cut of red meat.**

Inc case ev

Islamophobia is inherent in civil society- the aff distracts from social movements, which is key to solve

Collins 15 (Kathryn Collins, March 6th, 2015, The Rising Trend of Islamophobia, Distraction Magazine, <http://www.distractionmagazine.com/2015/03/06/the-rising-trend-of-islamophobia/>, AZ) United States citizens are hard to recognize; accents, skin tones, backgrounds, genetics are all meaningless. Whether by birth or via test, an American citizen is identifiable primarily by his or her commitment to ideals set forth more than two centuries ago. Any 7th grader can provide the gist of the guarantees set forth by the Founding Fathers; that citizens ought to

be free from government involvement in religious worship, free speech, peaceful assembly and petition, and harassment; but imagine a scenario where the people who created this credo to protect themselves – and their descendants – chose to marginalize and mistreat groups with different appearances or beliefs. It isn't that hard, is it? Native Americans, African Americans, Jews, Irish Americans, Asian Americans, Hispanics, Homosexuals – the list goes on. **At prestigious, private institutions of higher education, it may be easy to ask, offer a genuinely sympathetic head shake, and remark on how unenlightened previous generations were,** while marveling at how people could be so cruel and downright ignorant. A large Muslim population is asking that very question right now. **There has been a recent wave of anti-Muslim sentiments on the international scale.** It is leaving many followers of Islam feeling slighted and frightened for their safety. **On February 10th of this year, three college students** (Deah Shaddy Barakat, Yusor Mohammad Abu-Salha, and Razan Mohammad Abu-Salha) **were fatally shot in their home in Chapel Hill, North Carolina.** The neighbor who allegedly shot them has been arrested. There is widespread speculation that this was a hate crime, based on the content of his social media accounts and one of the victims telling a relative she believed the man resented them for their religion and heritage. The killings occurred after President Obama asked congressional approval for authorization to use military force to fight the Islamic State in Syria and Iraq. Not to mention the murder of 17 people in France by Islamist terrorists last month. Could it be a coincidence? That this was truly a horrible incident, a squabble over parking blown unbelievably out of proportion? That absolutely could be the case. However, in the time since the death of the three students, **there have been in increase in similar incidents. Some examples can be seen below: 2/13/2015: A fire broke out at an Islamic community and education center in southeast Houston; hours later arson police discovered accelerant was used.** The assistant imam said the night before someone had driven by screaming mocking chants. 2/17: **The entrance of the Islamic School of Rhode Island in West Warwick was tagged with orange graffiti reading “Now this is a hate crime”, “pigs”, and offensive references to Muhammad.** The school's board of trustees, Hilmy Bakri, said the school had never before been the subject of vandalism. 2/17/2015: “Muslims get out” emblazoned across the outside of Skyview Junior High School in Bothell, Washington. 2/17/2015: **Many mosques in Ohio received threatening phone calls – with exceptionally graphic and disturbing language** – from the same individual. 2/17/2015: A man threatening to bomb a restaurant specializing in Middle Eastern food and an Islamic center in Austin, TX was arrested. 2/19/2015: **An Arab-American man was speaking to his children in Arabic while grocery shopping** at a Kroger in Dearborn, Michigan when he was assaulted by two white men who were enraged upon overhearing him. **A witness said she heard “‘ISIS,’ I hear ‘terrorist,’ I hear ‘go back to your country’ and ‘raghead’...”** This sort of thing is not new. In December, Abdisamad Sheikh-Hussein, 15, was run over by an SUV outside a Somali community center in Kansas City. The same center that called the police after earlier witnessing a lingering SUV bearing the painted phrase “Islam is worse than Ebola”. What's more worrying than the fact that this isn't new, is the fact that this might not be 'newsworthy'. The coverage of the attacks in France lasted significantly longer than the coverage of the three students deaths. In order to form a more perfect union, has this nation enabled Islamophobia? Hate crimes are generally not reported, and the percentage of hate crimes not reported by Muslims is even higher, as FBI reports show they are among the most profiled and targeted groups in the United States, especially since 9-11. To try and ascribe one cause to Islamophobia would be to try and justify prejudice. The logical mind rejects and the determined mind refuses to accept or seek out knowledge that would threaten or discredit their ingrained “understanding”. The news has been permeated by the ascendance of a new terror group who has seized headlines and world attention primarily by beheading Western aid workers and journalists. **A Brookings Institution poll published in January revealed that 14% of Americans believe the Islamic State has the support of a majority of Muslims worldwide.** In comparison to the world, Americans might argue that Muslims don't have it so bad! It's not like Belgium or France with bans on veils or headscarves. However, at the very least, there is an awareness of the community and a very verbal discourse about rights. **Uncomfortable subjects need discussion and power actors to advocate on their behalf before American Muslims – before any optimistic, tolerant Americans – can anticipate any real change.**

The plan doesn't solve islamophobic foreign drone strikes

MBD '13 (July 20th, 2013, Political Blindspot, A List of Muslim Children Killed by US Drone Strikes, <http://politicalblindspot.com/a-list-of-muslim-children-killed-by-us-drone-strikes/>, AZ)

A recent Marine Times article ran the alarming headline “Some Afghan kids aren't bystanders” on December 3, reporting on the death of **three Muslim children** in Afghanistan. They **were**

apparently targeted by a U.S. military drone because they appeared to be digging a hole in a road. Army Lt. Col. Marion Carrington, quoted in the article, said that “It kind of opens our aperture” that children are being used in the conflict. “In addition to looking for military-age males, it’s looking for children with potential hostile intent.” Why specify that these are “Muslim” children? Because to the Muslim world, these attacks look like what they are increasingly looking like to activists in the West: a Crusade. **The targeting of Muslim children is not incidental. There are no examples of Christian, Jewish, or even Buddhist children being the sole victims of any US war in recent history.** The fact that conflict after conflict, war after war, in recent decades, the targets are Muslim – and when they are, there seems to be no focus on reducing the civilian (child) death toll – is anything but incidental to the Muslim world. Proponents of the Drone Wars, including President Barack Obama, claim that drone strikes are precise and only target terrorists. A study, however, from Columbia Law School’s Human Rights Institute finds that the number of Pakistani civilians killed in drone strikes “significantly and consistently underestimated” and that as many as 98% of those killed by drone strikes are civilians. While it is ultimately impossible to get exact numbers, this means that for every “terrorist” killed by a drone strike, anywhere between 10 and 50 civilians are killed. Obama has authorized 193 drone strikes in Pakistan – four times the amount authorized by George W. Bush. According to Global Research, over the past 4 years Obama has authorized attacks in Pakistan which have killed more than 800 innocent civilians and just 22 Al-Qaeda officers. That constitutes at least 36 civilians per target.

Capitalism is the root cause of racism

McLaren and Torres 99 (Peter McLaren, professor of education at U of California, and Rudolfo Torres, Professor of Planning, Policy, and Design, Chicano/Latino Studies, and Political Science, “Racism and Multicultural Education: Rethinking ‘Race’ and ‘Whiteness’ in Late Capitalism”, Chapter 2 of “Critical Multiculturalism: Rethinking Multicultural and Antiracist Education”, edited by Stephen May, p.49-50, Questia)

According to Alex Callinicos (1993), racial differences are invented. Racism occurs when the characteristics which justify discrimination are held to be inherent in the oppressed group. This form of oppression is peculiar to capitalist societies; it arises in the circumstances surrounding industrial capitalism and the attempt to acquire a large labour force. Callinicos points out three main conditions for the existence of racism as outlined by Marx: economic competition between workers; the appeal of racist ideology to white workers; and efforts of the capitalist class to establish and maintain racial divisions among workers. Capital’s constantly changing demands for different kinds of labour can only be met through immigration. Callinicos remarks that ‘racism offers for workers of the oppressing “race” the imaginary compensation for the exploitation they suffer of belonging to the “ruling nation”’ (1993, p. 39). Callinicos notes the way in which Marx grasped how ‘racial’ divisions between ‘native’ and ‘immigrant’ workers could weaken the working-class. United States’ politicians like Pat Buchanan, Jesse Helms and Pete Wilson, to name but a few, take advantage of this division which the capitalist class understands and manipulates only too well-using racism effectively to divide the working-class. At this point you might be asking yourselves: Doesn't racism pre-date capitalism? Here we agree with Callinicos that the heterophobia associated with precapitalist societies was not the same as modern racism. Pre-capitalist slave and feudal societies of classical Greece and Rome did not rely on racism to justify the use of slaves. The Greeks and Romans did not have

theories of white superiority. If they did, that must have been unsettling news to Septimus Severus, Roman Emperor from Ad 193 to 211, who was, many historians claim, a black man. Racism emerged during the seventeenth and eighteenth centuries from a key development of capitalism-colonial plantations in the New World where slave labour stolen from Africa was used to produce tobacco, sugar, and cotton for the global consumer market (Callinicos, 1993).

Callinicos cites Eric Williams who remarks: Slavery was not born of racism: rather, racism was the consequence of slavery (cited in Callinicos, 1993, p. 24). In effect, racism emerged as the ideology of the plantocracy. It began with the class of sugar-planters and slave merchants that dominated England's Caribbean colonies. Racism developed out of the 'systemic slavery' of the New World. The 'natural inferiority' of Africans was a way that Whites justified enslaving them. According to Callinicos: Racism offers white workers the comfort of believing themselves part of the dominant group; it also provides, in times of crisis, a ready-made scapegoat, in the shape of the oppressed group. Racism thus gives white workers a particular identity, and one which unites them with white capitalists. We have here, then, a case of the kind of 'imagined community' discussed by Benedict Anderson in his influential analysis of nationalism. (1993, p. 38) In short, to abolish racism in any substantive sense, we need to abolish global capitalism.

Their ethics for the other is a tool of capitalist manipulation used to justify the worst types of racism- the plan turns itself

Žižek, 1997 (Slavoj, a philosopher and psychoanalyst, also a senior researcher at the Institute for Advanced Study in the Humanities, in Essen, Germany, "Multiculturalism, Or, the Cultural Logic of Multinational Capitalism" New Left Review I/225, September-October, < <http://newleftreview.org/?view=1919>>)

What one should do is thus reassert the old Marxist critique of 'reification': today, emphasizing the depoliticized 'objective' economic logic against the allegedly 'outdated' forms of ideological passions is the predominant ideological form, since ideology is always self-referential, that is, it always defines itself through a distance towards an Other dismissed and denounced as 'ideological. [11] Jacques Rancière gave a poignant expression to the 'bad surprise' which awaits today's postmodern ideologues of the 'end of politics': it is as if we are witnessing the ultimate confirmation of Freud's thesis, from Civilization and its Discontents, on how, after every assertion of Eros, Thanatos reasserts itself with a vengeance. At the very moment when, according to the official ideology, we are finally leaving behind the 'immature' political passions (the regime of the 'political' – class struggle and other 'out-dated' divisive antagonisms) for the 'mature' post-ideological pragmatic universe of rational administration and negotiated consensus, for the universe, free of utopian impulses, in which the dispassionate administration of social affairs goes hand in hand with aestheticized hedonism (the pluralism of 'ways of life') – at this very moment, the foreclosed political is celebrating a triumphant comeback in its most archaic form: of pure, undistilled racist hatred of the Other which renders the rational toler-ant attitude utterly impotent. [12] In this precise sense, contemporary 'postmodern' racism is the symptom of multiculturalist late capitalism, bringing to light the inherent contradiction of the liberal-democratic ideological project. Liberal 'tolerance' condones the folklorist Other deprived of its substance – like the multitude of 'ethnic cuisines' in a contemporary megalopolis; however, any 'real' Other is instantly denounced for its 'fundamentalism', since the kernel of Otherness resides in the regulation of its jouissance: the 'real Other' is by definition 'patriarchal', 'violent', never the Other of ethereal wisdom and charming

customs. One is tempted to reactualize here the old Marcusean notion of ‘repressive tolerance’, reconceiving it as the tolerance of the Other in its aseptic, benign form, which forecloses the dimension of the Real of the Other’s jouissance. [13]

Fusion centers’ local nature makes regulation impossible- the plan does nothing

O’Neil ‘8 political science graduate student at the University of California Los Angeles (UCLA) Previously, iobhan served as the analyst for domestic security and intelligence at the Congressional Research Service (CRS). She spent five years working in homeland security serving as the deputy chief of the Intelligence Bureau of the New Jersey Office of Homeland Security and Preparedness (OHSP) (April 2008, Siobhan, Homeland Security Affairs, “The Relationship between the Private Sector and Fusion Centers: Potential Causes for Concern and Realities”, <https://www.hsaj.org/articles/134>)

Given that **fusion centers are entities established by states and localities to serve their own law enforcement**, emergency response, and homeland security needs, and **compounded by the sensitivities associated with federalism, the federal government is in a difficult position of balancing its interests and respecting the local nature of fusion centers**. As such, **the federal government has been understandably hesitant to place requirements on fusion centers**. Instead, federal **agencies have produced guidelines, which have not been compulsory**, to include the National Strategy for Information Sharing and Fusion Center Guidelines. **8** While **these documents** address some of the tactical and operational concerns related to fusion centers, they **are often vague to a fault and fail to provide the comprehensive vision for fusion centers as part of the nation’s homeland security posture**. **Failure to create a consensus on the role, structural requirements, and responsibilities for fusion centers is apt to increase the potential for ineffectiveness**, which threatens the viability of fusion centers. If fusion centers fail to demonstrate their worth and strengthen and augment our nation’s homeland security efforts, political support and external agency engagement with these centers is likely to decline. Moreover, potential civil liberties abuses could damage fusion centers’ credibility and undermine their public support. It has rightfully been warned that even rumors of impropriety and civil liberties abuses associated with a single fusion center can cause irreparable damage to the reputation of all fusion centers nationwide. This would be unfortunate given the potential for fusion centers to provide public safety and homeland security benefits to both local communities and the nation.

Businesses sharing citizens’ information with the government is a new privacy threat

Fang 15

Lee Fang, a journalist with a longstanding interest in how public policy is influenced by organized interest groups and money, 04/01/15, "How Big Business Is Helping Expand NSA Surveillance, Snowden Be Damned," Intercept, <https://firstlook.org/theintercept/2015/04/01/nsa-corporate-america-push-broad-cyber-surveillance-legislation//SRawal>

For all its appeal to corporations, **CISA represents a major new privacy threat to individual citizens. It lays the groundwork for corporations to feed massive amounts of communications to private consortiums and the federal government**, a scale of cooperation even greater than that revealed by Snowden. **The law also breaks new ground in suppressing pushback against privacy invasions**; in exchange for channeling data to the government, businesses are granted broad legal immunity from privacy lawsuits — potentially leaving consumers without protection if companies break privacy promises that would otherwise keep information out of the hands of authorities. **Ostensibly, CISA is supposed to help businesses guard against cyberattacks by sharing information on threats with one another and with the government. Attempts must be made to filter personal information out of the pool of data that is shared.** But **the legislation** — at least as marked up by the Senate

Intelligence Committee — **provides an expansive definition of what can be construed as a cybersecurity threat, including any information for responding to or mitigating “an imminent threat of death, serious bodily harm, or serious economic harm,” or information that is potentially related to threats relating to weapons of mass destruction, threats to minors, identity theft, espionage, protection of trade secrets, and other possible offenses. Asked at a hearing in February how quickly such information could be shared with the FBI, CIA, or NSA.** Deputy Undersecretary for Cybersecurity Phyllis Schneck replied, “fractions of a second.” Questions persist on how to more narrowly define a cybersecurity threat, what type of personal data is shared, and which government agencies would retain and store this data. Sen. Ron Wyden, D-Ore., who cast the lone dissenting vote against CISA on the Senate Intelligence Committee, declared the legislation “a surveillance bill by another name.” Privacy advocates agree. **“The lack of use limitations creates yet another loophole for law enforcement to conduct backdoor searches on Americans.”** argues a letter sent by a coalition of privacy organizations, including Free Press Action Fund and New America’s Open Technology Institute. Critics also argue that CISA would not have prevented the recent spate of high-profile hacking incidents. As the Electronic Frontier Foundation’s Mark Jaycox noted in a blog post, the JPMorgan hack occurred because of an “un-updated server” and prevailing evidence about the Sony breach is “increasingly pointing to an inside job.” But **the intelligence community and corporate America have this year unified behind the bill.** For a look into the breadth of the corporate advocacy campaign to pass CISA, see this letter cosigned by many of the most powerful corporate interests in America and sent to legislators earlier this year. Or **another letter**, reported in the Wall Street Journal, **signed by “general counsels of more than 30 different firms, including 3M and Lockheed Martin Corp.”**

Link to immigration is a joke lynch et al ev is talking about all undocumented immigrants, not just muslims- the plan doing that would be not T, also therefore none of their ev say immigration is racist

2nc alt cause ev

(meh)FBI tactics are not indicative of greater society- islamophobia is actually very low in the squo

Spencer 14 (December 17, 2014, Robert spencer, New FBI hate crime stats show yet again that claims about “Islamophobia” are false, <http://www.jihadwatch.org/2014/12/new-fbi-hate-crime-stats-show-yet-again-that-claims-about-islamophobia-are-false>, AZ)

New FBI hate crime stats show yet again that claims about “Islamophobia” are false DECEMBER 17, 2014 2:34 PM BY ROBERT SPENCER No violence or hatred directed at an innocent Muslim or non-Muslim is ever justified. The fact is that there is far less of it than Islamic supremacist groups and the mainstream media would have you believe. We heard it yet again not just after, but during the Sydney jihad hostage crisis: there would be a “backlash” against Muslims, a wave of Islamophobic hate crimes. There has not been, of course. Leftists and Islamic supremacists use the specter of “Islamophobic hate crime” to shut down honest discussion of how jihadists use the texts and teachings of Islam to justify violence and supremacism, and intimidate people into thinking that there is something wrong with resisting jihad terror. The FBI’s newly released hate crime statistics for 2013 offer a fresh example of how reality refuses to conform to the dubious narrative of widespread Muslim victimization at the hands of American bigots. As in previous years, most hate crimes were not religiously motivated, most religiously motivated hate crimes were anti-Jewish, and Muslims suffered fewer total incidents than many groups and fewer per capita than gays or Jews. Anti-Islamic crimes did not involve greater violence than others and have not become more frequent. A glance at the details: Of the 5,928 incidents of hate crime tabulated in 2013, 135 (2.3 percent) were anti-Islamic, an increase of five over the prior year but still slightly below the annual average of 139 from 2002 to 2011. The small rise in recorded anti-Islamic incidents could be attributable to improved data collection rather than a true uptick. Reports submitted by law enforcement agencies covered a population of 295 million Americans in 2013, 18.6 percent higher than in 2012. There were 1,031 incidents inspired by religion last year, 625 (60.6 percent) of which were anti-Jewish. Anti-Islamic ones constituted just 13.1 percent. Anti-Islamic incidents were also

outnumbered by those targeting blacks (1,856), whites (653), gay men (750), lesbians (160), LGBTs in general (277), Hispanics (331), and people of other ethnicities (324). Anti-Asian incidents (135) equaled anti-Islamic ones. Based on a 2013 estimate of 2.95 million Muslims derived from Pew's 2011 figure and typical growth of 100,000 per year, there were 4.6 anti-Islamic incidents per 100,000 Muslims in 2013, the same as 2012's rate and lower than the average of 6.0 per 100,000 for 2002–11. The 2013 rate for Muslims was less than half that for Jews (9.6 per 100,000 for a population of roughly 6.5 million) and homosexuals/bisexuals (11.0 per 100,000, assuming that they comprise 3.5 percent of the U.S. population). The rate for blacks was similar to that of Muslims (4.5 per 100,000 for a population of 41.6 million). Anti-Islamic hate crimes were no more violent than others in 2013. Of the 6,933 offenses spanning all hate crimes, 734 (10.6 percent) were aggravated assaults and 1,720 (24.8 percent) were simple assaults. The 165 anti-Islamic offenses mirrored this breakdown: 17 (10.3 percent) were aggravated assaults and 41 (24.8 percent) were simple assaults. Further, none of the five deaths in 2013 resulted from anti-Islamic hate crimes.

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Racist drone strikes are the root cause of terrorist attacks

Gerges '13 (Fawaz Gerges, June 21, 2013, CNN, Why drone strikes are real enemy in 'war on terror', <http://www.cnn.com/2013/06/21/opinion/terrorism-gerges/>, AZ)

Obama's drone calculus ignores the CIA's warning about the continuing "possibilities of blowback." Officials in Washington ignore the high-cost ways in which the U.S. "war on terror" and the use of tactics such as drone strikes fuel the fires of home-grown radicalization in Western societies. This is a rising phenomenon that has not been seriously debated, despite a string of high-profile attacks. While trials have yet to take place, the Woolwich attack in London and the Boston Marathon bombings are suspected to be the latest cases in point. In case after case over the past few years, attackers and would-be attackers have cited the war on terror, first in Iraq and now in Afghanistan, Pakistan, Yemen, Somalia and elsewhere **as proof that the West is at war with Islam.** The presence of Western boots in Muslim lands and the continuing use of drone strikes have triggered a backlash among scores of deluded young Muslims who live in America and Europe, and who come from different educational and class background, including high achievers. What is surprising is that these attackers are not unified by a core set of ideological beliefs, or a belonging to a particular terrorist group, **but by a core set of grievances,** real or imagined.

Us foreign policy causes terrorism, is what allows fbi domestic islamophobia to exist in first place
Hennelly '15 (Bob Hennelly, February 26th, 2015, THE ISIS TRUTH WE HIDE FROM, <http://whowhatwhy.org/2015/02/26/americas-awful-truth-thats-hard-hear/>, AZ)

After several decades of self-proclaimed "nation building" and "exporting democracy" in the Middle East and its environs, the results are all too clear. There are shattered nations in Iraq and Afghanistan, failed states in Yemen, Libya and Syria, and more than a dozen African nations that the U.S. State Department concedes are under constant threat of attack by well-armed and organized terrorists. Is it possible that what the U.S. has actually been doing in these hot spots is "terrorism building" and "exporting chaos"? Is this the awful truth the United States cannot bring itself to admit? Massaging History It would seem so, since instead of changing course, the U.S. is in the process of doubling down on its mistakes. How else to explain that the new GOP presidential hopeful, Jeb Bush, nonchalantly told the Chicago Council on Global Affairs that "mistakes were made" in Iraq. He then proceeded to lay out his own plan for becoming the new global sheriff in town. Here's a jaw-dropping statement from that speech: There were mistakes made in Iraq, for sure. Using the intelligence capability that everybody embraced about weapons of mass destruction was

not—turns out not to be accurate. Watching his brother's back, Jeb wove out of thin air a phony consensus that "everybody" signed on for the rationale for the Iraq war. That's despite a vote in Congress in which 23 U.S. Senators and 133 House members opposed it. You see, if "everybody" was wrong, then nobody was right. It should come as no surprise that Jeb's team of policy wise men includes many Bush II veterans, among them the unrepentant Iraq war architect Paul Wolfowitz. His Own Man, With an Old Plan As much as Jeb Bush insists he is his own man, the audience in Chicago could hear echoes of his brother George's cowboy-like approach. When Jeb was asked about how he would handle IS, he said he would develop a "global strategy" that would "tighten the noose" so he and the posse could "take them out." During Bush's remarks, he took aim at the Obama administration for being too quick to disengage from the world and Iraq. He blamed Obama for creating a power vacuum that set the stage for the rise of IS and Iranian influence. Yet an examination of President Obama's new National Security Strategy, his proposed military budget and his request for his own War Powers re-authorization all indicate an administration that is prosecuting a global war on terror with unfettered latitude as to where and whom it targets. Could it be that this "global war on terror," whether it be the Bush 1.0 or Obama 2.0 version, may actually be what is proliferating the very thing it was aimed to eradicate? One policy expert who dares to look deeper is Graham Fuller, a career CIA agent and analyst who was vice-chairman of the CIA's National Intelligence Council. Fuller says it was the U.S. invasion of Iraq in 2003 that set the stage for IS. By creating an endemically corrupt central government in Baghdad, notes Fuller, the American occupation provided a focal point to unite disparate opposition groups. As for the high-profile effort to train a new Iraqi army, that "security" force collapsed the moment its U.S. handlers left. (In an odd twist to an already bizarre security meta-narrative, Fuller's former son-in-law is the uncle of accused Boston Marathon Bombers Tamerlan and Dzhokhar Tsarnaev.) *** In linking Washington's Middle Eastern policies to the rise of terrorist groups in the region, MIT professor Noam Chomsky takes it even further back. He says the roots start with the U.S. support of Iraq in its brutal war with Iran in the 1980s, and include the draconian economic sanctions that followed Saddam Hussein's 1990 invasion of Kuwait. In Chomsky's view, these sanctions punished Iraqi civilians while reinforcing Saddam's dictatorial control. In his 2006 book Devil's Game: How the U.S. Helped Unleash Fundamentalist Islam, longtime Nation correspondent Robert Dreyfuss documents how the U.S., as early as the 1950s, backed the Muslim Brotherhood in exchange for help fighting communism. Peace's Deadliest Year One way to justify failed policies is to pretend that they have worked as advertised. Nowhere was this disconnect between rhetoric and reality more on display than in President Obama's updating this month of his National Security Strategy. In presenting this new security game-plan, the president exhibited excessive confidence in declaring that the United States was heading "home" and "moving beyond" ground wars in Iraq and Afghanistan. In his mini-version of Bush's infamous 'Mission Accomplished' statement, he asserted that "the threat of catastrophic attacks" against the U.S. had "diminished." But even as the president describes a winding-down of combat operations, anything but peace is taking hold in those places. The sectarian violence has resulted in record numbers of civilian deaths and injuries. The UN reported last month that more than 12,000 civilians were killed in Iraq in 2014, the deadliest year for noncombatants since 2008. In Afghanistan, the UN Assistance Mission counted close to 3,200 civilians killed and more than 6,400 wounded, the deadliest year since America's longest war started.

The most Islamophobic fbi policies are in education- the plan is extra-topical

Or

The root of islamophobia in the fbi is rooted in ignorance- the aff fails to address the root cause **Weinsten '11** (Adam Weinstein, September 15th, 2011, Mother Jones, That Islamophobic FBI Training Is Just the Tip of the Iceberg, http://www.motherjones.com/mojo/2011/09/islamophobic-fbi-training-military_AZ)

Agents at the FBI's Quantico, Virginia, training grounds are taught that all mainstream American Muslims are terrorist sympathizers in a cult that likes to donate money to killers. That's according to a scoop by Wired's Spencer Ackerman, who has exposed a series of amazingly clueless Powerpoint slides and documents from the federales' training on Islam. If you haven't read his story yet, do so now. Ackerman's report brings new light to an alarming problem that's been well-documented since 9/11: American police officers, airport screeners, and soldiers have no freaking clue how to deal with the distinction between the vast majority of Muslims and the minisule minority that actively seek to do us harm. My MoJo colleague Adam Serwer points out that local cops around the country have been getting training that's even worse that the FBI's. He refers to

an excellent March Washington Monthly story detailing how Islamophobic trainers are collecting homeland security dollars while spewing complete nonsense. For example: "When you have a Muslim that wears a headband, regardless of color or insignia, basically what that is telling you is 'I am willing to be a martyr.'" one trainer blathers. But it goes way beyond that. Our Islamophobia-beat reporter, Tim Murphy, has detailed on this site how Rep. Allen West (R-Fla) is championing a skewed, conspiratorial vision of Islam to convince Americans that we're under attack. I've written about the meager cultural training offered to service members and contractors headed for Iraq and Afghanistan. The materials would be humorous if they weren't so disturbing: In them Arab men look suspiciously like Lego figures; they're described as "illogical or irrational," paranoid, and prone to extremes, "perhaps due to the harsh, desert environment that Arabs have lived in for thousands of years." And that's just Iraqi Arabs—just wait 'til you read what they say about those dirty Kurds. All of which is to say that, 10 years after the US government got really preoccupied with Muslims of all stripes, from Iraqi Kurds, Sunnis, and Shiites to Afghan Pashtuns, Tajiks, Uzbeks, Hazaras, and a couple hundred other ethnic and tribal identities (not to mention Muslim-Americans)—our civil servants are still taking a reductive, unfair, and ultimately dangerous attitude toward them. Which may explain why we let foreign governments lock them up and torture them, even if they're American citizens. And perhaps it's why the FBI relies blindly on terrorism informants who walk the fine between tracking potential terrorists and making them. **If we continue to miseducate the well-intending agents and soldiers who serve at the tip of the spear, we shouldn't be surprised when that spear misses its target.**

2nc neolib = racism cards

Capitalism is the root cause of racism

McLaren and Torres 99 (Peter McLaren, professor of education at U of California, and Rudolfo Torres, Professor of Planning, Policy, and Design, Chicano/Latino Studies, and Political Science, "Racism and Multicultural Education: Rethinking 'Race' and 'Whiteness' in Late Capitalism", Chapter 2 of "Critical Multiculturalism: Rethinking Multicultural and Antiracist Education", edited by Stephen May, p.49-50, Questia)

According to Alex Callinicos (1993), racial differences are invented. Racism occurs when the characteristics which justify discrimination are held to be inherent in the oppressed group. This form of oppression is peculiar to capitalist societies; it arises in the circumstances surrounding industrial capitalism and the attempt to acquire a large labour force. Callinicos points out three main conditions for the existence of racism as outlined by Marx: economic competition between workers; the appeal of racist ideology to white workers; and efforts of the capitalist class to establish and maintain racial divisions among workers. Capital's constantly changing demands for different kinds of labour can

only be met through immigration. Callinicos remarks that 'racism offers for workers of the oppressing "race" the imaginary compensation for the exploitation they suffer of belonging to the "ruling nation"' (1993, p. 39). Callinicos notes the way in which Marx grasped how 'racial' divisions between 'native' and 'immigrant' workers could weaken the working-class. United States' politicians like Pat Buchanan, Jesse Helms and Pete Wilson, to name but a few, take advantage of this division which the capitalist class understands and manipulates only too well-using racism effectively to divide the working-class. At this point you might be asking yourselves: Doesn't racism pre-date capitalism? Here we agree with Callinicos that the heterophobia associated with precapitalist societies was not the same as modern racism. Pre-capitalist slave and feudal societies of classical Greece and Rome did not rely on racism to justify the use of slaves. The Greeks and Romans did not have theories of white superiority. If they did, that must have been unsettling news to Septimus Severus, Roman Emperor from Ad 193 to 211, who was, many historians claim, a black man. **Racism emerged during the seventeenth and eighteenth centuries from a key development of capitalism-colonial plantations** in the New World where slave labour stolen from Africa was used to produce tobacco, sugar, and cotton for the global consumer market (Callinicos, 1993). Callinicos cites Eric Williams who remarks: **Slavery was not born of racism: rather, racism was the consequence of slavery** (cited in Callinicos, 1993, p. 24). In effect, racism emerged as the ideology of the plantocracy. It began with the class of sugar-planters and slave merchants that dominated England's Caribbean colonies. Racism developed out of the 'systemic slavery' of the New World. **The 'natural inferiority' of Africans was a way that Whites justified enslaving them.** According to Callinicos: Racism offers white workers the comfort of believing themselves part of the dominant group; it also provides, in times of crisis, a ready-made scapegoat, in the shape of the oppressed group. **Racism** thus gives white workers a particular identity, and one which unites them with white capitalists. We have here, then, a case of the kind of 'imagined community' discussed by Benedict Anderson in his influential analysis of nationalism. (1993, p. 38) In short, **to abolish racism in any substantive sense, we need to abolish global capitalism.**

Class is the driver of all social and existential conditions. Only emancipation from the status quo modes of production can enact any form of human freedom
Ebert and Zavarzadeh 08(Teresa L., English, State University of New York, Albany, Mas'ud, prolific writer and expert on class ideology, "Class in Culture", p.ix-xii)

Class is everywhere and nowhere. It **is the most decisive condition of social life: it shapes the economic and** consequently, **the social and cultural resources of people.** It determines their birth, healthcare, clothing, schooling, eating, love, labor, sleep, aging, and death. Yet **it remains invisible in the every day and in practical consciousness because,** for the most part, **it is dispersed through popular culture, absorbed in cultural difference, obscured by formal equality before the law or explained away by philosophical arguments.** Class in Culture attempts to trace class in different cultural situations and practices to make its routes and effects visible. However, the strategies obscuring class are cunning, complex, and subtle, and are at work in unexpected sites of culture. Consequently, this is not a linear book: it surprises class in the segments, folds, vicinities, points, and divides of culture. It moves, for example, from Abu Ghraib to the post-deconstructive proclamations of Antonio Negri, from stem cell research to labor history, from theoretical debates on binaries to diets. It is also written in a variety of registers and lengths: in the vocabularies of theory, the idioms of description and explanation, as well as in the language of polemics, and in long, short, and shorter chapters. Regardless of the language, the plane of argument, the length of the text, and the immediate subject of our critiques, our purpose has been to tease out from these incongruous moments the critical elements of a basic grammar of class-one that might be useful in reading class in other social sites. Our text on eating, for example, unpacks two diets that, we argue, reproduce class binaries in the zone of desire. The point here is not only when one eats, one eats class, but also class works in the most unexpected comers of culture, Eating as a sensuous, even sensual corporeality, is seen as the arena of desire which is represented in the cultural imaginary as autonomous from social relations. **Desire is thought to be**

exemplary of the singularity of the individual and her freedom from material conditions. One desires what one desires. Desire is the absolute lack: it is the **unrepresentable**. We argue, however, that **one desires what one can desire; one's desire is always and ultimately determined before one desires it, and it is determined by one's material (class) conditions**. Our point is not that **individuality and singularity** are myths but that they **are myths in class societies**. **Individuality and singularity become reality**-not stories that culture tells to divert people from their anonymity in a culture of commodities-**only when one is free from necessity beyond which "begins that development of human energy which is an end in itself"** (Marx, *Capital*/III, 958-59). **Class is the negation of human freedom. A theory of class** (such as the one we articulate) **argues that class is the material logic of social life and therefore it determines how people live and think**. But this is too austere for many contemporary critics. ("Determinism" is a dirty totalizing word in contemporary social critique.) Most writers who still use the concept of class prefer to talk about it in the more subtle and shaded **languages of overdetermination, lifestyle, taste, prestige, and preferences, or** in the **stratification** terms of income, occupation, and even status. **These are all significant** aspects of social life, **but they are effects of class and not class**. This brings us to the "simple" question: What is class? We skip the usual review of theories of class because they never lead to an answer to this question. The genre of review requires, in the name of fairness, "on the one hand, on the other hand" arguments that balance each perspective with its opposite. The purpose of *Class in Culture* is not review but critique not a pluralism that covers up an uncommitted wandering in texts but an argument in relation to which the reader can take a position leading to change and not simply be more informed. This is not a book of information; it is a book of critique. To answer the question (what is class?), we argue-and here lies the austerity of our theory-**class is essentially a relation of property, of owning**. Class, in short, is **a relation to labor because property is the congealed alienated labor of the other**. By owning we obviously do not mean owning just anything. Owning a home or a car or fine clothes does not by itself put a person in one or another class. What does, is **owning the labor power of others in exchange for wages**. Unlike a home or a car, labor (or to be more precise "**labor power**") **is a commodity that produces value when it is consumed**. Structures like homes or machines like cars or products such as clothes do not produce value. Labor does. **Under capitalism, the producers of value do not own what they produce**. The capitalist who has purchased the labor power of the direct producers owns what they produce. Class is this relation of labor-owning. This means wages are symptoms of estranged labor, of the unfreedom of humans, namely the exploitation of humans by humans-which is another way to begin explaining class. **To know class, one has to learn about the labor relations that construct class differences**, that enable the subjugation of the many by the few. **Under capitalism labor is unfree**, it is forced wage-labor that produces "surplus value"-an objectification of a person's labor as commodities that are appropriated by the capitalist for profit. **The labor of the worker, therefore, becomes "an object" that "exits outside him**, independently, as **something alien to him, and it becomes a power on its own confronting him" which, among other things, "means that the life which he has conferred on the object confronts him as something hostile and alien"** (Marx, *Economic and Philosophic Manuscripts of 1844*, 272). The direct producers' own labor, in other words, negates their freedom because it is used, in part, to produce commodities not for need but for exchange. **One, therefore, is made "to exist, first, as a worker; and, second as a physical subject**. The height of this servitude is that it is only as a worker that he can maintain himself as a physical subject, and that it is only as a physical subject that he is a worker" (273). Under wage labor, **workers, consequently, relate to their own activities as "an alien activity not belonging to [them]"** (275). **The estranged relation** of people to the object of their labor **is not a local matter but includes all spheres of social life**. In other words, it is "at the same time the relation to the sensuous external world, to the objects of nature, as an alien world inimically opposed to [them]" (275). **The scope of estrangement in a class society**, of human unfreedom caused by wage labor, is not limited to the alienation of the worker from her products. It includes the productive activity itself because what is produced is a "summary of the activity, of production," and therefore it is "manifested not only in the result but in the act of production, within the

producing activity itself' (274). **The worker, in the act of production, alienates herself from herself because production activity is "active alienation, the alienation of activity, the activity of alienation"** (274)-an activity which does not belong to her. This is another way of saying that the activity of labor-life activity-is turned against the worker and "here we have self-estrangement" (275). In his theory of alienated labor, Marx distinguishes between the "natural life" of eating, drinking, and procreating which humans share with other animals and the "species life" which separates humans from animal. This distinction has significant implications for an emancipatory theory of classless society. "Species life" is the life marked by consciousness, developed senses, and a human understanding himself in history as a historical being because "his own life is an object for him" (276)--humans, as "species beings," are self-reflexive. To be more clear, "conscious life activity distinguishes man immediately from animal life activity" (276). The object of man's labor is the actualization, the "objectification of man's species-life" (277). Alienated labor, however, "in tearing away from man the object of his production, therefore, ... tears from him his species-life" (277). Consequently, "it changes for him the life of the species into a means of individual life ... it makes individual life in its abstract form the purpose of life of the species, likewise in the abstract and estranged form" (276). This is another way of saying that **the larger questions that enable humans to build their world consciously are marginalized, and sheer biological living** ("individual life in the abstract") **becomes the goal of life in class society structured by wage labor. "Life itself appears only as a means to life"** (276). **Class turns "species life" into "natural life."** Since society is an extension of the sensuous activities of humans in nature (labor), **the alienation of humans from the products of their labor, from the very process of labor, which is their life activity, and from their species-being, leads to the estrangement of humans from humans** (277)-**the alienation in class societies that is experienced on the individual level as loneliness.** In confronting oneself, one confronts others; which is another way of saying that one's **alienation from the product of one's labor**, from productive activity, and from "species life" **is** at the same time **alienation from other people, their labor, and the objects of their labor.** In class societies, **work**, therefore, **becomes the negation of the worker:** he "only feels himself outside his work, and in his work feels outside himself" (274). **Ending class structures is a re-obtaining of human freedom.** Freedom here is not simply the freedom of individuals as symbolized, for instance, in bourgeois "freedom of speech" but is a world-historical **"freedom from necessity"** (Marx, Critique of the Gotha Programme). **Class struggle is the struggle for human emancipation by putting an end to alienated labor** (as class relations). Alienated labor is the bondage of humans to production: it is an effect of wage labor (which turns labor into a means of living) and private property (which is congealed labor). **Emancipation from alienated labor is, therefore, the emancipation of humans from this bondage because "all relations of servitude," such as class relations, "are but modifications and consequences" of the relation of labor to production** (Marx, Economic and Philosophic Manuscripts of 1844,280). **Class**, in short, **is the effect of property relations that are themselves manifestations of the alienation of labor as wage labor. Wage labor alienates one from one's own product, from oneself, from other humans, and, as Marx put it, "estranges the species from man"** (276).

Identity-based struggles can never come to grips with the Real of Capital because today's global capitalism relentlessly fragments identities to ensure that capital's homogenizing force will prevail.

Slavoj Žižek, Professor of Sociology at the Institute for Sociology, Ljubljana University, **2k**, The Fragile Absolute, p. 11-15

So where are we, today, with regard to ghosts? The first paradox that strikes us, of course, is that this very process of global reflexivization that mercilessly derides and chases the ghosts of the past generates not only its own immediacy but also its own ghosts, its own spectrality. The most famous ghost, which has been roaming around for the last 150 years, was not a ghost of the past, but the spectre of the (revolutionary) future – the spectre, of course, from the first sentence of The Communist Manifesto. The automatic reaction to The Manifesto of today's enlightened liberal reader is: isn't the text simply wrong on so many empirical accounts – with regard to its picture of the social situation, as well as the revolutionary perspective it sustains and propagates? Was there ever a political manifesto that was more clearly falsified by subsequent historical reality? Is not The Manifesto, at its best, the exaggerated extrapolation of certain tendencies discernible in the nineteenth century? So let us approach The Manifesto from the opposite end: where do we live today, in our global 'post . . .' (postmodern, post-industrial) society? The slogan that is imposing itself more and more is 'globalization': the brutal imposition of the unified world market that threatens all local ethnic traditions, including the very form of the nation-state. And in view of this situation, is not the description of the social impact of the bourgeoisie in The Manifesto more relevant than ever? The bourgeoisie cannot exist without constantly revolutionizing the instruments of production, and thereby the relations of production, and with them the whole relations of society. Conservation of the old modes of production in unaltered form was, on the contrary, the first condition of existence for all earlier industrial classes. Constant revolutionizing of production, uninterrupted disturbance of all social conditions, everlasting uncertainty and agitation distinguish the bourgeois epoch from all earlier ones. All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses his real condition in life, and his relations with his kind. The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connexions everywhere. The bourgeoisie has through its exploitation of the world market given a cosmopolitan character to production and consumption in every country. To the great chagrin of Reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life and death question for all civilized nations, by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe. In place of the old wants, satisfied by the productions of the country, we find new wants, requiring for their satisfaction the products of distant lands and climes. In place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal inter-dependence of nations. And as in material, so also in intellectual production. The intellectual creations of individual nations become common property. National one-sidedness and narrowmindedness becomes more and more impossible, and from the numerous national and local literatures, there arises a world literature.⁶ Is this not, more than ever, our reality today? Ericsson phones are no longer Swedish, Toyota cars are manufactured 60 per cent in the USA, Hollywood culture pervades the remotest parts of the globe. . . . Furthermore, does not the same go also for all forms of ethnic and sexual identities? Should we not supplement Marx's description in this sense, adding also that sexual 'onesidedness and narrowmindedness become more and more impossible'; that concerning sexual practices also, 'all that is solid melts into air, all that is holy is profaned', so that capitalism tends to replace standard normative heterosexuality with a proliferation of unstable shifting identities and/or orientations? From time to time Marx himself underestimates this ability of the capitalist universe to incorporate the transgressive urge that seemed to threaten it; in his analysis of the ongoing American Civil War, for example, he claimed that since the English textile industry, the backbone of the industrial system, could not survive without the supply of cheap cotton from the American South rendered possible only by slave labour, England would be forced to intervene directly to prevent the abolition of slavery. So yes, this global dynamism described by Marx, which causes all things solid to melt into air, is our reality – on condition that we do not forget to supplement this image from The Manifesto with its inherent dialectical opposite, the 'spiritualization' of the very material process of production. While capitalism does suspend the power of the old ghosts of tradition, it generates its own monstrous ghosts. That is to say: on the one hand, capitalism entails the radical secularization of social life – it mercilessly tears apart any aura of authentic nobility, sacredness, honour, and so on: It has drowned the

most heavenly ecstasies of religious fervour, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless infeasible chartered freedoms, has set up that single, unconscionable freedom — Free Trade. In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation.⁷ However, the fundamental lesson of the 'critique of political economy' elaborated by the mature Marx in the years after *The Manifesto* is that this reduction of all heavenly chimeras to brutal economic reality generates a spectrality of its own. When Marx describes the mad selfenhancing circulation of Capital, whose solipsistic path of self-fecundation reaches its apogee in today's meta-reflexive speculations on futures, it is far too simplistic to claim that the spectre of this self-engendering monster that pursues its path regardless of any human or environmental concern is an ideological abstraction, and that one should never forget that behind this abstraction there are real people and natural objects on whose productive capacities and resources Capital's circulation is based, and on which it feeds like a gigantic parasite. The problem is that this 'abstraction' does not exist only in our (financial speculator's) misperception of social reality; it is 'real' in the precise sense of determining the very structure of material social processes: the fate of whole strata of populations, and sometimes of whole countries, can be decided by the 'solipsistic' speculative dance of Capital, which pursues its goal of profitability with a blessed indifference to the way its movement will affect social reality. That is the fundamental systemic violence of capitalism, which is much more uncanny than direct precapitalist socio-ideological violence: this violence is no longer attributable to concrete individuals and their 'evil' intentions; it is purely 'objective', systemic, anonymous.

Socioeconomic inequalities are assumed to be natural because of their inherent place in the capitalist system — constancy makes them invisible to statistical analysis

Richard **York and Brett Clark, 2010**, Professor of Environmental Sociology and Statistics at the University of Oregon, Assistant Professor of Sociology and Sustainability, 2010, "Nothing New Under the Sun? The Old False Promise of New Technology", Review (Fernand Braudel Center), VOL 33, pp. 203-224, online: <http://www.jstor.org/stable/23346882>

The concept of historicity within the Marxist tradition emphasizes that social "laws," unlike natural laws, vary across different historical periods. However, during any specific historical context on the second tier of time, such as the respective extended periods of feudalism or capitalism in Europe, particular social structures (e.g., economic systems) emerge that exert a strong influence on the overall organization of society and the everyday happenings in people's lives. Given the persistence of these social structures over long stretches of time, they serve as background conditions that generate a form of "social gravity" that interacts with and influences all social relations (York & Clark, 2006; 2007). The pervasive and constant power of this social gravity often goes unnoticed or is simply assumed to be immutable. For example, the structure of the capitalist economy generates social inequalities, which are then assumed to be a natural and inevitable part of the human condition, when they are in fact simply the product of a particular economic system. Given how constant the influence is at most points in time, it may be invisible to typical statistical analyses, since statistical analyses focus on explaining variation, not constancy. These background conditions can have dramatic, if often unrecognized, effects on social processes. Nonetheless, unlike many of the forces on the third tier, these particular forces of the second tier are typically social in origin and can be altered through changes in social structure.

A thorough analysis of capitalism in relation to its concealed structural violence and environmental issues is key – solutions formed without specific recognition of root cause fail

Richard **York and Brett Clark, 2010**, Professor of Environmental Sociology and Statistics at the University of Oregon, Assistant Professor of Sociology and Sustainability, 2010, "Nothing New Under the Sun? The Old False Promise of New Technology", Review (Fernand Braudel Center), VOL 33, pp. 203-224, online: <http://www.jstor.org/stable/23346882>

¶ While these structural arrangements produce various contradictions, given the social inequalities and ecological degradation that the system inevitably creates, it also provides a degree of structural stability when measured on a limited timescale, such as decades or centuries. Thus, the "laws" of capitalism, due to their relative constancy over the past centuries, can appear to be laws of nature that cannot be transcended. But, as historicity suggests, what appears to be a universal law in a particular context may be shown to be invalid in other contexts. Thus, a thorough analysis must account for background conditions that act as social gravity, that are creating specific problems. These background conditions may also restrict the range of debate, assumptions about the social world, and the potential suggestions for change. Too often, proposed solutions, whose focus is on the particularities of the first tier of time, fail to assess how background conditions contribute to particular problems, such as the current crises over food, energy, and the environment. As a result, a series of so-called solutions are generated throughout time, without actually addressing the roots of the problem. Once this is understood, it is possible to comprehend how contemporary environmental problems are similar to those in previous decades and centuries. At the same time, given the persistence of the social gravity stemming from the structure of the world-system, contemporary environmental problems are more pressing than they have been in the past due to their extraordinary scale, and threaten to transgress the planetary boundaries that maintain the earth system in a state that supports human civilization. All of this stresses the importance of properly assessing the forces driving ecological problems, as well as the proposed solutions.

2nc circumvention cards

Fusion centers, No Regulations

Fusion centers do what they want, the FBI

German and Stanley '7, German is on the Policy Counsel for National Security, ACLU Washington Legislative Office; Stanley is the Public Education Director, ACLU Technology and Liberty Program (December 2007, Michael German and Jay Stanley, American Civil Liberties Union, "WHAT'S WRONG WITH FUSION CENTERS?,"

https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf

Ambiguous Lines of Authority. The **participation of agencies from multiple jurisdictions in fusion centers allows the authorities to manipulate differences in federal, state and local laws to maximize information collection while evading accountability and oversight through the practice of "policy shopping."**

Private Sector Participation . **Fusion centers are incorporating private-sector corporations** into the intelligence process, breaking down the arm's length relationship that protects the privacy of innocent Americans who are employees or customers of these companies, and increasing the risk of a data breach.

Military Participation . **Fusion centers are involving military personnel** in law enforcement activities in troubling ways.

Data Fusion = Data Mining . Federal fusion center guidelines encourage whole sale data collection and manipulation processes that threaten privacy.

Excessive Secrecy . **Fusion centers are hobbled by excessive secrecy, which limits public oversight**, impairs their ability to acquire essential information and impedes their ability to fulfill their stated mission, bringing their ultimate value into doubt.

Fusion centers guarantee profiling will continue post-plan

Constitution Project '12 The Constitution Project (8/15/12, The Constitution Project, "RECOMMENDATIONS FOR FUSION CENTERS",

<http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>

2. Reports of Political, Racial and Religious Profiling

Despite these constitutional principles, there have been numerous anecdotal reports of incidents in which fusion centers have targeted individuals in the United States for surveillance and investigation based solely on beliefs and characteristics that are protected by the First and Fourteenth Amendments. Although federal guidance to fusion centers cautions against profiling, these incidents demonstrate that significant additional guidance, training and oversight are crucial to ensure that fusion centers and other law enforcement agencies do not engage in racial, religious and political profiling.⁴¹

Recent **reports from across the country bear testament to the potential for problematic profiling at fusion centers, particularly regarding bulletins and intelligence reports circulated by fusion centers.** These are a few examples:

- **The February 2009 "Prevention Awareness Bulletin," circulated by a Texas fusion center, described Muslim lobbying groups as "providing an environment for terrorist organizations to flourish"** and warned that "the threats to Texas are significant."

The bulletin called on law enforcement officers to report activities such as Muslim "hip hop fashion boutiques, hip hop bands, use of online social networks, video sharing networks, chat forums and blogs."⁴²

- A Missouri-based fusion center issued a February 2009 report describing support for the presidential campaigns of Ron Paul or third party candidates, possession of the iconic "Don't Tread on Me" flag and anti-abortion activism as signs of membership in domestic terrorist groups.⁴³

- **The Tennessee Fusion Center listed a letter from the American Civil Liberties Union (ACLU) to public schools on its online map of “Terrorism Events and Other Suspicious Activity.” The letter had advised schools that holiday celebrations focused exclusively on Christmas were an unconstitutional government endorsement of religion.**⁴⁴
- **The Virginia Fusion Center’s 2009 Terrorism Risk Assessment Report described student groups at Virginia’s historically black colleges as potential breeding grounds for terrorism and characterized the “diversity” surrounding a military base as a possible threat.**⁴⁵

Fusion centers aren’t under federal jurisdiction—localities won’t enforce rules

Price ’13, Michael Price serves as counsel for the Brennan Center’s Liberty and National Security Program (12/10/13, Michael Price, Brennan Center for Justice, “National Security and Local Police”, <https://www.brennancenter.org/publication/national-security-local-police>)

The Brennan Center has identified three major reasons the system is ineffective: Information sharing among agencies is governed by inconsistent rules and procedures that encourage gathering useless or inaccurate information. This poorly organized system wastes resources and also risks masking crucial intelligence.

As an increasing number of agencies collect and share personal data on federal networks, inaccurate or useless information travels more widely. Independent oversight of fusion centers is virtually non-existent, compounding these risks.

Oversight has not kept pace, increasing the likelihood that intelligence operations violate civil liberties and harm critical police-community relations.

According to a report by the Government Accountability Office, 95 percent of suspicious activity reports are not even investigated by FBI. This is unsurprising. In the past, police departments shared information only when there was ‘reasonable suspicion’ of criminal activity. This time-tested standard ensured that police were focused on real threats and not acting on their own biases or preconceptions. But with this crucial filter removed after the attacks of 9/11, almost any behavior — from photographing a landmark, to stretching in the park, to attending a mosque — can be viewed as potentially suspicious, reported, and shared with thousands of other government agencies. It is impractical to sift through and follow up on every report, so important information can easily fall through the cracks. In some instances, the practice has also undermined community trust in the police, which is an essential element of domestic counterterrorism.

Efforts by the federal government to address this oversight gap have been half-hearted. The system is not under federal government control. Federal funds simply flow to state legislatures, which then allocate them as they see fit — no questions asked. State and local governments have rarely stepped into the breach, allowing intelligence activities to go unchecked and unsupervised.

Fusion centers monitor lawful religious activity

Patel and Price ’12 Faiza Patel serves as co-director of the Brennan Center’s Liberty and National Security Program; Michael Price serves as counsel for the Brennan Center’s Liberty and National Security Program (10/18/12, Faiza Patel, Michael Price, Brennan Center for Justice, “Fusion Centers Need More Rules, Oversight”, <https://www.brennancenter.org/analysis/fusion-centers-need-more-rules-oversight>)

Instead of looking for terrorist threats, **fusion centers were monitoring lawful political and religious activity.** That year, **the Virginia Fusion Center described a Muslim get-out-the-vote**

campaign as “subversive.” In 2009, the North Central Texas Fusion Center identified lobbying by Muslim groups as a possible threat.

The DHS dismissed these as isolated episodes, but the two-year Senate investigation found that such tactics were hardly rare. It concluded that **fusion centers routinely produce “irrelevant, useless or inappropriate” intelligence that endangers civil liberties.**

None of their information has disrupted a single terrorist plot. These revelations call into question the value of fusion centers as currently structured. At a minimum, they underscore the need for greater oversight and clearer rules on what information fusion centers collect and disseminate. Of course, effective information sharing is critical to national security. But as the Senate investigation demonstrates, there is little value in distributing information if it is shoddy, biased or simply irrelevant. When fusion centers feed such information into the echo chamber of federal databases, they only compound mistakes and clog the system.

The DHS has failed to create effective mechanisms or incentives for quality control. Instead, **fusion centers collect and share information according to their individual standards, which vary considerably.**

These rules often **permit information to flow to federal agencies that has no connection to criminal activity** — let alone terrorism. This creates the risk that intelligence networks will become saturated with poor or irrelevant information as well as lend undue credibility to inaccurate data. The Senate report showed that these risks are not just theoretical.

Fusion centers need explicit and consistent rules. The DHS should ensure that the information the centers collect and distribute is relevant, useful and constitutional by requiring them to show some reasonable suspicion that criminal activity is afoot.

This is not a particularly high bar to clear. The reasonable suspicion standard is familiar to every police officer. The requirement would serve as an important bulwark against privacy and civil rights violations, but it would also keep meaningless information out of the system.

Without such well-defined and familiar standards, as the Senate report demonstrates, fusion centers are left rudderless.

In addition, fusion centers must have active, independent oversight. While Congressional inquiries are important for exposing problems, the Senate should not have been the first governmental body to take a critical look at fusion centers.

At the state and local level, **there is often no mechanism to ensure that fusion centers are generating useful information or complying with the law.** At the federal level, the DHS is responsible for verifying that the data shared by fusion centers meet certain minimum standards. But **the DHS has delegated this responsibility to the centers themselves and has not conducted independent audits.**

DHS oversight has been so poor that the department could not even say how much money it has spent on fusion centers, estimating the cost at somewhere from \$289 million to \$1.4 billion.

Their inherently local nature makes regulation impossible- the plan does nothing

O’Neil ‘8 political science graduate student at the University of California Los Angeles (UCLA) Previously, iobhan served as the analyst for domestic security and intelligence at the Congressional Research Service (CRS). She spent five years working in homeland security serving as the deputy chief of the Intelligence Bureau of the New Jersey Office of Homeland Security and Preparedness (OHSP) (April 2008, Siobhan, Homeland Security Affairs, “The Relationship between the Private Sector and Fusion Centers: Potential Causes for Concern and Realities”, <https://www.hsaj.org/articles/134>)

Given that **fusion centers are entities established by states and localities to serve their own law enforcement,** emergency response, and homeland security needs, and **compounded by the**

sensitivities associated with federalism, the federal government is in a difficult position of balancing its interests and respecting the local nature of fusion centers. As such, **the federal government has been understandably hesitant to place requirements on fusion centers.**

Instead, federal **agencies have produced guidelines, which have not been compulsory**, to include the National Strategy for Information Sharing and Fusion Center Guidelines. ⁸ While **these documents** address some of the tactical and operational concerns related to fusion centers, they **are often vague to a fault and fail to provide the comprehensive vision for fusion centers as part of the nation's homeland security posture.**

Failure to create a consensus on the role, structural requirements, and responsibilities for fusion centers is apt to increase the potential for ineffectiveness, which threatens the viability of fusion centers. If fusion centers fail to demonstrate their worth and strengthen and augment our nation's homeland security efforts, political support and external agency engagement with these centers is likely to decline. Moreover, potential civil liberties abuses could damage fusion centers' credibility and undermine their public support. It has rightfully been warned that even rumors of impropriety and civil liberties abuses associated with a single fusion center can cause irreparable damage to the reputation of all fusion centers nationwide. This would be unfortunate given the potential for fusion centers to provide public safety and homeland security benefits to both local communities and the nation.

Local surveillance circumetns

General Local surveillance can break the law without consequence – they can they can cover it up with non disclosure agreements

Fenton 15 (Justin Fenton, who joined The Sun in 2005, has covered the Baltimore Police Department since 2008. His work includes an investigation into Cal Ripken Jr.'s minor league baseball stadium deal with his hometown of Aberdeen and a three-part series chronicling a ruthless con woman, "Baltimore Police used secret technology to track cellphones in thousands of cases", April 9, 2015, <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-stingray-case-20150408-story.html#page=1> -JD)

The Baltimore Police Department has used an invasive and controversial cellphone tracking device thousands of times in recent years while following instructions from the FBI to withhold information about it from prosecutors and judges, a detective revealed in court testimony Wednesday.¶The testimony shows for the first time how frequently city police are using a cell site simulator, more commonly known as a "stingray," a technology that authorities have gone to great lengths to avoid disclosing.¶The device mimics a cellphone tower to force phones within its range to connect. Police use it to track down stolen phones or find people.¶Until recently, the technology was largely unknown to the public. Privacy advocates nationwide have raised questions whether there has been proper oversight of its use.¶Baltimore has emerged in recent months as a battleground for the debate. In one case last fall, a city detective said a nondisclosure agreement with federal authorities prevented him from answering questions about the device. The judge threatened to hold him in contempt if he didn't provide information, and prosecutors withdrew the evidence.¶The nondisclosure agreement, presented for the first time in court Wednesday, explicitly instructs prosecutors to drop cases if pressed on the technology, and tells them to contact the FBI if legislators or judges are asking questions.¶Detective Emmanuel Cabreja, a member of the Police Department's Advanced Technical Team, testified that police own a Hailstorm cell site simulator — the latest version of the stingray — and have used the technology 4,300 times since 2007.¶Cabreja said he had used it 600 to 800 times in less than two years as a member of the unit.¶Nate Wessler, an attorney with the American Civil Liberties

Union, said 4,300 uses is "huge number." He noted that most agencies have not released data.¶ The Florida Department of Law Enforcement says its officers have used the device about 1,800 times. Police in Tallahassee say they have used it more than 250 times; police in Tacoma, Wash., 170 times.¶ Former U.S. Judge Brian L. Owsley, a law professor at Indiana Tech, said he was "blown away" by the Baltimore figure and the terms of the nondisclosure agreement. "That's a significant amount of control," he said.¶ Agencies have invoked the nondisclosure agreement to keep information secret. At a hearing last year, a Maryland State Police commander told state lawmakers that "Homeland Security" prevented him from discussing the technology.¶ Wessler said the secrecy is upending the system of checks and balances built into the criminal justice system.¶ "In Baltimore, they've been using this since 2007, and it's only been in the last several months that defense attorneys have learned enough to start asking questions," he said. "Our entire judicial system and constitution is set up to avoid a 'just trust us' system where the use of invasive surveillance gear is secret."¶

Can't stop government data collection on companies – subpoena power can bypass the fourth amendment and violate the rights of Americans

KRAVETS 15 (David Kravets is a WIRED senior staff writer and founder of the fake news site TheYellowDailyNews.com. He's a dad of two boys and has been a reporter since the manual typewriter days, "We Don't Need No Stinking Warrant: The Disturbing, Unchecked Rise of the Administrative Subpoena", 08.28.12, <http://www.wired.com/2012/08/administrative-subpoenas/> - JD)

But by law, utilities must hand over customer records — which include any billing and payment information, phone numbers and power consumption data — to the DEA without court warrants if drug agents believe the data is "relevant" to an investigation. So the utility eventually complied, after losing a legal fight earlier this month.¶ Meet the administrative subpoena (.pdf): With a federal official's signature, banks, hospitals, bookstores, telecommunications companies and even utilities and internet service providers — virtually all businesses — are required to hand over sensitive data on individuals or corporations, as long as a government agent declares the information is relevant to an investigation. Via a wide range of laws, Congress has authorized the government to bypass the Fourth Amendment — the constitutional guard against unreasonable searches and seizures that requires a probable-cause warrant signed by a judge.¶ In fact, there are roughly 335 federal statutes on the books (.pdf) passed by Congress giving dozens upon dozens of federal agencies the power of the administrative subpoena, according to interviews and government reports. (.pdf)¶ "I think this is out of control. What has happened is, unfortunately, these statutes have been on the books for many, many years and the courts have acquiesced," said Joe Evans, the utility's attorney.¶ Anecdotal evidence suggests that federal officials from a broad spectrum of government agencies issue them hundreds of thousands of times annually. But none of the agencies are required to disclose fully how often they utilize them — meaning there is little, if any, oversight of this tactic that's increasingly used in the war on drugs, the war on terror and, seemingly, the war on Americans' constitutional rights to be free from unreasonable government trespass into their lives.¶ That's despite proof that FBI agents given such powers under the Patriot Act quickly began to abuse them and illegally collected Americans' communications records, including those of reporters. Two scathing reports from the Justice Department's Inspector General uncovered routine and pervasive illegal use of administrative subpoenas by FBI anti-terrorism agents given nearly carte blanche authority to demand records about Americans' communications with no supervision.¶ When the 9th U.S. Circuit Court of Appeals, perhaps the nation's most liberal appeals court based in San Francisco, ordered Golden Valley to fork over the data earlier this month, the court said the case was "easily" decided because the records were "relevant" to a government drug investigation.¶ With the data the Alaska utility handed over, the DEA may then use further administrative subpoenas

to acquire the suspected indoor-dope growers' phone records, stored e-mails, and perhaps credit-card purchasing histories — all to build a case to acquire a probable-cause warrant to physically search their homes and businesses.¶ But the administrative subpoena doesn't just apply to utility records and drug cases. Congress has spread the authority across a huge swath of the U.S.

government, for investigating everything from hazardous waste disposal, the environment, atomic energy, child exploitation, food stamp fraud, medical insurance fraud, terrorism, securities violations, satellites, seals, student loans, and for breaches of dozens of laws pertaining to fruits, vegetables, livestock and crops.¶ Not one of the government agencies with some of the broadest administrative subpoena powers Wired contacted, including the departments of Commerce, Energy, Agriculture, the Drug Enforcement Administration and the FBI, would voluntarily hand over data detailing how often they issued administrative subpoenas.¶ The Drug Enforcement Administration obtained the power under the Comprehensive Drug Abuse Prevention and Control Act of 1970 and is believed to be among the biggest issuers of administrative subpoenas.¶ “It’s a tool in the toolbox we have to build a drug investigation. Obviously, a much, much lower threshold than a search warrant,” said Lawrence Payne, a DEA spokesman, referring to the administrative subpoena generically. Payne declined to discuss individual cases.¶ Payne said in a telephone interview that no database was kept on the number of administrative subpoenas the DEA issued.¶ But in 2006, Ava Cooper Davis, the DEA’s deputy assistant administrator, told a congressional hearing, “The administrative subpoena must have a DEA case file number, be signed by the investigator’s supervisor, and be given a sequential number for recording in a log book or computer database so that a particular field office can track and account for any administrative subpoenas issued by that office.”¶ After being shown Davis’ statement, Payne then told Wired to send in a Freedom of Information Act request, as did some of the local DEA offices we contacted, if they got back to us at all. “Would suggest a FOIA request to see whether you can get a number of administrative subpoenas. Our databases have changed over the years as far as how things are tracked and we don’t have access to those in public affairs unfortunately,” Payne said in an e-mail.¶ He said the agency has “never” been asked how many times it issued administrative subpoenas.¶ Amy Baggio, a Portland, Oregon federal public defender representing drug defendants for a decade, said DEA agents “use these like a doctor’s prescription pad on their desk.” Sometimes, she said, they issue “hundreds upon hundreds of them” for a single prosecution — often targeting mobile phone records.¶ They are using them exponentially more in all types of federal criminal investigations. I’m seeing them in every drug case now.” Baggio said. Nobody is watching what they are doing. I perceive a complete lack of oversight because there isn’t any required.”

Nypd alt cause

Local Surveillance like the NYPD is Islamophobic

Kane 13 (Alex Kane is an assistant editor for the news website Mondoweiss, which covers the Israel–Palestine conflict, and the World section editor at AlterNet. His work has also appeared in Salon, The Daily Beast’s “Open Zion” blog, Vice, BBC Persian, +972 magazine, the Electronic Intifada, Extra!, and Common Dreams, Kane is citing the book “Enemies Within” by Matt Apuzzo and Adam Goldman, “Alex Kane on Enemies Within : Inside the NYPD’s Secret Spying Unit and bin Laden’s Final Plot Against America”, October 24th, 2013, <http://lareviewofbooks.org/review/raking-the-coals-islamophobia-surveillance-targeting-and-the-nypds-secret-spying-unit>)

Like the NYPD, the FBI has used its own power to pressure Muslims into becoming informants in exchange for help. According to the American Civil Liberties Union, the FBI has told Muslim-Americans trapped abroad because of their inclusion on a no-fly list that they could get off easily — by spying on their own communities back home in the US. For all the oversight of the FBI — something the NYPD doesn’t have to contend with — parts of the federal agency still view Muslims as targets for spying rather than partners in the fight against terrorism. Far from an aberration in America’s post-9/11 landscape, the NYPD is merely the most extreme example of a law enforcement apparatus running roughshod over the rights of Muslim Americans.¶ What’s also missing from Apuzzo and Goldman’s otherwise excellent exposé of the NYPD is the larger political context in which the spying took place. The NYPD’s logic is Islamophobic at its core: all Muslims are deemed potential terrorists until they’re proven not to be, an inversion of how law enforcement is supposed to work. Yet there’s little exploration of how Islamophobic discourse from the media and elected officials contribute to the implementation and acceptance of spying targeting Muslims.¶ In the same year that Apuzzo and Goldman began reporting on the NYPD’s Intelligence Division, New York Republican Peter King set up House hearings to probe “radicalization” among Muslim-Americans — a transparent

attempt to cast aspersions on one particular community. In 2010, anti-Muslim blogger Pamela Geller worked the national media into a frenzy over what was inaccurately labeled the “Ground Zero mosque.” **King, Geller and other prominent figures who demonized Muslims directly after 9/11 opened up space for institutions with even more power, like the police, to move a discourse of bigotry into policies of bigotry. In an atmosphere where anti-Muslim sentiment largely went unchallenged, it's no surprise that hardly an eye was batted when the NYPD hired CIA officials to implement an intelligence collection program aimed at law-abiding citizens.** The book presents an undeniably damning portrait of the NYPD's surveillance operation. Now, it's up to the courts and lawmakers to decide whether these operations are legal or prudent. Three federal lawsuits are being pursued in reaction to Apuzzo's and Goldman's groundbreaking investigations. The next New York City mayor will have to grapple with the question of continuing or halting the spy operations. Judges and elected officials will have a documented record on which to look back to decide these weighty questions in the coming months: Enemies Within.¶

Surveillance is heavily biased– It is assumed that Muslims are terrorists

Khalek 14 (Rania Khalek is an independent journalist reporting on the underclass and marginalized communities, “How NSA Spying Impacts Muslim Communities and Cultivates Islamophobia”, January 26, 2014, <http://raniakhalek.com/2014/01/26/how-nsa-spying-impacts-muslim-communities-and-cultivates-islamophobia/> -JD)

RANIA KHALEK: That's a really good point that you make and I actually want you to touch on that a little bit more about how **the vilification and demonization of Muslims inside the United States and foreign has really been used to justify this type of mass surveillance and in some cases it seems to have worked. All you have to do is say terrorist, Islamic terrorism and people are like, oh okay.**

Could you talk a little bit about that?¶ ABBAS: I agree wholeheartedly that **the fear of Islam, the fear of Muslims, is a notion I think has been cultivated by policy choices at the federal level. The use of airport screenings, that inevitably cultivates and reflects the bias that people have against Muslims, has I think created space for an anti-Muslim movement to take root.** Right after September 11, you didn't

have your Act for America's, your David Yerushalmi's, your Center for Security Policy's—**this well-organized, well-financed movement dedicated towards marginalizing Muslims and that gave rise to essentially an engine of generating anti-Muslim sentiment that creates this terrible and despicable cycle**

where now you have the overt argument being made that Muslims are here in the United States to abrogate the US constitution, to overthrow the US government and replace it with Sharia law, which couldn't be further from the truth.¶ As the facts would have it, the American Muslim community is a well-educated, well-integrated and looking to continue to do so in the world. You can't identify an American Muslim radical voice in the United States, whereas if you go to Europe, you can find people that have a platform that say despicable objectionable things. In the US, that's just not the case.¶ But we still have in the US, which is really exporting anti-Muslim sentiment to other parts of the world especially Europe, we still have this fear of Islam that absolutely does give rise to justify these surveillance policies.¶ GOSZTOLA: So for people who are hearing this debate and they maybe think it's kind of abstract, we've been hearing people talk about collection of the information and then we've been hearing about how the information is stored. And right now when we're talking about the program under the Patriot Act, the Section 215 program, which is the bulk records collection of the phone records, it's all about who's going to hold it, who's going to store it, and it's kind of like we're not talking about the collection. I'd like you to talk about why the collection would be really bad and I think a thing you could address is how the collection of people's information in Muslim communities in New York is a huge deal for them and collecting that information is the beginning of the injustice.¶ ABBAS: Absolutely. What we know a lot about now regarding the NSA's surveillance programs is what is collected,

some of the searching mechanisms that can be utilized to sift through the collected information. But what **we really get to see in more granular detail with the NYPD's specifically designed Muslim surveillance program is how indiscriminately collected information gets utilized and what people in positions of authority that can collect such information think is an appropriate use of taxpayer dollars.** And what we find is that **the NYPD thought it was absolutely worth taxpayer money to send their agents on camping trips of 19 and 20-year-old college students. They thought it was absolutely critical for them to map the Muslim community in Newark, New Jersey, and beyond, identifying every halal grocery store, every halal restaurant.** These things

are laughable when we see them up close and in granular detail and just like the PCLOB board has determined itself, a board that was authorized by Congress years ago, that the sifting through everybody's information on an ongoing basis actually is not only

objectionable in itself but it's not productive by any criteria.¶ So you have for instance James Clapper arguing that there's the 'piece of mind' quotients that is part of the benefit of their surveillance program because we're monitoring everything. At the very least we know that nothing is happening. But this mentality that gave rise to the NSA program is really the objectionable thing that needs to end because it gives rise to not only indiscriminate collection of information automatically through these telecommunications companies, but it's also given rise to a network of 15,000 FBI informants that have saturated the Muslim community across the country, that are sent to mosques without any type of criminal predicate just to collect information because there's a sense that that's where the problem. And that's the inevitable result of indiscriminate collection. It's always going to be the case that indiscriminate collection—in addition to not being productive—will lead to despicable consequences.¶ And I'll end my answer here.¶ The saddest thing I've ever heard as a CAIR staff attorney, and I hear lots of sad things, was when **a young guy told me that when he goes to the mosque to pray, his mom warns him to be careful. And the mom warns him to be careful because there's an understanding based on experience that the mosque is likely filled with informants and infiltrators that are not there to make us any safer but there to extract information from innocent Americans by any means necessary.**¶

Undercommons (Pain K)

Research centered at the subjugation of the oppressed increases colonization. Identity is reduced to a people's who identity is centered in lacking wholeness

Tuck and Yang '14 – A. Prof of Educational Foundations @ State U. of New York at New Paltz and A. Prof in Ethnic Studies @ U.C. San Diego (Eve and K. Wayne, “ R-Words: Refusing Research”, Humanizing Research, p.226-231//JC)

Similarly, at the center of the analysis in this chapter is a concern with the **fixation** social science research has exhibited **in eliciting pain stories from communities that are not White, not wealthy, and not straight**. **Academe's demonstrated fascination with telling and retelling narratives of pain is troubling, both for its voyeurism and for its consumptive implacability**. **Imagining “itself to be a voice, and in some disciplinary iterations, the voice of the colonised”** (Simpson, 2007, p. 67, emphasis in the original) is not just a rare historical occurrence in anthropology and related fields. We observe that much of **the work of the academy is to reproduce stories of oppression in its own voice**. At first, this may read as an intolerant condemnation of the academy, one that refuses to forgive past blunders and see how things have changed in recent decades. However, it is our view that while many individual scholars have chosen to pursue other lines of inquiry than the pain narratives typical of their disciplines, **novice researchers emerge from doctoral programs eager to launch pain-based inquiry projects because they believe that such approaches embody what it means to do social science**. **The collection of pain narratives and the theories of change that champion the value of such narratives are so prevalent in the social sciences that one might surmise that they are indeed what the academy is about**. In her examination of the symbolic violence of the academy, bell hooks (1990) portrays the core message from the academy to those on the margins as thus: **No need to hear your voice when I can talk about you better than you can speak about yourself**. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you I write myself anew. **I am still author, authority. I am still colonizer the speaking subject and you are now at the center of my talk**. (p. 343) Hooks's words resonate with our observation of how much of social science **research is concerned with providing recognition to the presumed voiceless**, a recognition that **is enamored with knowing through pain**. Further, this passage describes the ways in which the researcher's voice is constituted by, legitimated by, animated by the voices on the margins. **The researcher-self is made anew by telling back the story of the marginalized/subaltern subject**. Hooks works to untangle the almost imperceptible differences between forces that silence and forces that seemingly liberate

by inviting those on the margins to speak, to tell their stories. Yet the forces that invite those on the margins to speak also say, “Do not speak in a voice of resistance. Only speak from that space in the margin that is a sign of deprivation, a wound, an unfulfilled longing. Only speak your pain” (hooks, 1990, p. 343).

This legitimizes and reinscribes existing power structures, props-up and reproduces state violence, and devalues existence to a question of ‘pain’

Tuck and Yang ’14 – A. Prof of Educational Foundations @ State U. of New York at New Paltz and A. Prof in Ethnic Studies @ U.C. San Diego (Eve and K. Wayne, “ R-Words: Refusing Research”, Humanizing Research, p.226-231//JC)

The costs of a politics of recognition that is rooted in naming pain have been critiqued by recent decolonizing and feminist scholars (Hartman, 1997, 2007; Tuck, 2009). In *Scenes of Subjection*, Sadiya Hartman (1997) discusses how recognizing the personhood of slaves enhanced the power of the Southern slave-owning class. Supplicating narratives of former slaves were deployed effectively by abolitionists, mainly White, well-to-do, Northern women, to generate portraits of abuse that ergo recognize slaves as human (Hartman, 2007). In response, new laws afforded minimal standards of existence, “making personhood coterminous with injury” (Hartman, 1997, p. 93), while simultaneously authorizing necessary violence to suppress slave agency. The slave emerges as a legal person only when seen as criminal or “a violated body in need of limited forms of protection” (p. 55). Recognition “humanizes” the slave, but is predicated upon her or his abjection. You are in pain, therefore you are. “[T]he recognition of humanity require[s] the event of excessive violence, cruelty beyond the limits of the socially tolerable, in order to acknowledge and protect the slave’s person” (p. 55). Furthermore, Hartman describes how slave-as-victim as human accordingly establishes slave-as-agent as criminal. Applying Hartman’s analysis, we note how the agency of Margaret Gamer or Nat Turner can only be viewed as outsider violence that humane society must reject while simultaneously upholding the legitimated violence of the state to punish such outsider violence. Hartman asks, “Is it possible that such recognition effectively forecloses agency as the object of punishment... Or is this limited conferral of humanity merely a reinscription of subjugation and pained existence?” (p. 55).

We must reject the affirmative as an example of Pain-centered research. The alternative of desire-based research solves the case and avoids the pitfall of pain-centered research

Tuck and Yang ’14 – A. Prof of Educational Foundations @ State U. of New York at New Paltz and A. Prof in Ethnic Studies @ U.C. San Diego (Eve and K. Wayne, “ R-Words: Refusing Research”, Humanizing Research, p.226-231//JC)

Craig Gingrich-Philbrook (2005) articulates a related critique of autoethnography, positioning himself as a “narrator who appreciates autoethnography, at least as compared to its positivist alternatives, but one who simultaneously distrusts autoethnography’s pursuit of legitimacy in the form of the patriarch’s blessing and family values” (p. 298). Gingrich-Philbrook locates his concern in what autoethnography/ers are willing to do to secure academic legitimacy (p. 300): “My fears come down to the

consequences of how badly autoethno-graphy wants Daddy's approval" (p. 310). By this Gingrich-Philbrook means that much of autoethnography has fixated on "attempting to justify the presence of the self in writing to the patriarchal council of self-satisfied social scientists" (p. 311). Though Gingrich-Philbrook does not go into detail about how precisely the "presence of the self" is justified via the performativity of subjugated knowledges (what we are calling **pain narratives**), he insists that autoethnography **is distracted by trying to satisfy Daddy's penchant for accounts of oppression**. In my own autobiographical performance projects, I identify this chiasmatic shift in the possibility that all those **performances** I did **about getting bashed only provided knowledge of subjugation, serving almost as an advertisement for power**: "Don't let this happen to you. Stay in the closet." In large part motivated by Elizabeth Bell's writings about performance and pleasure, I decided to write more about the gratifications of same-sex relationships, to depict intimacy and desire, the kinds of subjugated knowledges we don't get to see on the after school specials and movies of the week that parade queer bruises and broken bones but shy away from the queer kiss. (p. 312) Participatory action research and other **research approaches that involve participants** in constructing the design and collection of voice (as data) **are not immune** to the fetish for pain narratives. It is a misconception that by simply **building participation into a project**—by increasing the number of people who collaborate in collecting data—**ethical issues of representation, voice, consumption, and voyeurism are resolved**. There are countless examples of research in which community or youth participants have made their own stories of loss and pain the objects of their inquiry (see also Tuck & Guishard, forthcoming). Alongside analyses of pain and damage-centered research, Eve (Tuck 2009, 2010) has theorized **desire-based research as not the antonym but rather the antidote for damage-focused narratives. Pain narratives are always incomplete**. They bemoan the food deserts, but forget to see the food innovations; **they lament the concrete jungles and miss the roses and the tobacco from concrete. Desire-centered research does not deny the experience of tragedy, trauma, and pain, but positions the knowing derived from such experiences as wise. This is not about seeing the bright side of hard times, or even believing that everything happens for a reason. Utilizing a desire-based framework is about working inside a more complex and dynamic understanding of what one, or a community, comes to know in (a) lived life. Logics of pain focus on events, sometimes hiding structure, always adhering to a teleological trajectory of pain, brokenness, repair, or irreparability—from unbroken, to broken, and then to unbroken again. Logics of pain require time to be organized as linear and rigid, in which the pained body (or community or people) is set back or delayed on some kind of path of humanization, and now must catch up (but never can) to the settler/unpained/abled body (or community or people or society or philosophy or knowledge system). In this way, the logics of pain has superseded the now outmoded racism of an explicit racial hierarchy with a much more politically tolerable racism of a developmental hierarchy.**² Under a developmental hierarchy, in which some were undeterred by pain and oppression, and others were waylaid by their victimry and subalternity, **damage-centered research reifies a settler temporality and helps suppress other understandings of time. Desire-based frameworks, by contrast, look to the past and the future to situate analyses. Desire is about longing, about a present that is enriched by both the past and the future; it is integral to our humanness. It is not only the painful elements of social and psychic realities, but also the textured acumen and hope.** (Tuck, 2010, p. 644) In this way, **desire is time-warping. The logics of desire is asynchronous just as it is distemporal, living in the gaps between the ticking**

machinery of disciplinary institutions. To be clear, again, we are not making an argument against the existence of pain, or for the erasure of memory, experience, and wisdom that comes with suffering. Rather, we see the collecting of narratives of pain by social scientists to already be a **double erasure, whereby pain is documented in order to be erased**, often **by** eradicating the communities that are supposedly injured and supplanting them with **hopeful stories of progress** into a better, Whiter, world. Vizenor talks about such “the consumer notion of a ‘hopeful book,’” and we would add hopeful or feel-good research, as “a denial of tragic wisdom” bent on imagining “a social science paradise of tribal victims” (1993, p. 14). Desire interrupts this metanarrative of damaged communities and White progress.

1NC short Shell

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails.

Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state,¹¹ modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives,"¹² thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism;¹⁴ but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats.¹⁵

While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies,¹⁷ abstruse philosophical concepts,¹⁸ or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships. ²¹ Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence.

management, protection or direction."²² Surveillance can target a modern society's numerous communications networks, ²⁸ which exist to send and receive information. ²⁴ The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority. ²⁵

But surveillance is not strictly the province of the federal government. ²⁶ Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector. ²⁹

The focus here, however, is on federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high. Their affirmative prevents arguments about the political popularity of the plan, and alternate governmental agents that can do the plan.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through “how does this function in a competitive venue of debate where there must be a win or a loss assigned to each team.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links. This is bad for education -- forcing us to the academic margins, makes us less effective scholars. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs , making any real attempt at engagement irrelevant. The Aff is conversely incentivized to pick a body of literature with very little negative literature and advocacies based on created phrases. academic disagreements are easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13 (professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political "debates" seldom deserve the name. For the most part representatives of the rival parties exchange one-liners: "The rich can afford to pay more" is met by "Tax increases kill jobs." Slightly more sophisticated discussions may cite historical precedents: "There were higher tax rates during the post-war boom" versus "Reagan's tax cuts increased revenues."

Such volleys still don't even amount to arguments: they don't put forward generally accepted premises that support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes. Despite the name, candidates' pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with "zingers" (the historic paradigm: "There you go again.").

There is a high level of political discussion in the editorials and op-eds of national newspapers and magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique.

Such exchanges occur frequently in our law courts (for example, oral arguments before the Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — ****with no need to think through the strengths of their rivals' positions or the weaknesses of their own.

Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?

A first condition is that the debates be focused on specific points of major disagreement. Not, "How can we improve our economy?" but "Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?" ****This will prevent vague statements of principle that don't address the real issues at stake.

Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

**This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in **Surveillance Studies** is more likely to build from a solid foundation in contemporary social theory. Even so, such work **often reflects** both **an insufficient grasp of the complexity of the legal system in action** and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don't mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn't: legal processes are social processes, too, and in overlooking these processes, **Surveillance Studies scholars also engage in a form of ***black-boxing that treats law as monolithic and surveillance and government as interchangeable.** **Legal actors engage in a variety of discursive and normative strategies** by which institutions and resources are mobilized around surveillance, **and understanding those strategies is essential** to the development of an archaeology of surveillance practices. **Work in Surveillance Studies** also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I've written elsewhere (Cohen 2012a: 29), "[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers little more than a prescription for despair."

Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail.

Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering

surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, **if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.**

surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, **if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.**

Bridging the gaps requires, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward methodological hybridization. Within one's own academic community, it can become too easy to mistake consensus on methodological conventions for epistemological rigor, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.

From the standpoint of theory, a more sustained dialogue between **law and Surveillance Studies** would count as a success if it produced a mode of inquiry about surveillance that **melded** the theoretical sophistication of Surveillance Studies **with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities.** To do Surveillance Studies better, legal scholars need to challenge their own preference for putting

problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems; legal scholars can help by demystifying legal and regulatory processes.

From a legal scholar's perspective, however, theory achieves its highest value when it becomes a tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice. Here the goal would be a hybridization between law's ingrained pragmatism and Surveillance Studies' attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, legal scholars and Surveillance Studies scholars might advance the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different policy levers that could be brought to bear on systems of surveillance.

Next is Mechanism Education

The Aff's failure to identify a mechanism makes cost-benefits analysis impossible. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. ****Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.

Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of

such mass activism if we focus simply on the local dimensions of our work.

The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship.

Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally:

American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [*189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450

C. 'Activism': Towards a Broader, Deeper, Systematic Framework
In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on its own terms, the history of community organizing and social movements in the United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)—which, given human creativity and progress, in any event may be impossible to do—but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups—for example "the poor" or the "subordinated"—are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation.

1. Grassroots Activism

There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to "unpack" the term "organizing." n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between "mobilization as short-term community action and organizing as an effort to build long-term institutional power." n454 In the same breath, however, they define organizing "as shorthand for a range of community-based practices," n455 even though at least some activism, for example union organizing or, say, [*190] fasting, might not be best characterized as "community-based."

What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to "map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration." n456 This map would be inadequate—and therefore inaccurate—if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building.

2. Agents of Social Change: Identity, Class and Political Ideology

As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation.

Have we defined, with theoretical precision, the social-change agents to whom we are orienting—e.g., the "people," the "poor," the "subordinated," "low-income communities" or "communities of color"? And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism—organizing on the bases of geography and identity, class and the workplace, and political ideology—modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is "community"?

In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers' centers: "the tension between the local and particularistic focus of community unionism and the global scope of trendsetting corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as 'the' next paradigm of worker organization." n458 On the other hand, members of cross-class, identity-based "communities" may not necessarily share the same interests. In the "Asian American community," Ancheta explains: using the word "community" in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [*191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n459

Angela Harris echoes this observation by pointing out how some feminist legal theory assumes "a unitary, 'essential' women's experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." n460 The same might be said of the "people," which, like the "working class," may be too broad.

Other categorizations—such as "low-income workers," "immigrants," and the "poor," for example—may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various "communities." In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain "subordinated" communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves "middle [*192] class" are in fact workers. Nor is class defined by categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking, those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461

The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and alternative political-party building, as part of our work.

3. From Movementism to Political Organization

Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership.

Such leadership, in turn, requires work not often associated with "activism," such as, for example, theoretical study. n462 "Movementism," n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political education, we have an enormous amount to learn from our predecessors. In the final analysis,

fundamental social transformation will only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to *respond to the twists and turns endemic in any struggle for power.**

"The problem," as Bellow astutely observed, "is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject."

n464 Such opportunities typically occur when there is a confluence of three factors: a social crisis; a socio-economic elite that finds

itself divided over how to overcome it; and a powerful mass movement from below. As I understand the nature of social change,

successful social transformations occur when there is a fourth element: political organization.

Conclusion

Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [*193] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? Culturally? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any? What demands are they articulating, and how are they articulating them?

This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective.

My aim

in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory.

Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action—to defining the lawyer's role in fostering activism—if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices.

Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers' use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical "breaks" to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice.

The argument is turned on its head: we often assume or tend to [*194] assume agreement over the meanings and underlying conceptual frameworks relating to "fundamental social change,"

current political analysis, and "community organizing," and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se. I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to "rebellious" and not traditional "public interest" lawyering, for example, or "collaborative" over "critical" lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have

different political goals, are based on different political analyses, and employ different political activist strategies. Activist lawyers already engage in these analyses--necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don't think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn't time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative--and when we feel strongly enough about certain political issues--we engage on issues and argue them out. In either event, we undertake an unsystematic engagement of these fundamental issues at our peril.

If we adhere to the belief that only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change, then, as progressive lawyers, we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment. Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail to live up to its potential.

Now the State debate

We do not need to win that the state is good, rather just that the value of the state is something that should be debated about. This is the screen you should adopt for the Aff's ev – it can't just say that the state is bad or ineffective, their ev has to say that the state should not even be discussed. General indictments of the state can be done on the neg, while still preserving limited and effective debate and research.

First, engaging with the law is inevitable and can be effective

Capulong 9 (Assistant Professor of Law, University of Montana)
(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Nevertheless, in contrast to what Steve Bachmann has called the [*116] "a-legal" or "crude Marxist" approach, n19 progressive activists recognize that the legal arena remains a forum for social struggle. n20 This is so for three reasons: First, activists often do not have a choice but to work within the legal system. ****as when they are arrested or otherwise prevented from engaging in activism by state authorities. Second, because law is relatively autonomous from economic and political interests, n21 campaigns for legal reform can win substantial gains and are frequently the only vehicles through which more far-reaching change takes shape; struggles for reform, in other words, beget more radical possibilities and aspirations. n22 And third, law is constitutive of the social order. Law--or, more accurately, the concept of it--is not (again as some crude analysts would argue) simply a tool of one ruling class or other, but rather an essential component of a just society. n23 Commentators observe that lawyers who base their practice on these three premises are "hungry for theory," n24 for theory checks the "occupational hazards [of] reformism or cynicism." n25 The theoretical project is thus a dialectic: while law reform alone cannot "disturb the basic political and economic organization of modern American society," n26 [*117] law and lawyering are a complex, contradictory, and open-textured setting that provides opportunities to challenge the status quo."

Second, debate about arcane legal details are, it is crucial to empower even the most revolutionary of movements.

Arkles et al 10

(Gabriel Arkles, Pooja Gehi and Elana Redfield, The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change, Seattle Journal for Social Justice, 8 Seattle J. Soc. Just. 579, Spring / Summer, 2010, LN)

While agenda-setting by lawyers can lead to the replication of patterns of elitism and the reinforcement of systems of oppression, we do believe that legal work is a necessary and critical way to support movements for social justice. We must recognize the limitations of the legal system and learn to use that to the advantage of the oppressed.

If lawyers are going to support work that dismantles oppressive structures, we must radically rethink the roles we can play in building and supporting these movements and acknowledge that our own individual interests or even livelihood may conflict with doing radical and transformative work. n162 A. Community Organizing for Social Justice When we use the term community organizing or organizing, we refer to the activities of organizations engaging in base-building and leadership development of communities directly impacted by one or more social [*612] problems and conducting direct action issue campaigns intended to make positive change related to the problem(s). In this article, we discuss community organizing in the context of progressive social change, but community-organizing strategies can also be used for conservative ends. Community organizing is a powerful means to make social change. A basic premise of organizing is that inappropriate imbalances of power in society are a central component of social injustice. In order to have social justice, power relationships must shift. In Organizing for Social Change: Midwest Academy Manual for Activists (hereinafter, "the Manual"), n163 the authors list three principles of community organizing: n164 (1) winning real, immediate, concrete improvements in people's lives; (2) giving people a sense of their own power; and (3) altering the relations of power. n165 Before any of these principles can be achieved it is necessary to have leadership by the people impacted by social problems. n166 As Rinku Sen points out: [E]ven allies working in solidarity with affected groups cannot rival the clarity and power of the people who have the most to gain and the least to lose . . . organizations composed of people whose lives will change when a new policy is instituted tend to set goals that are harder to reach, to compromise less, and to stick out a fight longer. n167 She also notes that, "[I]f we are to make policy proposals that are grounded in reality and would make a difference either in peoples' lives or in the debate, then we have to be in touch with the people who are at the center of such policies. n168 We believe community organizing has the potential to make fundamental social change that law reform strategies or "movements" led by lawyers cannot achieve on their own. However, community organizing is not always just and effective. Community-organizing groups are not immune to any number of problems that can impact other organizations, including internal oppressive dynamics. In fact, some strains of white, male-dominated [*613] community organizing have been widely criticized as perpetuating racism and sexism. n169 Nonetheless, models of community organizing, particularly as revised by women of color and other leaders from marginalized groups, have much greater potential to address fundamental imbalances of power than law reform strategies. They also have a remarkable record of successes. Tools from community organizers can help show where other strategies can fit into a framework for social change. The authors of the Manual, for example, describe various strategies for addressing social issues and illustrate how each of them may, at least to some extent, be effective. n170 They then plot out various forms of making social change on a continuum in terms of their positioning with regard to existing social power relationships. n171 They place direct services at the end of the spectrum that is most accepting of existing power relationships and community organizing at the end of the spectrum that most challenges existing power relationships. n172 Advocacy organizations are listed in the middle, closer to community organizing than direct services. n173 The Four Pillars of Social Justice Infrastructure model, a tool of the Miami Workers Center, is somewhat more nuanced than the Manual. n174 According to this model, four "pillars" are the key to transformative social justice. n175 They are (1) the pillar of service, which addresses community needs and stabilizes community members' lives; (2) the pillar of policy, which changes policies and institutions and achieves concrete gains with benchmarks for progress; (3) the pillar of consciousness, which alters public opinion and shifts political parameters through media advocacy and popular education; and (4) the pillar of power, which achieves autonomous community power through base-building and leadership development. n176 According to the Miami Workers Center, all of these pillars are essential in making social change, but the pillar of power is most crucial in the struggle to win true liberation for all oppressed communities. n177 [*614] In their estimation, our movements suffer when the pillar of power is forgotten and/or not supported by the other pillars, or when the pillars are seen as separate and independent, rather than as interconnected, indispensable aspects of the whole infrastructure that is necessary to build a just society. n178 Organizations with whom we work are generally dedicated solely to providing services, changing policies, or providing public education. Unfortunately, each of these endeavors exists separate from one another and perhaps most notably, separate from community organizing. In SRLP's vision of change, this separation is part of maintaining structural capitalism that seeks to maintain imbalances of power in our society. Without incorporating the pillar of power, service provision, policy change, and public education can never move towards real social justice. n179 B. Lawyering for Empowerment In the past few decades, a number of alternative theories have emerged that help lawyers find a place in social movements that do not replicate oppression. n180 Some of the most well-known iterations of this theme are "empowerment lawyering," "rebellious lawyering," and "community lawyering." n181 These perspectives share skepticism of the efficacy of impact litigation and traditional direct services for improving the conditions faced by poor clients and communities of color, because they do not and cannot effectively address the roots of these forms of oppression. n182 Rather, these alternative visions of lawyering center on the empowerment of community members and organizations, the elimination of the potential for dependency on lawyers and the legal system, and the collaboration between lawyers and directly impacted communities in priority setting. n183 Of the many models of alternative lawyering with the goal of social justice, we will focus on the idea of "lawyering for empowerment," generally. The goal of empowerment lawyering is to enable a group of people to gain control of the forces that affect their lives. n184 Therefore, the goal of empowerment lawyering for low-income transgender people of [*615] color is to support these communities in confronting the economic and social policies that limit their life chances.

Rather than merely representing poor people in court and increasing access to services, the role of the community or empowerment lawyer involves:

organizing, community education, media outreach, petition drives, public demonstrations, lobbying, and shaming campaigns . . . [I]ndividuals and members of community-based organizations actively work alongside organizers and lawyers in the day-to-day strategic planning of their case or campaign. Proposed solutions--litigation or non-litigation based--are informed by the clients' knowledge and experience of the issue. n185

A classic example of the complex role of empowerment within the legal agenda setting is the question of whether to take cases that have low chances of success. The traditional approach would suggest not taking the case, or settling for limited outcomes that may not meet the client's expectations. However, when our goals shift to empowerment, our strategies change as well. If we understand that the legal system is incapable of providing a truly favorable outcome for low-income transgender clients and transgender clients of color, then winning and losing cases takes on different meanings.

For example, a transgender client may choose to bring a lawsuit against prison staff who sexually assaulted her, despite limited chance of success because of the "blue wall of silence," her perceived limited credibility as a prisoner, barriers to recovery from the Prison Litigation Reform Act, and restrictions on supervisory liability in § 1983 cases. Even realizing the litigation outcome will probably be unfavorable to her, she may still develop leadership skills by rallying a broader community of people impacted by similar issues. Additionally, she may use the knowledge and energy gained through the lawsuit to change policy. If our goal is to familiarize our client with the law, to provide an opportunity for the client [*616] and/or community organizers to educate the public about the issues, to help our client assess the limitations of the legal system on their own, or to play a role in a larger organizing strategy, then taking cases with little chance of achieving a legal remedy can be a useful strategy.

Lawyering for empowerment means not relying solely on legal expertise for

decisionmaking. It means recognizing the limitations of the legal system, and using our knowledge and expertise to help disenfranchised communities take leadership. If community organizing is the path to social justice and "organizing is about people taking a role in determining their own future and improving the quality of life not only for themselves but for everyone," then "the primary goal [of empowerment lawyering] is building up the community." n186

C. Sharing Information and Building Leadership

A key to meaningful participation in social justice movements is access to information. Lawyers are in an especially good position to help transfer knowledge, skills, and information to disenfranchised communities--the legal system is maintained by and predicated on arcane knowledge that lacks relevance in most contexts but takes on supreme significance in courts, politics, and regulatory agencies. It is a system ~~****~~ intentionally obscure to the uninitiated; therefore the lawyer has the opportunity to expose the workings of the system to those who seek to destroy it, dismantle it, reconfigure it, and re-envision it.

As Quigley points out, the ignorance of the client enriches the lawyer's power position, and thus the transfer of the power from the lawyer to the client necessitates a sharing of information. n187 Rather than simply performing the tasks that laws require, a lawyer has the option to teach and to collaborate with clients so that they can bring power and voice back to their communities and perhaps fight against the system, become politicized, and take leadership. This demands that the lawyer undo the secret wrappings of the legal system and share the essence of legal advocacy--doing so lessens the mystical power of the lawyer, and, in practice, enriches the advocate in the sharing and developing of rightful power." n188

Lawyers have many opportunities to share knowledge and skills as a form of leadership development. This sharing can be accomplished, for example, through highly collaborative legal representation, through community clinics, through skill-shares, or through policy or campaign meetings where the lawyer explains what they know about the existing structures and fills in gaps and questions raised by activists about the workings of legal systems.

D. Helping to Meet Survival Needs

SRLP sees our work as building legal services and policy change that directly supports the pillar of power. n189 Maintaining an awareness of the limitations and pitfalls of traditional legal services, we strive to provide services in a larger context and with an approach that can help support liberatory work. n190 For this reason we provide direct legal services but also work toward leadership development in our communities and a deep level of support for our community-organizing allies. Our approach in this regard is to make sure our community members access and obtain all of the benefits to which they are entitled under the law, and to protect our community members as much as possible from the criminalization, discrimination, and harassment they face when attempting to live their lives. While we do not believe that the root causes keeping our clients in poverty and poor health can be addressed in this way, we also believe that our clients experience the most

severe impact from state policies and practices and need and that they deserve support to survive them. n191 Until our communities are truly empowered and our systems are fundamentally changed to increase life chances and health for transgender people who are low-income and people of color, ~~****~~ our communities are going to continue to have to navigate government agencies and organizations to survive.

Monolithic rejections of the law are wrong – cooption is more likely in non-state activism.

Concrete mechanisms for success should be your metric for evaluation.

Lobel 7 (Assistant Professor of Law, University of San Diego)

(Orly, THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS, 120 Harv. L. Rev. 937, February, 2007, LN)

In the following sections, I argue that the extralegal model has suffered from the same drawbacks associated with legal cooptation. I show that as an effort to avoid the risk of legal cooptation, the current wave of suggested alternatives has effects that ironically mirror those of cooptation itself. Three central types of difficulties exist with contemporary extralegal scholarship. First, in the contexts of the labor and civil rights movements, arguments about legal cooptation often developed in response to a perceived gap between the conceptual ideal toward

which a social reform group struggled and its actual accomplishments. But, ironically, the contemporary message of opting out of traditional legal reform avenues may only accentuate this problem. As the rise of informalization (moving to nonlegal strategies), civil society (moving to extralegal spheres), and pluralism (the proliferation of norm-generating actors) has been effected and appropriated by supporters from a wide range of political commitments, these concepts have had unintended implications that conflict with the very social reform ideals from which they stem. Second, the idea of opting out of the legal arena becomes self-defeating as it discounts the ongoing importance of law and the possibilities of legal reform in seemingly unregulated spheres. A model encompassing exit and rigid sphere distinctions further fails to recognize a reality of increasing interpenetration and the blurring of boundaries between private and public spheres, profit and nonprofit sectors, and formal and informal institutions. It therefore loses the critical insight that law operates in the background of seemingly unregulated relationships. Again paradoxically, the extralegal view of decentralized activism and the division of society into different spheres in fact have worked to subvert rather than support the progressive agenda. Finally, ***since extralegal actors view their actions with romantic idealism, they fail to develop tools for evaluating their success. If the critique of legal cooptation has involved the argument that legal reform, even when viewed as a victory, is never radically transformative, we must ask: what are the criteria for assessing the achievements of the suggested alternatives? As I illustrate in the following sections, much of the current scholarship obscures the lines between the descriptive and the prescriptive in its formulation of social activism. If current suggestions present themselves as alternatives to formal legal struggles, we must question whether the new extralegal politics that are proposed and celebrated are capable of producing a constructive theory and meaningful channels for reform, rather than passive status quo politics.

A. Practical Failures: When Extralegal Alternatives Are Vehicles for Conservative Agendas

We don't want the 1950s back. What we want is to edit them. We want to keep the safe streets, the friendly grocers, and the milk and cookies, while blotting out the political bosses, the tyrannical headmasters, the inflexible rules, and the lectures on 100 percent Americanism and the sinfulness of dissent. n163

A basic structure of cooptation arguments as developed in relation to the labor and civil rights movements has been to show how, in the move from theory to practice, the ideal that was promoted by a social group takes on unintended content, and the group thus fails to realize the original vision. This risk is particularly high when ideals are framed in broad terms that are open to multiple interpretations. Moreover, the pitfalls of the potential risks presented under the umbrella of cooptation are in fact accentuated in current proposals. Paradoxically, as the extralegal movement is framed by way of opposition to formal legal reform paths, without sufficiently defining its goals, it runs the very risks it sought to avoid by working outside the legal system.

Extralegal paths are depicted mostly in negative terms and as resorting to new alternative forms of action rather than established models. Accordingly, because the ideas of social organizing, civil society, and legal pluralism are framed in open-ended contrarian terms, they do not translate into specific visions of social justice reform. The idea of civil society, which has been embraced by people from a broad array of often conflicting ideological commitments, is particularly demonstrative. Critics argue that "some ideas fail because they never make the light of day. The idea of civil society ... failed because it [*972] became too popular." n164 Such a broadly conceived ideal as civil society sows the seeds of its own destruction.

In former eras, the claims about the legal cooptation of the transformative visions of workplace justice and racial equality suggested that through legal strategies the visions became stripped of their initial depth and fragmented and framed in ways that were narrow and often merely symbolic. This observation seems accurate in the contemporary political arena; the idea of civil society revivalism evoked by progressive activists has been reduced to symbolic acts with very little substance. On the left, progressive advocates envision decentralized activism in a third, nongovernmental sphere as a way of reviving democratic participation and rebuilding the state from the bottom up. By contrast, the idea of civil society has been embraced by conservative politicians as a means for replacing government-funded programs and steering away from state intervention. As a result, recent political uses of civil society have subverted the ideals of progressive social reform and replaced them with conservative agendas that reject egalitarian views of social provision.

In particular, recent calls to strengthen civil society have been advanced by politicians interested in dismantling the modern welfare system. Conservative civil society revivalism often equates the idea of self-help through extralegal means with traditional family structures, and blames the breakdown of those structures (for example, the rise of the single parent family) for the increase in reliance and dependency on government aid. n165 This recent depiction of the third sphere of civic life works against legal reform precisely because state intervention may support newer, nontraditional social structures. For conservative thinkers, legal reform also risks increasing dependency on social services by groups who have traditionally been marginalized, including disproportionate reliance on public funds by people of color and single mothers. Indeed, the end of welfare as we knew it, n166 as well as the [*973] transformation of work as we knew it, n167 is closely related to the quest of thinkers from all sides of the political spectrum for a third space that could replace the traditional functions of work and welfare. Strikingly, a range of liberal and conservative visions have thus converged into the same agenda, such as the recent welfare-to-work reforms, which rely on myriad non-governmental institutions and activities to support them. n168

When analyzed from the perspective of the unbundled cooptation critique, it becomes evident that there are multiple limits to the contemporary extralegal current. First, there have been significant problems with resources and zero-sum energies in the recent campaigns promoting community development and welfare. For example, the initial vision of welfare-to-work supported by liberal reformers was a multifaceted, dynamic system that would reshape the roles and responsibilities of the welfare bureaucracy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 n169 (PRWORA), supported by President Clinton, was designed to convert various welfare programs, including Aid to Families with Dependent Children, into a single block grant program. The aim was to transform passive cash assistance into a more active welfare system, in which individuals would be better assisted, by both the government and the community, to return to the labor force and find opportunities to support themselves. Yet from the broad vision to actual implementation, the program quickly became limited in focus and in resources. Indeed, PRWORA placed new limits on welfare provision by eliminating eligibility categories and by placing rigid time limits on the provision of benefits. n170

Moreover, the need to frame questions relating to work, welfare, and poverty in institutional arrangements and professional jargon and to comply with various funding block grants has made some issues, such as the statistical reduction of welfare recipients, more salient, whereas other issues, such as the quality of jobs offered, have been largely eliminated from policymakers' consideration. Despite aspects of the reform that were hailed as empowering for those groups they were designed to help, such as individual private training vouchers, serious questions have been raised about the adequacy of the particular [*974] policy design because resources and institutional support have been found lacking. n171 The reforms require individual choices and rely on the ability of private recipients to mine

through a vast range of information. As in the areas of child care, health care, and educational vouchers, critics worry that the most disadvantaged workers in the new market will not be able to take advantage of the reforms. n172 Under such conditions, the goal of eliminating poverty may be eroded and replaced by other goals, such as reducing public expenses. Thus, recalling the earlier cooptation critique, once reforms are envisioned, even when they need not be framed in legalistic terms, they in some ways become reduced to a handful of issues, while fragmenting, neglecting, and ultimately neutralizing other possibilities.

At this point, the paradox of extralegal activism unfolds. While public interest thinkers increasingly embrace an axiomatic rejection of law as the primary form of progress, their preferred form of activism presents the very risks they seek to avoid. The rejected "myth of the law" is replaced by a "myth of activism" or a "myth of exit," romanticizing a distinct sphere that can better solve social conflict.

Yet these myths, like other myths, come complete with their own perpetual perils. The myth of exit exemplifies the myriad concerns of cooptation. For feminist agendas, for example, the separation of the world into distinct spheres of action has been a continuous impediment to meaningful reform. Efforts to create better possibilities for women to balance work and family responsibilities, including relaxing home work rules and supporting stay-at-home parents through federal child care legislation, have been couched in terms of support for individual choice and private decisionmaking. n173 Indeed, recent initiatives in federal child care legislation to support stay-at-home parents have been clouded by preconceptions of the separation of spheres and the need to make one-or-the-other life choices. Most importantly, the emergence of a sphere-oriented discourse abandons a critical perspective that distinguishes between valuing traditional gender-based characteristics and celebrating feminine difference in a universalist and essentialist manner. n174 [*975] Not surprisingly then, some feminist writers have responded to civil society revivalism with great skepticism, arguing that efforts to align feminine values and agendas with classic republican theory of civil society activism should be understood, at least in part, as a way of legitimizing historical social structures that subordinated women.

The feminist lesson on the law/exit pendulum reveals a broader pattern. In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with conservative privatization agendas. Indeed, in significant social policy contexts, legal scholarship oriented toward the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship accepts these developments as natural and inevitable. Similar to the arguments developed in relation to the labor movement - in which focusing on a limited right to collective bargaining demobilized workers and stripped them of their voice, participation, and decisionmaking power - contemporary extralegal agendas are limited to very narrow and patterned sets of reforms.

A striking example has been the focus on welfare reform as the single frontier of economic redistribution without a connection being made between these reforms and social services in which the middle class has a strong interest, such as Social Security and Medicare. Similarly, on the legal pluralism frontier, when activists call for more corporate social responsibility, the initial expressions are those of broad demands for sustainable development and overall industry obligations for the social and environmental consequences of their activities. n176 The discourse, however, quickly becomes coopted by a shift to a narrow focus on charitable donations and corporate philanthropy or [*976] private reporting absent an institutionalized compliance structure. n177 Moreover, because of institutional limitations and crowding out effects possible in any type of reform agenda, the focus shifts to the benefits of corporate social responsibility to businesses, as marketing, recruit-ment, public relations, and "greenwashing" strategies. n178 Critics therefore become deeply cynical about the industry's real commitments to ethical conduct.

A similar process can be described with regard to the literature on globalization. Globalization scholarship often attempts to produce a unifying narrative and an image of unitary struggle when in fact such unity does not exist. Embodied in the aforementioned irony of a "global anti-globalization" movement, social reform activism that resides under the umbrella of global movements is greatly diverse, some of it highly conservative. An "anti-globalization" movement can be a defensive nationalist movement infused with xenophobia and protective ideologies. n179 In fact, during central instances of collective action, such as those in Seattle, Quebec, Puerto Alegre, and Genoa, competing and conflicting claims were frequently encompassed in the same protest. n180 Nevertheless, there is a tendency to celebrate and idealize these protests as united and world-altering.

Similarly, at the local level, grassroots politics often lack a clear agenda and are particularly ripe for cooptation resulting in far lesser achievements than what may have been expected by the groups involved. In a critical introduction to the law and organizing model, Professor Scott Cummings and Ingrid Eagly describe the ways in which new community-based approaches to progressive lawyering privilege grassroots activism over legal reform efforts and the facilitation of community mobilization over conventional lawyering. n181 After carefully unpacking the ways in which community lawyers embrace [*977] law and organizing, Professor Cummings and Eagly rightfully warn against "exaggerating the ineffectiveness of traditional legal interventions" and "closing off potential avenues for redress." n182 Significantly, the strategies embraced by new public interest lawyers have not been shown to produce effective change in communities, and certainly there has been no assurance that these strategies fare comparatively better than legal reform. Moreover, what are meant to be progressive projects of community action and community economic development frequently can have a hidden effect of excluding worse-off groups, such as migrant workers, because of the geographical scope and zoning restrictions of the project. n183 In the same way that the labor and corporate social responsibility movements have failed because of their embrace of a legal framework, the community economic development movement - so diverse in its ideological appeal yet so prominent since the early 1990s as a major approach to poverty relief - may bring about its own destruction by fracture and diffusion. n184

In all of these cases, it is the act of engagement, not law, that holds the risks of cooptation and the politics of compromise. It is not the particularities of lawyers as a professional group that create dependency. Rather, it is the dynamics between skilled, networked, and resourced components and those who need them that may submerge goals and create reliance.

It is not the particularities of the structural limitations of the judiciary that threaten to limit the progressive vision of social movements. Rather, it is the essential difficulties of implementing theory into practice. Life is simply messier than abstract ideals. Cooptation analysis exposes the broad, general risk of assuming ownership over a rhetorical and conceptual framework of a movement for change. Subsequently, when, in practice, other factions in the political debate embrace the language and frame their projects in similar terms, groups experience a sense of loss of control or possession of "their" vision. In sum, in the contemporary context, in the absence of a more programmatic and concrete vision of what alternative models of social reform activism need to achieve, the conclusions and rhetoric of the contemporary critical legal consciousness**** are appropriated by advocates representing a wide range of political commitments.

Understood [*978] from this perspective, cooptation is not the result of the turn to a particular reform strategy. Rather, cooptation occurs when imagined ideals are left unchecked and seemingly progressive rhetoric is reproduced by a conservative agenda. Dominant interpretations such as privatization and market competitiveness come out ahead, whereas other values, such as group

empowerment and redistributive justice, receive only symbolic recognition, and in turn serve to facilitate and stabilize the process. n185

1NC Long Shell

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails.

Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state,¹¹ modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives,"¹² thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism;¹⁴ but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats.¹⁵

While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies,¹⁷ abstruse philosophical concepts,¹⁸ or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships.²¹ Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."²² Surveillance can target a modern society's numerous communications networks,²⁸ which exist to send and receive information.²⁴ The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority.²⁵

But surveillance is not strictly the province of the federal government.²⁶ Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector.²⁹

The focus here, however, is on federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high. Their affirmative prevents arguments about the political popularity of the plan, and alternate governmental agents that can do the plan.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through the question of “how does this function in a competitive venue of debate where there must be a win or a loss assigned to each team. All their evidence will assume non-competitive academic environment rather than one where a forced choice will inevitably take place with every ballot.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments, shift focus to different proscriptive claims of the 1AC while using traditional competition standards like perms to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links and have generic positions that can apply to everything. This is bad for education -- forcing us to the academic margins, makes us less effective scholars and less literate in current events. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs at every tournament making any real attempt at engagement irrelevant and decreasing the quality of all debates. They don't spur engagement and exploration cause there are so many teams reading so many Affs, the only way to respond it with generics. The Aff is conversely incentivized to pick a body of literature with very little negative literature and a prolif of aff advocacies based on single articles or created phrases. There is no incentive to produce detailed strategies because academic disagreements in the literature are minute and easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13 (professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political “debates” seldom deserve the name. For the most part representatives of the rival

parties exchange one-liners: “The rich can afford to pay more” is met by “Tax increases kill jobs.” Slightly more sophisticated discussions may cite historical precedents: “There were higher tax rates during the post-war boom” versus “Reagan’s tax cuts increased revenues.”

Such volleys still don’t even amount to arguments: they don’t put forward generally accepted premises that support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes. Despite the name, candidates’ pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with “zingers” (the historic paradigm: “There you go again.”).

There is a high level of political discussion in the editorials and op-eds of national newspapers and magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique.

Such exchanges occur frequently in our law courts (for example, oral arguments before the Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — ****with no need to think through the strengths of their rivals’ positions or the weaknesses of their own.

Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?

A first condition is that the debates be focused on specific points of major disagreement. Not, “How can we improve our economy?” but “Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?” ****This will prevent vague statements of principle that don’t address the real issues at stake.

Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

**This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in Surveillance Studies is more likely to build from a solid foundation in contemporary social theory. Even so, such work often reflects both an insufficient grasp of the complexity of the legal system in action and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don’t mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn’t: legal processes are social processes, too, and in overlooking these processes, Surveillance Studies scholars also engage in a form of

*****black-boxing that treats law as monolithic and surveillance and government as interchangeable.** Legal actors engage in a variety of discursive and normative strategies by which institutions and resources are mobilized around surveillance, and understanding those strategies is essential to the development of an archaeology of surveillance practices. Work in Surveillance Studies also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I've written elsewhere (Cohen 2012a: 29), "[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers little more than a prescription for despair."

Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail.

Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering

surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, **if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.**

Bridging the gaps requires, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward methodological hybridization. Within one's own academic community, it can become too easy to mistake consensus on methodological conventions for epistemological rigor, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.

From the standpoint of theory, a more sustained dialogue between **law and Surveillance Studies would count as a success if it produced a mode of inquiry about surveillance that melded the theoretical sophistication of Surveillance Studies with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities.** To do Surveillance Studies better, legal scholars need to challenge their own preference for putting problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. **Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems;** legal scholars can help by **demystifying legal and regulatory processes.**

From a legal scholar's perspective, however, theory achieves its highest value when it becomes a

tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice. Here the goal would be a hybridization between law's ingrained pragmatism and Surveillance Studies' attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, legal scholars and Surveillance Studies scholars might advance the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different policy levers that could be brought to bear on systems of surveillance.

Next is Mechanism Education

The Aff's failure to identify an agent and mechanism makes cost-benefits analysis impossible, meaning debates take place in an academic vacuum where tradeoffs are irrelevant. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)
(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.

Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of such mass activism if we focus simply on the local dimensions of our work.

The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship.

Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally: American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450 C. 'Activism': Towards a Broader, Deeper, Systematic Framework
In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on

its own terms, the history of community organizing and social movements in the United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)—which, given human creativity and progress, in any event may be impossible to do—but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups—for example “the poor” or the “subordinated”—are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation.

1. Grassroots Activism

There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to “unpack” the term “organizing.” n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between “mobilization as short-term community action and organizing as an effort to build long-term institutional power.” n454 In the same breath, however, they define organizing “as shorthand for a range of community-based practices,” n455 even though at least some activism, for example union organizing or, say, [*190] fasting, might not be best characterized as “community-based.”

What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to “map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration.” n456 This map would be inadequate—and therefore inaccurate—if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building.

2. Agents of Social Change: Identity, Class and Political Ideology As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation. Have we defined, with theoretical precision, the social-change agents to whom we are orienting—e.g., the “people,” the “poor,” the “subordinated,” “low-income communities” or “communities of color”? And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism—organizing on the bases of geography and identity, class and the workplace, and political ideology—modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is “community”? In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers’ centers: “the tension between the local and particularistic focus of community unionism and the global scope of trendsetting corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as ‘the’ next paradigm of worker organization.” n458 On the other hand, members of cross-class, identity-based “communities” may not necessarily share the same interests. In the “Asian American community,” Anchetta explains: using the word “community” in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [*191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n459 Angela Harris echoes this observation by pointing out how some feminist legal theory assumes “a unitary, ‘essential’ women’s experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience.” n460 The same might be said of the “people,” which, like the “working class,” may be too broad. Other categorizations—such as “low-income workers,” “immigrants,” and the “poor,” for example—may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various “communities.” In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain “subordinated” communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves “middle” [*192] class are in fact workers. Nor is class defined by categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking, those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461 The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and alternative political-party building, as part of our work.

3. From Movementism to Political Organization

Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership. Such leadership, in turn, requires work not often associated with “activism,” such as, for example, theoretical study. n462 “Movementism,” n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political education, we have an enormous amount to learn from our predecessors. In the final analysis,

fundamental social transformation will only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to **respond to the twists and turns endemic in any struggle for power. “The problem,” as Bellow astutely observed, “is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject.”** n464 Such opportunities typically occur when there is a confluence of three factors: a social crisis; a socio-economic elite that finds

itself divided over how to overcome it; and a powerful mass movement from below. As I understand the nature of social change, **successful social transformations occur when there is a fourth element: political organization.**

Conclusion

Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [*193] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? Culturally? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any? What demands are they articulating, and how are they articulating them?

This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective. My aim

in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory. Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action—to defining the lawyer’s role in fostering activism—if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices.

Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers’ use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical “breaks” to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice.

The argument is turned on its head: we often assume or tend to [*194] assume agreement over the meanings and underlying conceptual frameworks relating to “fundamental social change,” current political analysis, and “community organizing,” and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se, I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to “rebellious” and not traditional “public interest” lawyering, for example, or “collaborative” over “critical” lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have different political goals, are based on different political analyses, and employ different political activist strategies.

Activist lawyers already engage in these analyses—necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don’t think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn’t time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative—and when we feel strongly enough about certain political issues—we engage on issues and argue them out. In either event, we undertake an unsystematic engagement of these fundamental issues at our peril.

If we adhere to the belief that **only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change,** then, as progressive lawyers, **we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment.**

Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail to live up to its potential.

Now the State debate

We do not need to win that the state is good, rather just that the value of the state is something that should be debated about. This is the screen you should adopt for the Aff's ev – it can't just say that the state is bad or ineffective, their ev has to say that the state should not even be discussed. General indictments of the state can be done on the neg. while still preserving limited and effective debate and research.

First, engaging with the law is inevitable and can be effective

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Nevertheless, in contrast to what Steve Bachmann has called the [*116] "a-legal" or "crude Marxist" approach, n19 progressive activists recognize that the legal arena remains a forum for social struggle. n20 This is so for three reasons: First, activists often do not have a choice but to work within the legal system. ****as when they are arrested or otherwise prevented from engaging in activism by state authorities. Second, because law is relatively autonomous from economic and political interests, n21 campaigns for legal reform can win substantial gains and are frequently the only vehicles through which more far-reaching change takes shape; struggles for reform, in other words, beget more radical possibilities and aspirations. n22 And third, law is constitutive of the social order. Law--or, more accurately, the concept of it--is not (again as some crude analysts would argue) simply a tool of one ruling class or other, but rather an essential component of a just society. n23

Commentators observe that lawyers who base their practice on these three premises are "hungry for theory," n24 for theory checks the "occupational hazards [of] reformism or cynicism." n25 The theoretical project is thus a dialectic: while law reform alone cannot "disturb the basic political and economic organization of modern American society," n26 [*117] law and lawyering are "a complex, contradictory, and open-textured setting that provides opportunities to challenge the status quo."

Second, debate about arcane legal details are crucial to the short-term survival of oppressed populations. Outside of the law being good or bad, legal education is crucial to empower even the most revolutionary of movements.

Arkles et al 10

(Gabriel Arkles, Pooja Gehi and Elana Redfield, The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change, Seattle Journal for Social Justice, 8 Seattle J. Soc. Just. 579, Spring / Summer, 2010, LN)

While agenda-setting by lawyers can lead to the replication of patterns of elitism and the reinforcement of systems of oppression, we do believe that legal work is a necessary and critical way to support movements for social justice. We must recognize the

limitations of the legal system and learn to use that to the advantage of the oppressed.

If lawyers are going to support work that dismantles oppressive structures, we must radically rethink the roles we can play in building and supporting these movements and acknowledge that our own individual interests or even livelihood may conflict with doing radical and transformative work. n162 A. Community Organizing for Social Justice When we use the term community organizing or organizing, we refer to the activities of organizations engaging in base-building and leadership development of communities directly impacted by one or more social [*612] problems and conducting direct action issue campaigns intended to make positive change related to the problem(s). In this article, we discuss community organizing in the context of progressive social change, but community-organizing strategies can also be used for conservative ends. Community organizing is a powerful means to make social change. A basic premise of organizing is that inappropriate imbalances of power in society are a central component of social injustice. In order to have social justice, power relationships must shift. In *Organizing for Social Change: Midwest Academy Manual for Activists* (hereinafter, "the Manual"), n163 the authors list three principles of community organizing: n164 (1) winning real, immediate, concrete improvements in people's lives; (2) giving people a sense of their own power; and (3) altering the relations of power. n165 Before any of these principles can be achieved it is necessary to have leadership by the people impacted by social problems. n166 As Rinku Sen points out: [E]ven allies working in solidarity with affected groups cannot rival the clarity and power of the people who have the most to gain and the least to lose . . . organizations composed of people whose lives will change when a new policy is instituted tend to set goals that are harder to reach, to compromise less, and to stick out a fight longer. n167 She also notes that, "[I]f we are to make policy proposals that are grounded in reality and would make a difference either in peoples' lives or in the debate, then we have to be in touch with the people who are at the center of such policies. n168 We believe community organizing has the potential to make fundamental social change that law reform strategies or "movements" led by lawyers cannot achieve on their own. However, community organizing is not always just and effective. Community-organizing groups are not immune to any number of problems that can impact other organizations, including internal oppressive dynamics. In fact, some strains of white, male-dominated [*613] community organizing have been widely criticized as perpetuating racism and sexism. n169 Nonetheless, models of community organizing, particularly as revised by women of color and other leaders from marginalized groups, have much greater potential to address fundamental imbalances of power than law reform strategies. They also have a remarkable record of successes. Tools from community organizers can help show where other strategies can fit into a framework for social change. The authors of the Manual, for example, describe various strategies for addressing social issues and illustrate how each of them may, at least to some extent, be effective. n170 They then plot out various forms of making social change on a continuum in terms of their positioning with regard to existing social power relationships. n171 They place direct services at the end of the spectrum that is most accepting of existing power relationships and community organizing at the end of the spectrum that most challenges existing power relationships. n172 Advocacy organizations are listed in the middle, closer to community organizing than direct services. n173 The Four Pillars of Social Justice Infrastructure model, a tool of the Miami Workers Center, is somewhat more nuanced than the Manual. n174 According to this model, four "pillars" are the key to transformative social justice. n175 They are (1) the pillar of service, which addresses community needs and stabilizes community members' lives; (2) the pillar of policy, which changes policies and institutions and achieves concrete gains with benchmarks for progress; (3) the pillar of consciousness, which alters public opinion and shifts political parameters through media advocacy and popular education; and (4) the pillar of power, which achieves autonomous community power through base-building and leadership development. n176 According to the Miami Workers Center, all of these pillars are essential in making social change, but the pillar of power is most crucial in the struggle to win true liberation for all oppressed communities. n177 [*614] In their estimation, our movements suffer when the pillar of power is forgotten and/or not supported by the other pillars, or when the pillars are seen as separate and independent, rather than as interconnected, indispensable aspects of the whole infrastructure that is necessary to build a just society. n178 Organizations with whom we work are generally dedicated solely to providing services, changing policies, or providing public education. Unfortunately, each of these endeavors exists separate from one another and perhaps most notably, separate from community organizing. In SRLP's vision of change, this separation is part of maintaining structural capitalism that seeks to maintain imbalances of power in our society. Without incorporating the pillar of power, service provision, policy change, and public education can never move towards real social justice. n179 B. Lawyering for Empowerment In the past few decades, a number of alternative theories have emerged that help lawyers find a place in social movements that do not replicate oppression. n180 Some of the most well-known iterations of this theme are "empowerment lawyering," "rebellious lawyering," and "community lawyering." n181 These perspectives share skepticism of the efficacy of impact litigation and traditional direct services for improving the conditions faced by poor clients and communities of color, because they do not and cannot effectively address the roots of these forms of oppression. n182 Rather, these alternative visions of lawyering center on the empowerment of community members and organizations, the elimination of the potential for dependency on lawyers and the legal system, and the collaboration between lawyers and directly impacted communities in priority setting. n183 Of the many models of alternative lawyering with the goal of social justice, we will focus on the idea of "lawyering for empowerment," generally. The goal of empowerment lawyering is to enable a group of people to

gain control of the forces that affect their lives. n184 Therefore, **the goal of empowerment lawyering for low-income transgender people of [*615] color is to support these communities in confronting the economic and social policies that limit their life chances.**

Rather than merely representing poor people in court and increasing access to services, the role of the community or empowerment lawyer involves:

organizing, community education, media outreach, petition drives, public demonstrations, lobbying, and shaming campaigns . . . [I]ndividuals and members of community-based organizations actively work alongside organizers and lawyers in the day-to-day strategic planning of their case or campaign. Proposed solutions--litigation or non-litigation based--are informed by the clients' knowledge and experience of the issue. n185

A classic example of the complex role of empowerment within the legal agenda setting is the question of whether to take cases that have low chances of success. The traditional approach would suggest not taking the case, or settling for limited outcomes that may not meet the client's expectations. However, when our goals shift to empowerment, our strategies change as well. If we understand that the legal system is incapable of providing a truly favorable outcome for low-income transgender clients and transgender clients of color, then winning and losing cases takes on different meanings.

For example, a transgender client may choose to bring a lawsuit against prison staff who sexually assaulted her, despite limited chance of success because of the "blue wall of silence," her perceived limited credibility as a prisoner, barriers to recovery from the Prison Litigation Reform Act, and restrictions on supervisory liability in § 1983 cases. Even realizing the litigation outcome will probably be unfavorable to her, she may still develop leadership skills by rallying a broader community of people impacted by similar issues. Additionally, she may use the knowledge and energy gained through the lawsuit to change policy. If our goal is to familiarize our client with the law, to provide an opportunity for the client [*616] and/or community organizers to educate the public about the issues, to help our client assess the limitations of the legal system on their own, or to play a role in a larger organizing strategy, then taking cases with little chance of achieving a legal remedy can be a useful strategy.

Lawyering for empowerment means not relying solely on legal expertise for decisionmaking. It means recognizing the limitations of the legal system, and **using our knowledge and expertise to help disenfranchised communities take leadership.** If community organizing is the path to social justice and "organizing is about people taking a role in determining their own future and improving the quality of life not only for themselves but for everyone," then "the primary goal [of empowerment lawyering] is building up the community." n186

C. Sharing Information and Building Leadership

A key to meaningful participation in social justice movements is access to information. Lawyers are in an especially good position to help transfer knowledge, skills, and information to disenfranchised communities--the legal system is maintained by and predicated on arcane knowledge that lacks relevance in most contexts but takes on supreme significance in courts, politics, and regulatory agencies. It is a system ****intentionally obscure to the uninitiated; therefore the lawyer has the opportunity to expose the workings of the system to those who seek to destroy it, dismantle it, reconfigure it, and re-envision it.

As Quigley points out, the ignorance of the client enriches the lawyer's power position, and thus the transfer of the power from the lawyer to the client necessitates a sharing of information. n187 Rather than simply performing the tasks that laws require, a lawyer has the option to teach and to collaborate with clients so that they can bring power and voice back to their communities and perhaps fight against the system, become politicized, and take leadership. "This demands that the lawyer undo the secret wrappings of the legal system and share the essence of legal advocacy--doing so lessens the mystical power of the lawyer, and, in practice, enriches the advocate in the sharing and developing of rightful power." n188

Lawyers have many opportunities to share knowledge and skills as a form of leadership development. This sharing can be accomplished, for example, through highly collaborative legal representation, through community clinics, through skill-shares, or through policy or campaign meetings where the lawyer explains what they know about the existing structures and fills in gaps and questions raised by activists about the workings of legal systems.

D. Helping to Meet Survival Needs

SRLP sees our work as building legal services and policy change that directly supports the pillar of power. n189 Maintaining an awareness of the limitations and pitfalls of traditional legal services, we strive to provide services in a larger context and with an approach that can help support libratory work. n190 For this reason we provide direct legal services but also work toward leadership development in our communities and a deep level of support for our community-organizing allies. Our approach in this regard is to make sure our community members access and obtain all of the benefits to which they are entitled under the law, and to protect our community members as much as possible from the criminalization, discrimination, and harassment they face when attempting to live their lives. While we do not believe that the root causes keeping our clients in poverty and poor health can be addressed in this way, we also believe that our clients experience the most

severe impact from state policies and practices and need and that they deserve support to survive them. n191 Until our communities are truly empowered and our systems are fundamentally changed to increase life chances and health for transgender people who are low-income and people of color, ****our communities are going to continue to have to navigate government agencies and organizations to survive.

Monolithic rejections of the law are wrong – cooption is more likely in non-state activism and fails to compare to alternative mechanisms for change. Concrete mechanisms for success should be your metric for evaluation.

Lobel 7 (Assistant Professor of Law, University of San Diego)

(Orly, THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS, 120 Harv. L. Rev. 937, February, 2007, LN)

In the following sections, I argue that the extralegal model has suffered from the same drawbacks associated with legal cooptation. I show that as an effort to avoid the risk of legal cooptation, the current wave of suggested alternatives has effects that ironically mirror those of cooptation itself. Three central types of difficulties exist with contemporary extralegal scholarship. First, in the contexts of the labor and civil rights movements, arguments about legal cooptation often developed in response to a perceived gap between the conceptual ideal toward which a social reform group struggled and its actual accomplishments. But, ironically, the contemporary message of opting out of traditional legal reform avenues may only accentuate this problem. As the rise of informalization (moving to nonlegal strategies), civil society (moving to extralegal spheres), and pluralism (the proliferation of norm-generating actors) has been effected and appropriated by supporters from a wide range of political commitments, these concepts have had unintended implications that conflict with the very social reform ideals

from which they stem. Second, the idea of opting out of the legal arena becomes self-defeating as it discounts the ongoing importance of law and the possibilities of legal reform in seemingly unregulated spheres. A model encompassing exit and rigid sphere distinctions further fails to recognize a reality of increasing interpenetration and the blurring of boundaries between private and public spheres, profit and nonprofit sectors, and formal and informal institutions. It therefore loses the critical insight that law operates in the background of seemingly unregulated relationships. Again paradoxically, the extralegal view of decentralized activism and the division of society into different spheres in fact have worked to subvert rather than support the progressive agenda. Finally, ***since extralegal actors view their actions with romantic idealism, they fail to develop tools for evaluating their success. If the critique of legal cooptation has involved the argument that legal reform, even when viewed as a victory, is never radically transformative, we must ask: what are the criteria for assessing the achievements of the suggested alternatives? As I illustrate in the following sections, much of the current scholarship obscures the lines between the descriptive and the prescriptive in its formulation of social activism. If current suggestions present themselves as alternatives to formal legal struggles, we must question whether the new extralegal politics that are proposed and celebrated are capable of producing a constructive theory and meaningful channels for reform, rather than passive status quo politics.

A. Practical Failures: When Extralegal Alternatives Are Vehicles for Conservative Agendas

We don't want the 1950s back. What we want is to edit them. We want to keep the safe streets, the friendly grocers, and the milk and cookies, while blotting out the political bosses, the tyrannical headmasters, the inflexible rules, and the lectures on 100 percent Americanism and the sinfulness of dissent. n163

A basic structure of cooptation arguments as developed in relation to the labor and civil rights movements has been to show how, in the move from theory to practice, the ideal that was promoted by a social group takes on unintended content, and the group thus fails to realize the original vision. This risk is particularly high when ideals are framed in broad terms that are open to multiple interpretations. Moreover, the pitfalls of the potential risks presented under the umbrella of cooptation are in fact accentuated in current proposals. Paradoxically, as the extralegal movement is framed by way of opposition to formal legal reform paths, without sufficiently defining its goals, it runs the very risks it sought to avoid by working outside the legal system.

Extralegal paths are depicted mostly in negative terms and as resorting to new alternative forms of action rather than established models. Accordingly, because the ideas of social organizing, civil society, and legal pluralism are framed in open-ended contrarian terms, they do not translate into specific visions of social justice reform. The idea of civil society, which has been embraced by people from a broad array of often conflicting ideological commitments, is particularly demonstrative. Critics argue that "some ideas fail because they never make the light of day. The idea of civil society ... failed because it [*972] became too popular." n164 Such a broadly conceived ideal as civil society sows the seeds of its own destruction.

In former eras, the claims about the legal cooptation of the transformative visions of workplace justice and racial equality suggested that through legal strategies the visions became stripped of their initial depth and fragmented and framed in ways that were narrow and often merely symbolic. This observation seems accurate in the contemporary political arena; the idea of civil society revivalism evoked by progressive activists has been reduced to symbolic acts with very little substance.

On the left, progressive advocates envision decentralized activism in a third, nongovernmental sphere as a way of reviving democratic participation and rebuilding the state from the bottom up. By contrast, the idea of civil society has been embraced by conservative politicians as a means for replacing government-funded programs and steering away from state intervention. As a result, recent political uses of civil society have subverted the ideals of progressive social reform and replaced them with conservative agendas that reject egalitarian views of social provision.

In particular, recent calls to strengthen civil society have been advanced by politicians interested in dismantling the modern welfare system. Conservative civil society revivalism often equates the idea of self-help through extralegal means with traditional family structures, and blames the breakdown of those structures (for example, the rise of the single parent family) for the increase in reliance and dependency on government aid. n165 This recent depiction of the third sphere of civic life works against legal reform precisely because state intervention may support newer, nontraditional social structures. For conservative thinkers, legal reform also risks increasing dependency on social services by groups who have traditionally been marginalized, including disproportionate reliance on public funds by people of color and single mothers. Indeed, the end of welfare as we knew it, n166 as well as the [*973] transformation of work as we knew it, n167 is closely related to the quest of thinkers from all sides of the political spectrum for a third space that could replace the traditional functions of work and welfare. Strikingly, a range of liberal and conservative visions have thus converged into the same agenda, such as the recent welfare-to-work reforms, which rely on myriad non-governmental institutions and activities to support them. n168

When analyzed from the perspective of the unbundled cooptation critique, it becomes evident that there are multiple limits to the contemporary extralegal current. First, there have been significant problems with resources and zero-sum energies in the recent campaigns promoting community development and welfare. For example, the initial vision of welfare-to-work supported by liberal reformers was a multifaceted, dynamic system that would reshape the roles and responsibilities of the welfare bureaucracy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 n169 (PRWORA), supported by President Clinton, was designed to convert various welfare programs, including Aid to Families with Dependent Children, into a single block grant program. The aim was to transform passive cash assistance into a more active welfare system, in which individuals would be better assisted, by both the government and the community, to return to the labor force and find opportunities to support themselves. Yet from the broad vision to actual implementation, the program quickly became limited in focus and in resources. Indeed, PRWORA placed new limits on welfare provision by eliminating eligibility categories and by placing rigid time limits on the provision of benefits. n170

Moreover, the need to frame questions relating to work, welfare, and poverty in institutional arrangements and professional jargon and to comply with various funding block grants has made some issues, such as the statistical reduction of welfare recipients, more salient, whereas other issues, such as the quality of jobs offered, have been largely eliminated from policymakers' consideration. Despite aspects of the reform that were hailed as empowering for those groups they were designed to help, such as individual private training vouchers, serious questions have been raised about the adequacy of the particular [*974] policy design because resources and institutional support have been found lacking. n171 The reforms require individual choices and rely on the ability of private recipients to mine through a vast range of information. As in the areas of child care, health care, and educational vouchers, critics worry that the most disadvantaged workers in the new market will not be able to take advantage of the reforms. n172 Under such conditions, the goal of eliminating poverty may be eroded and replaced by other goals, such as reducing public expenses. Thus, recalling the earlier cooptation critique, once reforms are envisioned, even when they need not be framed in legalistic terms, they in some ways become reduced to a handful of issues, while fragmenting, neglecting, and ultimately neutralizing other possibilities.

At this point, the paradox of extralegal activism unfolds. While public interest thinkers increasingly embrace an axiomatic rejection of law as the primary form of progress, their preferred form of activism presents the very risks they seek to avoid. The rejected "myth

of the law" is replaced by a "myth of activism" or a "myth of exit," romanticizing a distinct sphere that can better solve social conflict.

Yet these myths, like other myths, come complete with their own perpetual perils. The myth of exit exemplifies the myriad concerns of cooptation. For feminist agendas, for example, the separation of the world into distinct spheres of action has been a continuous impediment to meaningful reform. Efforts to create better possibilities for women to balance work and family responsibilities, including relaxing home work rules and supporting stay-at-home parents through federal child care legislation, have been couched in terms of support for individual choice and private decisionmaking. n173 Indeed, recent initiatives in federal child care legislation to support stay-at-home parents have been clouded by preconceptions of the separation of spheres and the need to make one-or-the-other life choices. Most importantly, the emergence of a sphere-oriented discourse abandons a critical perspective that distinguishes between valuing traditional gender-based characteristics and celebrating feminine difference in a universalist and essentialist manner. n174 [*975] Not surprisingly then, some feminist writers have responded to civil society revivalism with great skepticism, arguing that efforts to align feminine values and agendas with classic republican theory of civil society activism should be understood, at least in part, as a way of legitimizing historical social structures that subordinated women.

The feminist lesson on the law/exit pendulum reveals a broader pattern. In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with conservative privatization agendas. Indeed, in significant social policy contexts, legal scholarship oriented toward the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship accepts these developments as natural and inevitable. Similar to the arguments developed in relation to the labor movement - in which focusing on a limited right to collective bargaining demobilized workers and stripped them of their voice, participation, and decisionmaking power - contemporary extralegal agendas are limited to very narrow and patterned sets of reforms.

A striking example has been the focus on welfare reform as the single frontier of economic redistribution without a connection being made between these reforms and social services in which the middle class has a strong interest, such as Social Security and Medicare. Similarly, on the legal pluralism frontier, when activists call for more corporate social responsibility, the initial expressions are those of broad demands for sustainable development and overall industry obligations for the social and environmental consequences of their activities. n176 The discourse, however, quickly becomes coopted by a shift to a narrow focus on charitable donations and corporate philanthropy or [*976] private reporting absent an institutionalized compliance structure. n177 Moreover, because of institutional limitations and crowding out effects possible in any type of reform agenda, the focus shifts to the benefits of corporate social responsibility to businesses, as marketing, recruit-ment, public relations, and "greenwashing" strategies. n178 Critics therefore become deeply cynical about the industry's real commitments to ethical conduct.

A similar process can be described with regard to the literature on globalization. Globalization scholarship often attempts to produce a unifying narrative and an image of unitary struggle when in fact such unity does not exist. Embodied in the aforementioned irony of a "global anti-globalization" movement, social reform activism that resides under the umbrella of global movements is greatly diverse, some of it highly conservative. An "anti-globalization" movement can be a defensive nationalist movement infused with xenophobia and protective ideologies. n179 In fact, during central instances of collective action, such as those in Seattle, Quebec, Puerto Alegre, and Genoa, competing and conflicting claims were frequently encompassed in the same protest. n180 Nevertheless, there is a tendency to celebrate and idealize these protests as united and world-altering.

Similarly, at the local level, grassroots politics often lack a clear agenda and are particularly ripe for cooptation resulting in far lesser achievements than what may have been expected by the groups involved. In a critical introduction to the law and organizing model, Professor Scott Cummings and Ingrid Eagly describe the ways in which new community-based approaches to progressive lawyering privilege grassroots activism over legal reform efforts and the facilitation of community mobilization over conventional lawyering. n181 After carefully unpacking the ways in which community lawyers embrace [*977] law and organizing, Professor Cummings and Eagly rightfully warn against "exaggerating the ineffectiveness of traditional legal interventions" and "closing off potential avenues for redress." n182 Significantly, the strategies embraced by new public interest lawyers have not been shown to produce effective change in communities, and certainly there has been no assurance that these strategies fare comparatively better than legal reform. Moreover, what are meant to be progressive projects of community action and community economic development frequently can have a hidden effect of excluding worse-off groups, such as migrant workers, because of the geographical scope and zoning restrictions of the project. n183 In the same way that the labor and corporate social responsibility movements have failed because of their embrace of a legal framework, the community economic development movement - so diverse in its ideological appeal yet so prominent since the early 1990s as a major approach to poverty relief - may bring about its own destruction by fracture and diffusion. n184

In all of these cases, **it is the act of engagement, not law, that holds the risks of cooptation** and the politics of compromise. It is not the particularities of lawyers as a professional group that create dependency. Rather, it is the dynamics between skilled, networked, and resourced components and those who need them that may submerge goals and create reliance.

It is not the particularities of the structural limitations of the judiciary that threaten to limit the progressive vision of social movements. Rather, it is the essential difficulties of implementing theory into practice. Life is simply messier than abstract ideals.

Cooptation analysis exposes the broad, general risk of assuming ownership over a rhetorical and conceptual framework of a movement for change. Subsequently, when, in practice, other factions in the political debate embrace the language and frame their projects in similar terms, groups experience a sense of loss of control or possession of "their" vision. In sum, in the contemporary context, **in the absence of a more programmatic and concrete vision of what alternative models of social reform activism need to achieve, the conclusions and rhetoric of the contemporary critical legal consciousness**** are appropriated by advocates representing a wide range of political commitments.**

Understood [*978] from this perspective, cooptation is not the result of the turn to a particular reform strategy. Rather, cooptation occurs when imagined ideals are left unchecked and seemingly progressive rhetoric is reproduced by a conservative agenda. Dominant interpretations such as privatization and market competitiveness come out ahead, whereas other values, such as group empowerment and redistributive justice, receive only symbolic recognition, and in turn serve to facilitate and stabilize the process. n185

Case

Surveillance doesn't fit the panoptic model- it fails to exert normalizing power

Yar 3 (Majid Yar, Professor of Applied Social Science at Lancaster University, Surveillance and Society, "Panoptic Power and the Pathologisation of Vision: Critical Reflections on the Foucauldian Thesis," full date not given, 2003, <http://www.surveillance-and-society.org/articles1%283%29/pathologisation.pdf/>)

A number of writers have pointed out that simply lifting the panoptic model of disciplinary power from the institutional frame of confinement in which Foucault theorised it may limit its straightforward applicability to surveillance in the wider social arena. Thus Norris and Armstrong (1999: 92) and McCahill (2001) point out that while Foucault's model depends upon an individual's state of permanent visibility, the visual surveillance effected via CCTV systems in public space does not allow such continuous monitoring. It also depends on an ability to identify and classify individuals, something that is much more difficult to do in respect of populations in an open setting (1999: 93 - 4) (much has been made of the linking of face recognition software to CCTV surveillance systems, but the evidence appears to suggest that it is chronically ineffective as an identification tool – see Meek, 2002; Huber, 2002; ACLU, 2002). Moreover, Norris and Armstrong note that in Foucault's schema the effectiveness of the Panopticon is linked to a whole host of disciplinary interventions, including drills that train the body, regimes that closely regulate schedules of activity, and swift interventions that punish deviations from the prescribed norm (1999: 92). Such a panoply of regulatory, instructive and corrective techniques of "normalisation" are simply not present in the surveillance and management of free populations in extra - carceral settings. Consequently, they suggest, those who draw "dystopian visions of CCTV" based upon the Foucauldian model of discipline may be somewhat overstating the case (1998: 7). Instead of engendering "conformity through internalised self control", CCTV may in fact pursue social control in a manner largely unconnected to "the Old Penology with its concerns on the diagnosis, intervention and treatment of the individual offender" (ibid). Thus, for example, they mention the conception of "actuarial justice" developed by Feeley and Simon (1994) that eschews corrective aspirations, takes crime and deviance for granted, and seeks technical means and measures to manage the threat they represent.

Counter-gazing can't be used to solve islamophobia- their solvency ev is in the context of African americans, this is bad for a few reasons.

Analysis that does not center black existence, including that which lists it on a chain of equivalents, is doomed to undermine politics of opposition.

Sexton 07 (Jared, Racial Profiling and the Societies of Control from "Warfare in the American Homeland: Policing and Prison in a Penal Democracy" edited by Joy James, Duke University Press, p. 212. Sexton is an associate professor of African American Studies and an associate professor of Film and Media Studies at the University of California, Irvine. They have a Ph.D from the University of California, Berkeley in Ethnic Studies /).

The good news, if it can be called that, is that this effort to repress a sustained examination of black positionality - "the position of the unthought" - will only undermine multiracial coalition as politics of opposition. Every analysis that attempts to account for the vicissitudes of racial

rule and the machinations of the racial state without centering black existence within its framework, which does not mean simply listing it among a chain of equivalents-is doomed, to miss what is essential about the situation, because what happens to blacks indicates the truth (rather than the totality) of the system, its social symptom, and all other positions can (only) be understood from this angle of vision.⁵ ! More important for present purposes, **every attempt to defend the rights and liberties of the latest victims of racial profiling will inevitably fail to make substantial gains insofar as it forfeits or sidelines the fate of blacks, the prototypical targets of this nefarious police practice and the juridical infrastructure built up around it. Without blacks on board, the only viable option** the only effective defense against the crossfire **will entail forging greater alliances with an antiblack civil society and capitulating further to the magnification of state power-a bid that carries its own indelible costs**, its own pains and pleasures.

Racial profiling cannot be understood free from its historical context on the plantation, with the oppression of African Americans. The aff fails because they render this concrete situation metaphorical.

Sexton 07 (Jared, Racial Profiling and the Societies of Control from "Warfare in the American Homeland: Policing and Prison in a Penal Democracy" edited by Joy James, Duke University Press, p. 200-02. Sexton is an associate professor of African American Studies and an associate professor of Film and Media Studies at the University of California, Irvine. They have a Ph.D from the University of California, Berkeley in Ethnic Studies // EMS).

In theory, everyone in the United States (and many outside its boundaries) is subject to these rules of engagement. Yet, as Ira Glasser, former director of the America Civil Liberties Union (ACLU), recently noted, **while the police could, say, randomly raid apartment buildings on the Upper West Side of Manhattan, and yield fruitful results, they clearly do not.** As he puts it, "They don't do it because most of the folks who live in those apartment buildings are white. They don't do it because if they tried to do it, the outrage would become so big, so fast that it would become politically impossible to sustain."¹² We might wonder who would be outraged at such operations and whose outrage would make a difference? At any rate, the verdict of his analysis is clear: On our highways, on our streets, in our airports, and at our customs checkpoints, skin color once again, irrespective of class, and without distinctions based on education or economic status, skin color once again is being used as a cause for USDICION, and a sufficient reason to violate people's rights. For blacks in particular the situation is acute. The most recent attack on Fourth Amendment protections followed immediately the Warren Court's "due process revolution," as inaugurated by its decisions in the Mapp (1961) and Miranda (1966) cases. This shift in judicial opinion in favor of criminal suspects and defendants, disproportionately black and characteristically depicted as such, was supposed by some to be the criminal-law equivalent to or extension of then recent civil law reforms. **The motion toward constitutional protections for blacks was,** then, taken to be a byproduct of the limited success of the Civil Rights Movement, but its broader implications were **rapidly conflated with the perceived threat of the radicalization of struggle dubbed "Black Power," which for the mainstream presented ominous criminal tendencies,** among other things. The idea that blacks could or should have both civil and criminal rights thus entered the furor of an emergent "law and order" political culture whose executive, legislative, and judicial wings all feverishly and collaboratively retrenched. **The legal history from Richard Nixon to Ronald Reagan to George W Bush from "war on crime" to "war on drugs" to "war on terror" -is alarmingly short.** **The liberal civil-rights legislation and judiciary review enjoyed a very brief and largely ineffective life. But the "revolution" in criminal rights never even got off the ground;** it never actually happened except in the collective paranoid fantasy of "white America." There is, finally, no golden age for blacks before the criminal law. Therefore, in our discussions of a so-called creeping fascism or nascent authoritarianism or rise of the police state, particularly in the wake of the Homeland Security and PATRIOT acts, **we might do better than trace its genealogy to the general warrant (or even the Executive Order), whose specter forever haunts the democratic experiment of postrevolutionary civil society. Instead, the proper object of investigation is the antebellum slave code and its antecedents in colonial statute, not because the trajectory of this legal**

history, threatens to undo the rights of all, but precisely because the prevailing libertarian impulse in the United States has so resourcefully and rendered the concrete situation in metaphoric terms. Under the force of this blacks, who were clearly in the but definitively not of it, were not only available to arbitrary search and seizure-the bane of the general warrant-but were, in the main, always already searched and seized. More to the point, they had, in the famous phrase, "no rights that a white man bound to respect," including the right to life. **The ethos of slavery-** in other words, the lasting ideological and affective matrix of the white supremacist project- **admits no legitimate black self-defense, recognizes no legitimate assertions of black self-possession, privacy, or autonomy.** A permanent state of theft, seizure, and abduction orders the affairs of the captive community and its progeny. **Structural vulnerability to appropriation, perpetual and involuntary openness, including all the wanton uses of the body** so finely detailed by scholars like Saidiya Hartman and Hortense Spillers, **should be understood as the paradigmatic conditions of black existence in the Americas, the defining characteristics of New World antiblackness.**¹⁴ In short, **the black, whether slave or "free," lives under the commandment of whites.** Is Policing blacks in the colonial and antebellum periods was, we recall, the prerogative of every white (they could assume the role or not) and was only later professionalized as the modern prison system emerged out of the ashes of Reconstruction.¹⁶ Without glossing the interceding history, suffice it to say that such policing was organized across the twentieth century at higher orders of magnitude by the political, economic, and social shifts attending the transition from welfare to warfare state. **"Racial profiling," then, is a young term, but the practice is centuries-old. In other words, the policing of blacks-whose repression has always been state sanctioned, even as it was rendered a private affair of "property management" - remains a central issue today; it has not recently emerged.** Amnesty International's public hearings on racial profiling, the stalled federal legislation termed "HR 1443," the ACLU'S "Driving while Black" campaign, and the problematic reworking of the issue of racial profiling after September 11 all unfold against the backdrop of this long history of "policing black people." **The effects of crude political pragmatism, legalistic single-mindedness, or historical myopia enable us to identify the unleashing of the police with the advent of the war on drugs, or the xenophobic panic around the New Immigration or the emergence of Homeland Security against the threat of terrorism.**

Surveillance doesn't generate panoptic power because the subjects do not evaluate their surveillance in their decision making

Yar 3 (Majid Yar, Professor of Applied Social Science at Lancaster University, Surveillance and Society, "Panoptic Power and the Pathologisation of Vision: Critical Reflections on the Foucauldian Thesis," full date not given, 2003, <http://www-surveillance-and-society.org/articles1%283%29/pathologisation.pdf/>)

The relationship between the visibility of surveillance (seeing that one is seen) and normalising - disciplining effects has not gone unremarked in surveillance studies. Indeed, the apparent lack of awareness on the part of the populace that an area is subject to CCTV surveillance has been mobilised as an explanatory resource to account for the lack of efficacy of CCTV schemes in initiatives aimed at reducing crime and/or other forms of undesirable ("anti - social") public behaviour. Thus, for example, Ditton (1999) (in a study of CCTV systems in Glasgow) claims that: "For CCTV cameras to reduce crime through deterrence people must, of course, be aware of them". He goes on to note that survey questionnaires in the CCTV area revealed that "only 33% of people questioned in the city centre three months after camera installation were aware that CCTV cameras were in place. This figure increased slightly to 41% 15 months after installation". There are two implications here: (1) that low levels of public awareness about the presence of

CCTV cameras accounted in part for the negligible deterrence effect, as revealed through the recorded crime figures, and that (2) conversely, if awareness were increased, the desired deterrence effect might become manifest. However, such a construction of the relationship between awareness of being surveilled and behavioural self - regulation rests on a misapprehension, insofar as “awareness” (of being seen, of one’s visibility to the cameras) is understood in too abstract and de - contextualised a sense. “Awareness” here is taken to be a piece of cognitive content, a knowing, that one either does or does not have. “Are you aware that this area is subject to CCTV surveillance?” is taken to be a question of the same kind as “are you aware that smoking causes cancer and heart disease?” or “are you aware that use of the motor car contributes to global warming?”. The latter two examples of awareness, which are now socially widespread, are notable for their profound lack of consequence in terms of people’s behaviour. The problem here is that “awareness of CCTV cameras” is understood as an empirical or cognitive matter – “seeing the cameras” is taken to be of a kind with “how many fingers am I holding up”. What this misses is that seeing, in terms of what is behaviourally meaningful, is in fact a social process, one in which we selectively attend to specific features of our environment in the course of managing our practical activities. What is rendered visible and invisible (what we “see” or “don’t see”, what we are “aware of” or “unaware of”, what we “take note of” or “ignore”) is part - and - parcel of the business of negotiating our way around the world of routine activities and mundane exigencies that comprise everyday life. This fundamental point can be briefly explicated through the reflections of Schutz and Garfinkel on the construction of everyday experience and activity, which together comprise what passes for us as “the real world”. Schutz’s phenomenological theory is based upon the idea that our stock of knowledge about the world comprises much more than “abstract” facts, it crucially includes the beliefs, expectations and rules we have immediately available for interpretation and action. Our knowledge of the world (what we take to be “real” and noteworthy) is based upon a socially shared system of typifications and relevances – whether or not an object is relevant (made “visible” for practical purposes) depends upon what kind of shared social practice individuals happen to be engaged in (Bernstein, 1979: 146 - 148). This insight is further developed in Garfinkel’s ethnomethodology. He shows that everyday activities proceed through repertoires that selectively attend to features of the world, such that what is visible amounts to the “visible - rational - and - reportable - for all - practical - purposes” (Garfinkel, 1984, vii) 4 . What, then, might be our “practical purposes” when we step out of the door into public settings? We habitually organise our selective structures of attention according to the mundane activities that make it possible for us to function as competent participants in everyday life – crossing the street, not colliding with other pedestrians, managing the interactional repertoires that enable us to fit - in (civility, politeness, maintaining a conversation, asking and answering questions) and successfully completing a range of seemingly unremarkable tasks (buying a loaf of bread, catching a bus, ordering a drink, getting from a - to - b). Consequently, what is visible for us, for the most part and most of the time, are the features of our environment that we are required to attend to as part of these routine activities. The presence of surveillance systems such as CCTV may well go unattended, comprising “seen but unnoticed” (for - practical - purposes) “expected background features” of social reality. Far from being in a state of “permanent and conscious visibility” vis - à - vis such surveillance apparatuses, we may take little note of them in terms of managing our activities (in ethnomethodological parlance, they do not typically constitute features of our world that are incorporated into the “reflexive monitoring of action” 5). Indeed, to put it bluntly, the social actor who spent all his time noticing and taking - notice - of cameras on rooftops, poles and elevated platforms would be well - nigh incapable of “doing” social life i.e. attending to and responding to all the immediately and

practically relevant human and material features of the environment. The individual who did conduct himself in such a manner might well find himself dismissed as the unfortunate victim of delusional paranoia. In other words, it is quite likely that while we may be “aware” of the presence of CCTV cameras in the first (empirical, cognitive sense), we often tend to take no practical cognisance of them as we go about our activities. If the logic of panoptic power is conditional upon the subjective awareness and sense-making activity of the individuals “subjected” to it, then it is by and large liable to have only limited impact in terms of the “normalisation” of their actions. 6

ANSWERS TO COUNTERGAZING

Islamophobia going down

Jacoby '10 (Jeff Jacoby, December 8th, boston.com, The ‘Islamophobia’ myth, http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2010/12/08/the_islamophobia_myth/, AZ)

Yet the story conceded frankly that “there’s no sign that violence against Muslims is on the rise” and that “Islamophobia in the US doesn’t approach levels seen in other countries.” In fact, as Time pointed out, while there may be the occasional confrontation over a Muslim construction project, “there are now 1,900 mosques in the US, up from about 1,200 in 2001.” Even after 9/11, in other words, and even as radical Islamists continue to target Americans, places of worship for Muslims in the United States have proliferated. And whenever naked anti-Islamic bigotry has appeared, “it has been denounced by many Christian, Jewish, and secular groups.” America is many things, but “Islamophobic” plainly isn’t one of them. As Time itself acknowledged: “Polls have shown that most Muslims feel safer and freer in the US than anywhere else in the Western world.” That sentiment is powerfully buttressed by the FBI’s newly released statistics on hate crimes in the United States. In 2009, according to data gathered from more than 14,000 law enforcement agencies nationwide, there were 1,376 hate crimes motivated by religious bias. Of those, just 9.3 percent — fewer than 1 in 10 — were committed against Muslims. By contrast, 70.1 percent were committed against Jews, 6.9 percent were aimed at Catholics or Protestants, and 8.6 percent targeted other religions. Hate crimes driven by anti-Muslim bigotry were outnumbered nearly 8 to 1 by anti-Semitic crimes. Year after year, American Jews are far more likely to be the victims of religious hate crime than members of any other group. That was true even in 2001, by far the worst year for anti-Muslim incidents, when 481 were reported — less than half of the 1,042 anti-Jewish crimes tabulated by the FBI the same year. Does all this mean that America is in reality a hotbed of anti-Semitism? Would Time’s cover have been closer to the mark if it had asked: “Is America Judeophobic?” Of course not. Even one hate crime is one too many, but in a nation of 300 million, all of the religious-based hate crimes added together amount to less than a drop in the bucket. This is not to minimize the 964 hate crimes perpetrated against Jews last year, or those carried out against Muslims (128), Catholics (55), or Protestants (40). Some of those attacks were especially shocking or destructive; all of them should be punished. But surely the most obvious takeaway from the FBI’s statistics is not that anti-religious hate crimes are so frequent in America. It is that they are so rare. In a column a few years back, I wrote that America has been for the Jews “a safe harbor virtually without parallel.” It has proved much the same for Muslims. Of course there is tension and

hostility sometimes. How could there not be, when America is at war with violent jihadists who have done so much harm in the name of Islam? But for American Muslims as for American Jews, the tension and hostility are the exception. America's exemplary tolerance is the rule.

Statistics show islamophobia is actually very low in the squo

Spencer 14 (December 17, 2014, Robert spencer, New FBI hate crime stats show yet again that claims about "Islamophobia" are false, <http://www.jihadwatch.org/2014/12/new-fbi-hate-crime-stats-show-yet-again-that-claims-about-islamophobia-are-false>, AZ)

New FBI hate crime stats show yet again that claims about "Islamophobia" are false DECEMBER 17, 2014 2:34 PM BY ROBERT SPENCER No violence or hatred directed at an innocent Muslim or non-Muslim is ever justified. The fact is that there is far less of it than Islamic supremacist groups and the mainstream media would have you believe. We heard it yet again not just after, but during the Sydney jihad hostage crisis: there would be a "backlash" against Muslims, a wave of Islamophobic hate crimes. There has not been, of course. Leftists and Islamic supremacists use the specter of "Islamophobic hate crime" to shut down honest discussion of how jihadists use the texts and teachings of Islam to justify violence and supremacism, and intimidate people into thinking that there is something wrong with resisting jihad terror. The FBI's newly released hate crime statistics for 2013 offer a fresh example of how reality refuses to conform to the dubious narrative of widespread Muslim victimization at the hands of American bigots. As in previous years, most hate crimes were not religiously motivated, most religiously motivated hate crimes were anti-Jewish, and Muslims suffered fewer total incidents than many groups and fewer per capita than gays or Jews. Anti-Islamic crimes did not involve greater violence than others and have not become more frequent. A glance at the details: Of the 5,928 incidents of hate crime tabulated in 2013, 135 (2.3 percent) were anti-Islamic, an increase of five over the prior year but still slightly below the annual average of 139 from 2002 to 2011. The small rise in recorded anti-Islamic incidents could be attributable to improved data collection rather than a true uptick. Reports submitted by law enforcement agencies covered a population of 295 million Americans in 2013, 18.6 percent higher than in 2012. There were 1,031 incidents inspired by religion last year, 625 (60.6 percent) of which were anti-Jewish. Anti-Islamic ones constituted just 13.1 percent. Anti-Islamic incidents were also outnumbered by those targeting blacks (1,856), whites (653), gay men (750), lesbians (160), LGBTs in general (277), Hispanics (331), and people of other ethnicities (324). Anti-Asian incidents (135) equaled anti-Islamic ones. Based on a 2013 estimate of 2.95 million Muslims derived from Pew's 2011 figure and typical growth of 100,000 per year, there were 4.6 anti-Islamic incidents per 100,000 Muslims in 2013, the same as 2012's rate and lower than the average of 6.0 per 100,000 for 2002-11. The 2013 rate for Muslims was less than half that for Jews (9.6 per 100,000 for a population of roughly 6.5 million) and homosexuals/bisexuals (11.0 per 100,000, assuming that they comprise 3.5 percent of the U.S. population). The rate for blacks was similar to that of Muslims (4.5 per 100,000 for a population of 41.6 million). Anti-Islamic hate crimes were no more violent than others in 2013. Of the 6,933 offenses spanning all hate crimes, 734 (10.6 percent) were aggravated assaults and 1,720 (24.8 percent) were simple assaults. The 165 anti-Islamic offenses mirrored this breakdown: 17 (10.3 percent) were aggravated assaults and 41 (24.8 percent) were simple assaults. Further, none of the five deaths in 2013 resulted from anti-Islamic hate crimes.

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2nc

FW

See FW file in generics

Wilderson (Needs moar cards)

no islamophobia 2nc

Talks of islamophobia are just political rhetoric

Goldberg' 10 (August 24th, 2010, Jonah Goldberg, Loss Angeles Times,

Islamophobia? Not really, <http://articles.latimes.com/2010/aug/24/opinion/la-oe-0824-goldberg-islamophobia-20100824>, AZ)

In 2001, there were twice as many anti-Jewish incidents as there were anti-Muslim, again according to the FBI. In 2002 and pretty much every year since, anti-Jewish incidents have outstripped anti-Muslim ones by at least 6 to 1. Why aren't we talking about the anti-Jewish climate in America? Because there isn't one. And there isn't an anti-Muslim climate either. Yes, there's a lot of heated rhetoric on the Internet. Absolutely, some Americans don't like Muslims. But if you watch TV or movies or read, say, the op-ed page of the New York Times — never mind left-wing blogs — you'll hear much more open bigotry toward evangelical Christians (in blogspeak, the "Taliban wing of the Republican Party") than you will toward Muslims. No doubt some American Muslims — particularly young Muslim men with ties to the Middle East and South Asia — have been scrutinized at airports more than elderly women of Norwegian extraction, but does that really amount to Islamophobia, given the dangers and complexities of the war on terror? For 10 years we've been subjected to news stories about the Muslim backlash that's always around the corner. It didn't start with President Obama or with the "ground zero mosque." President George W. Bush was his most condescending when he explained, in the cadences of a guest reader at kindergarten story time, that "Islam is peace." But he was right to emphasize America's tolerance and to draw a sharp line between Muslim terrorists and their law-abiding co-religionists. Meanwhile, to listen to Obama — say in his famous Cairo address — you'd think America has been at war with Islam for 30 years and only now, thanks to him, can we heal the rift. It's an odd argument given that Americans have shed a lot of blood for Muslims over the last three decades: to end the slaughter of Muslims in the Balkans, to feed Somalis and to liberate Kuwaitis, Iraqis and Afghans. Millions of Muslims around the world would desperately like to move to the U.S., this supposed land of intolerance.

Islamophobia is low in the squo- the affs refusal to acknowledge terrorism fuels groups like ISIS and leaves people unable to act

Tobin '14 (Jonathan S. Tobin, September 11th, 2014, Contentions Defining Islam and the Islamophobia Myth, Commentary Magazine,

<https://www.commentarymagazine.com/2014/09/11/defining-islam-and-the-islamophobia-myth-isis/>, AZ)

President Obama was going down a well-worn path last night when in his speech about stopping ISIS, he claimed the terrorist group was "not Islamic." Like his predecessor George W. Bush, the

president feels impelled to define America's Islamist terrorist foes as somehow unrelated to the Muslim religion. The motives for this effort are utilitarian as well as idealistic but it comes with a cost, both in terms of our ability to wage an effective war against this enemy and the way these statements help fuel myths about American attitudes toward Muslims. As our Michael Rubin noted earlier today, it is not any president's job to define who is and who is not affiliated with a particular religion. ISIS may practice a form of Islam that we find repellent but to pretend that it has nothing to do with the Muslim religion or that its roots are not very much part of the Islamic tradition isn't a serious statement. Islam, like Christianity and Judaism, has many variations. But unfortunately, the violent and intolerant brand of Islamism that is championed by ISIS is not only not as much of an outlier as many Americans would like to pretend; in some ways its views are not dissimilar to other more mainstream sects such as the Wahhabi sect that dominates America's Saudi Arabian ally. The difference between the two lies mainly in Wahhabi clerics' loyalty to the House of Saud and the radicals' belief in overthrowing most Muslim regimes, not in any innate contrasts between their views of the non-Muslim world. In order to understand the strength of ISIS and its ability to rally the support or at least the sympathy of so many Muslims, it is necessary to understand its ability to appeal to those who believe Islam should dominate the world, just as it tried to in its heyday when Christian Europe was holding on for its life against a resurgent Muslim military tide. The intolerance it foments has its origins in a worldview that holds that the world must bow to Muslim sensibilities, even to the point of censoring Western expression about their faith. If it is to be defeated, it will have to be understood in the context of the history of the region and not by treating it as an alien outburst. Nevertheless, it is necessary for American leaders to be at pains to demonstrate that the U.S. has never and will never be at war with Islam, a faith that commands the allegiance of a billion people, most of whom are not interested in war with the West. It is also important for Americans not to consider the millions of loyal American Muslims as being somehow responsible for the behavior of ISIS, al-Qaeda, or any other Islamist terror group. But though both Bush and Obama have bent over backwards to avoid portraying the war against Islamist terror as having anything fundamental to do with Islam, their willingness to do so has given credence to those who have claimed that the opposite is true. The notion of a post-9/11 backlash against Muslims in America is a myth that has been repeatedly debunked, yet it continues to thrive and grow. For example, in today's Daily Beast, Dean Obeidallah claims "13 years after 9/11, anti-Muslim bigotry is worse than ever." What proof does he offer for this? Not much. There is a poll sponsored by the Arab-American Institute that shows that less than half of those surveyed have positive views of American Muslims and 42 percent support the use of profiling by law-enforcement agencies that would focus on Arabs and Muslims. These numbers may seem troubling. But the disconnect here is between what the poll rightly diagnoses as worries about homegrown terrorism committed by Muslims and in some cases supported by radical clerics and any actual evidence of discrimination or hate directed at Arabs or adherents of Islam. As I have repeatedly noted here, FBI hate-crime statistics for every year since 9/11 have repeatedly demonstrated the emptiness of claims of a backlash against Muslims. In each of the last 12 years, hate crimes against Jews have outnumbered those directed at Muslims. And despite the poll Obeidallah cites, there has never been a single credible study that was able to establish a consistent pattern of discrimination or systematic violence against Muslims. Even more incredibly, Obeidallah claims American popular culture has furthered the worst image of Muslims and refused to portray them positively. As anyone who has watched television or the movies in the last 13 years can attest, this is nonsense. Hollywood has gone out of its way in much the same way Bush and Obama have done to avoid stereotyping Arabs and Muslims. To the contrary, although some Muslims have been at war against the United States

during these years, popular films that portray Arabs and Muslims as typical enemies are few and far between. This avoidance is virtually unprecedented in the history of warfare and culture. Nor, despite Obeidallah's attempt to portray a few stray politicians who are worried about the spread of sharia law as mainstream, has there ever been any attempt by the U.S. government to harass Muslims. Though in an era during which al-Qaeda and now ISIS are doing their best to strike Western targets it is simply common sense to pay more attention to Muslims of Middle Eastern origin, police departments around the country have eschewed profiling. The same is true of the Transportation Security Agency, whose airport personnel go out of their way to scrutinize elderly grandmothers so as to avoid the impression that they are keeping an eye on the same group that produced the 9/11 hijackers. In the same spirit, law enforcement personnel have often been more interested in establishing good relations with radical clerics than in monitoring their activities. Discrimination against Muslims and Arabs is wrong. But those seeking to keep the myth of a backlash against them after 9/11 alive are pursuing an agenda that is not so much anti-bias as it is anti-awareness of the dangers of radical Islam. Pretending ISIS isn't Muslim won't help us defeat them. But by acting as if Americans are barbarians who would resort to violence if they knew the truth about ISIS, the president is playing along with the same false narrative that seeks to establish American Muslims as the true victims of 9/11. That sort of thinking is not only offensive; it breeds a mindset that has often undermined our ability to act decisively against those advocating violent Islam and led some young American Muslims to join ISIS and other terror groups. So long as we keep ourselves in ignorance about both ISIS and its sympathizers we will not only never defeat them, we will also be fomenting a terrible lie about American society.

2nc no panopticon

Even if we perceive surveillance, its panoptic power is as short lived as our consciousness of it

Yar 3 (Majid Yar, Professor of Applied Social Science at Lancaster University, Surveillance and Society, "Panoptic Power and the Pathologisation of Vision: Critical Reflections on the Foucauldian Thesis," full date not given, 2003, <http://www-surveillance-and-society.org/articles1%283%29/pathologisation.pdf>)/AG

There are (at least) two other possible responses to CCTV surveillance. (1) We momentarily take note of the cameras and become self-conscious about our behaviour under scrutiny, but then forget about its presence for all practical purposes as we immerse ourselves in more immediate exigencies. An example of this would be the conduct of participants in "reality TV" programmes of the "Big Brother" variety – despite being "aware" of a constant and unrelenting surveillance apparatus, what is remarkable about the participants' behaviour is that they quickly lapse into thoroughly mundane and regularised social activities (eating, sleeping, using the bathroom, scratching, yawning, aimlessly chatting, etc.). (2) That the presence of CCTV surveillance systems impinges upon our consciousness only if/when they do become practically relevant i.e. after the normal order of routine activity and interaction in public settings breaks down. In other words, the cameras might be visible - for - all - practical - purposes in specific interactional contexts and social scenarios where attention to them is required. Both these limited spheres of cognisance would, however, be local exceptions to a generalised invisibility.

T

A. *Substantially requires at least a 2% reduction --- this is the smallest percentage we could find*

Word and Phrases 1960

"Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, **making 1/48 of expenditures in state**, held exempt from taxation; **such expenditures constituting "substantial" part of its activities.** Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

B. *Plan violates*

American Muslim Population is only .8%

Walen 14 (Andrew Walen, "Muslim Population in US: New Poll Shows None of Us Have Any Idea", iDigital Times, 11/3/14, <http://www.idigitaltimes.com/muslim-population-us-new-poll-shows-none-us-have-any-idea-392930>, 7/31/15 AV)

According to the new poll, US citizens guessed the Muslim population of the US to be about 15 percent when asked "Out of every 100 people, how many do you think are Muslim?" This would mean that the US has 47.4 million Muslims. The reality is quite different, with current research putting **the percentage of Muslims in the United States at about .8 percent of the population**, with an estimated 2.6 million Muslims in the US as of 2010. Even higher estimates find that there are between five and eight million Muslims in the entire country.

C. *THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE*

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Permitting minor changes like the plan permits a huge number of cases.

D. *T IS A VOTER because the opportunity to prepare promotes better debating, education and fairness.*

K

Democracy is inherently tied to capitalist expansion. Those stuck within this thought process are called "democratic fundamentalists" and creates a false binary of either being a fundamentalist or democratic that is premised on the continued expansion and support of this system

Jodi **Dean 2004**, political theorist, author of several books including "Democracy and Other Liberal Fantasies" (2009), gives lectures throughout various countries including the US, Denmark, England, China, and Canada, "Zizek Against Democracy"//MMWang

In this article, I take up Slavoj Zizek's critical interrogation of democracy. I specify and defend Zizek's position as an alternative left politics, indeed, as that position most attuned to the loss of the political today. Whereas liberal and pragmatic approaches to politics and political theory accept the diminishment of political aspirations as realistic accommodation to the complexities of late capitalist societies as well as preferable to the dangers of totalitarianism accompanying Marxist and revolutionary theories, Zizek's psychoanalytic philosophy confronts directly the trap involved in acquiescence to a diminished political field, that is to say, to a political field constituted through the exclusion of the economy: within the ideological matrix of liberal democracy, any move against nationalism, fundamentalist, or ethnic violence ends up reinforcing Capital and guaranteeing democracy's failure. Arguing that formal democracy is irrevocably and necessarily "stained" by a particular content that conditions and limits its universalizability, he challenges his readers to relinquish our attachment to democracy: if we know that the procedures and institutions of constitutional democracies privilege the wealthy and exclude the poor, if we know that efforts toward inclusion remain tied to national boundaries, thereby disenfranchising yet again those impacted by certain national decisions and policies, and if we know that the expansion and

intensification of networked communications that was supposed to enhance democratic participation serves primarily to integrate and consolidate communicative capitalism, why do we present our political hopes as aspirations to democracy, rather than something else? Why in the face of democracy's obvious inability to represent justice in the social field that has emerged in the incompatibility between the globalized economy and welfare states to displace the political, do critical left political and cultural theorists continue to emphasize a set of arrangements that can be filled in, substantiated, by fundamentalisms, nationalisms, populisms, and conservatism diametrically opposed to progressive visions of social and economic equality? The answer is that **democracy is the form our attachment to Capital takes.** Faithful to democracy, **we eschew the demanding task of politicizing the economy and envisioning a different political order.** R-r-really R-r-radical Some theorists construe Zizek as an intellectual bad boy trying to out-radicalize those he dismisses as deconstructionists, multiculturalists, Spinozans, and Leftist scoundrels and dwarves. Ernesto Laclau, in the dialogue with Zizek and Judith Butler, refers scornfully to the "naïve self-complacency" of one of Zizek's "r-r-revolutionary" passages: "Zizek had told us that he wanted to overthrow capitalism; now we are served notice that he also wants to do away with liberal democratic regimes." Although Laclau implies that Zizek's anti-democratic stance is something new, skepticism toward democracy has actually long been a crucial component of Zizek's project. It is not, therefore, simply a radical gesture. In a number of his early books published in English, Zizek voices a sense of betrayal at the bait and switch occurring in Eastern Europe when they "went for" democracy and got capitalism and nationalism instead. For example, in *For They Know Not What They Do*, his first book written after the collapse of "actually existing socialism," Zizek wonders if the Left is "condemned to pledge all its forces to the victory of democracy?" He notes that in the initial days of communism's disintegration in Eastern Europe, the democratic project breathed with new life. **Democracy held out promises of hope and freedom, of arrangements that would enable people to determine collectively the rules and practices through which they would live their lives.** But instead of collective governance in the common interest, **people in the new democracies got rule by capital. Their political choices became constrained within and determined by the neoliberal market logics of globalized capitalism** already dominating Western Europe, Great Britain, and the United States. What emerged after the communists were gone was the combination of neoliberal capitalism and nationalist fundamentalism, a "scoundrel time" when capitalism appears as democracy and democracy as and through capitalism. Is this what the Left is doomed to defend? That **skepticism toward democracy is not a recent radical gesture but a central element in Zizek's thinking is also clear in the fact that one of his most fundamental theoretical insights concerns the constitutive non-universalizability of liberal democracy.** Thus, in *The Sublime Object of Ideology*, written before the collapse of communism, Zizek refers to the universal notion of democracy as a "necessary fiction." Adopting Hegel's insight that the Universal "can realize itself only in impure, deformed, corrupted forms," he emphasizes the impossibility of grasping the Universal as an intact purity. In all his work thereafter, Zizek struggles with the relation between democracy and universality, concerned with the way that contemporary adherence to democracy prevents the universalizing move proper to politics. Finally, in his recent work, **Zizek names the limit to current thinking "democratic fundamentalism."** One should read the term in two ways. First, **democratic fundamentalism refers to the connection between liberal democracy and ethnic/religious fundamentalism.** Rather than two opposing forces in an ideological battle (as presented in mainstream U.S. media and politics), **liberal democracy and fundamentalism are two components of the current ideological formation.** Fundamentalism is not the preservation of authentic traditions against forces of modernization. Rather, it **is the postmodern appropriation of cultural forms in the context of global capital.** Likewise, **liberal democracy is not an alternative to fundamentalism; indeed, it is laced through with fundamentalisms.** **The choice liberal democracy sets up—fundamentalism or democracy—is thus false; not only is it premised on the hegemony of democracy but it disavows its own relationship to fundamentalism.** Indeed, the false choice is one of the ways that liberal democracy attempts to ensure that "nothing will really happen in politics," that everything (global capital) will go as before.

Human rights are tied to neoliberalism – they require the use of economic resources based on democracy, economic welfare, and trade. The history of capitalism to neoliberalism cannot be separated from that of human rights

Samuel **Moyn** 2014, professor of law and history at Harvard University, "A Powerless Companion: Human Rights in the Age of Neoliberalism," pgs 147-149/MMWang

It is increasingly common to claim that international **human rights law is a neoliberal phenomenon**. And certainly the common timing is right: **the human rights revolution and the victory of market fundamentalism have been simultaneous**. In an important new essay, Marxist international lawyer Susan Marks compares Naomi Klein's *The Shock Doctrine* with my own recent history of international human rights, which emphasizes the 1970s as the moment of breakthrough for their ascent. Both histories, Marks observes, ascribe the newfound visibility of human rights to their promise to transcend formerly attractive political options east and west that seemed inadequate or even dangerous.¹ "For her too," Marks acknowledges of Klein's treatment, **"the human rights movement as we know it today took shape during the 1970s. And for her too, a defining characteristic of the new movement was its non-political creed."**² But for Marks, **Klein succeeds by unveiling the neoliberal circumstances of human rights that have permanently defined their trajectory**: [S]he considers that a rather important aspect of the context for the movement's emergence is one Moyn omits to mention: **the rise in that period of the neo-liberal version of 'private' capitalism, with its now familiar policy prescription of privatisation, deregulation and state retreat from social provision**. To its influential enthusiasts then and now, that is the last utopia. . . . From Klein's perspective, **then, the history of human rights cannot be told in isolation from developments in the history of capitalism**.³ (At this point Marks notes that Milton Friedman won the Nobel prize for economics in 1976, the year before Amnesty International was given the Nobel peace prize.)⁴ Friedrich Hayek, the guru of neoliberalism, was as impressed a witness of the human rights revolution of the 1970s as anyone else. But it is interesting that, although occasionally an advocate of the constitutionalization of basic liberties like freedom of speech and press, he was in fact an acerbic critic of that revolution. In an interview, he described the spike in talk around human rights associated with Jimmy Carter's election to the American presidency as a strange fad, which (like all fashions) risked excess: "I'm not sure whether it's an invention of the present administration or whether it's of an older date, but I suppose if you told an eighteen year old that human rights is a new discovery he wouldn't believe it. He would have thought the United States for 200 years has been committed to human rights, which of course would be absurd. The United States discovered human rights two years ago or five years ago. Suddenly it's the main object and leads to a degree of interference with the policy of other countries which, even if I sympathized with the general aim, I don't think it's in the least justified. . . . But it's a dominating belief in the United States now."⁴ All the same, since that moment of modish popularity, **the staying power of human rights has led to many more positive visions of the essential harmony—if not identity—of economic liberalism and international human rights**. The Marxist left, indeed, is hardly the only source of claims concerning the synergetic relationship between the advancement of market freedoms and human rights.⁵ If anything, **it is much more common to promote neoliberalism as an agent of the advancement of human rights rather than to link them as malign accomplices**. Perhaps most notably, Ernst-Ulrich Petersmann argues that, although human rights law may exact some costs to efficiency, **the general relationship between economic liberty and human rights is productive and strong, so much so that promoting the former and latter are not very different enterprises**.⁶ He writes: **"[E]njoyment of human rights require[s] the use of dispersed information and economic resources that can be supplied most efficiently, and most democratically, through the division of labour among free citizens and through liberal trade promoting economic welfare, the freedom of choice and the free flow of scarce goods, services, and information across frontiers in response to supply and demand by citizens."**⁷ There is, accordingly, little daylight between economic liberalization and the promotion of international human rights. And though Petersmann's optimism about near identity has certainly drawn their fire, **mainstream international human rights lawyers generally envision a large zone of compatibility between their norms and standard market arrangements**; they merely insist that the values of international human rights need to be kept separate so as to provide critical purchase on "globalization" if and when it goes wrong.⁸ In the mainstream vision, international human rights can offer a toolbox of legal and other standards to guide, tame, and "civilize" an era of transnational market liberalization that has generally improved the human condition.

Neoliberalism is producing accelerating inequality, environmental destruction, and conflict in the squo – statistics showing the world is getting better only illustrate the positive impact of Latin American and Chinese resistance to the neoliberal model

Milne 15

(Seumus Milne, Guardian columnist and associate editor, "The Davos oligarchs are right to fear the world they've made," 22 January 2015, <http://www.theguardian.com/commentisfree/2015/jan/22/davos-oligarchs-fear-inequality-global-elite-resist>)

The scale of the crisis has been laid out for them by the charity Oxfam. **Just 80 individuals** now **have the same net wealth as** 3.5 billion people – **half the** entire **global population**. Last year, the best-off 1% owned 48% of the world's wealth, up from 44% five years ago. **On current trends, the richest 1% will have pocketed more than the other 99% put together next year**. The 0.1% have been doing even better, quadrupling their share of US income since the 1980s.¶ This is a wealth grab on a grotesque scale. **For 30 years, under** the rule of what Mark Carney, the Bank of England governor, calls **“market fundamentalism”, inequality in income and wealth has ballooned both between and within the large majority of countries**. **In Africa, the absolute number living on less than \$2 a day has doubled** since 1981 as the rollcall of billionaires has swelled.¶ In most of the world, **labour's share of national income has fallen continuously and wages have stagnated under this regime of privatisation, deregulation and low taxes on the rich**. At the same time **finance has sucked wealth from the public realm into the hands of a small minority**, even as it has laid waste the rest of the economy. Now the **evidence has piled up that** not only is **such appropriation of wealth** a moral and social outrage, but it **is fuelling social and climate conflict, wars, mass migration and political corruption, stunting health and life chances, increasing poverty, and widening gender and ethnic divides**.¶ **Escalating inequality has also been a crucial factor in the economic crisis** of the past seven years, squeezing demand and fuelling the credit boom. We don't just know that from the research of the French economist Thomas Piketty or the British authors of the social study *The Spirit Level*. After years of promoting Washington orthodoxy, even the western-dominated OECD and IMF argue that the **widening income and wealth gap has been key to the slow growth** of the past two neoliberal decades. **The British economy would have been almost 10% larger if inequality hadn't mushroomed**. Now **the richest are using austerity to help themselves to an even larger share** of the cake.¶ **The big exception** to the tide of inequality in recent years **has been Latin America**. **Progressive governments across the region turned their back on a disastrous economic model, took back resources from corporate control and slashed inequality**. **The numbers living on less than \$2 a day have fallen from 108 million to 53 million** in little over a decade. **China**, which also rejected much of the neoliberal catechism, **has seen sharply rising inequality at home but also lifted more people out of poverty than the rest of the world combined, offsetting the growing global income gap**.¶ **These two cases underline that increasing inequality and poverty are very far from inevitable. They're the result of political and economic decisions**. The thinking person's Davos oligarch realises that allowing things to carry on as they are is dangerous. So some want a more “inclusive capitalism” – including more progressive taxes – to save the system from itself.¶ But it certainly won't come about as a result of Swiss mountain musings or anxious Guildhall lunches. Whatever the feelings of some corporate barons, **vested corporate and elite interests** – including the organisations they run and the political structures they have colonised – **have shown they will fight even modest reforms tooth and nail**. To get the idea, you only have to listen to the squeals of protest, including from some in his own party, at Ed Miliband's plans to tax homes worth over £2m to fund the health service, or the demand from the one-time reformist Fabian Society that the Labour leader be more pro-business (for which read pro-corporate), or the wall of congressional resistance to Barack Obama's mild redistributive taxation proposals.¶ **Perhaps a section of the worried elite might be prepared to pay a bit more tax. What they won't accept is any change in the balance of social power** – which is why, in one country after another, they resist any attempt to strengthen trade unions, even though weaker unions have been a crucial factor in the rise of inequality in the industrialised world.¶ **It's only through a challenge to the entrenched interests that have dined off a dysfunctional economic order that the tide of inequality will be reversed**. **The anti-austerity Syriza party**, favourite to win the Greek elections this weekend, **is attempting to do just that – as the Latin American left has succeeded in doing over the past decade and a half. Even to get to that point demands stronger social and political movements to break down** or bypass **the blockage in a colonised political mainstream**. Crocodile tears about inequality are a symptom of a fearful elite. **But change will only come from unrelenting social pressure and political challenge**.

The impact is extinction – neoliberal social organization ensures extinction from resource wars, climate change, and structural violence – only accelerating beyond neoliberalism can resolve its impacts

Williams & Srnicek 13

(Alex, PhD student at the University of East London, presently at work on a thesis entitled 'Hegemony and Complexity', Nick, PhD candidate in International Relations at the London School of Economics, Co-authors of the forthcoming Folk Politics, 14 May 2013, <http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/>)

At the begin-ning of the second dec-ade of the Twenty-First Cen-tury, **global civilization faces a new breed of cataclysm**. These com-ing apo-ca-lypses ridicule the norms and organ-isa-tional struc-tures of the polit-ics which were forged in the birth of the nation-state, the rise of cap-it-al-ism, and a Twen-ti-eth Cen-tury of unpre-ced-en-ted wars. 2. **Most significant is the break-down of the planetary climatic system**. In time, **this threatens the continued existence of the** present global **human population**. Though this is the most crit-ical of the threats which face human-ity, **a series of** lesser but **potentially equally destabilising problems exist along-side** and inter-sect with **it**. **Terminal resource depletion, especially in water and energy reserves, offers the prospect of mass starvation, collapsing economic paradigms, and new hot and cold wars**. **Continued financial crisis has led governments to embrace the** para-lyz-ing **death spiral policies of austerity, privatisation of social welfare services, mass unemployment, and stagnating wages**. **Increasing automation in production processes** includ-ing 'intel-ec-tual labour' **is evidence of the secular crisis of capitalism, soon to render it incapable of maintaining current standards of living** for even the former middle classes of the global north. 3. In con-trast to these ever-accelerating cata-strophes, **today's politics is beset by an inability to generate the** new ideas and **modes of organisation necessary to transform our societies to confront** and resolve the **coming annihilations**. While crisis gath-ers force and speed, polit-ics with-ers and retreats. In this para-lysis of the polit-ical ima-gin-ary, the future has been cancelled. 4. Since 1979, **the hegemonic global political ideology has been neoliberalism**, found in some vari-ant through-out the lead-ing eco-nomic powers. In spite of the deep struc-tural chal-lenges the new global prob-lems present to it, most imme-di-ately the credit, fin-an-cial, and fiscal crises **since 2007 – 8, neoliberal programmes have** only **evolved** in the sense of deep-en-ing. **This continuation** of the neo-lib-eral pro-ject, or neo-lib-er-al-ism 2.0, **has begun to apply another round of structural adjustments**, most sig-ni-fic-antly in the form of encour-aging new and aggres-sive incur-sions by the private sec-tor into what remains of social demo-cratic insti-tu-tions and ser-vices. **This is in spite of the immediately negative** eco-nomic and social **effects of such policies**, and the longer term fun-da-mental bar-ri-ers posed by the new global crises.

The alternative articulates a “counter-conduct” – voting neg pushes towards a cooperative conduct that organizes individuals around a collectively shared commons – affirming this conduct creates a new heuristic that de-couples government from the demand for competition and production

Dardot & Laval 13

(Pierre Dardot, philosopher and specialist in Hegel and Marx, Christian Laval, professor of sociology at the Universite Paris Ouest Nanterre La Defense, *The New Way of the World: On Neoliberal Society*, pgs. 318-321)

This indicates to what extent we must take on board in our own way the main lesson of neo-liberalism: **the subject is always to be constructed**. **The whole question is then how to articulate subjectivation with resistance to power**. Now, precisely this issue is at the heart of all of Foucault's thought. However, as Jeffrey T. Nealon has recently shown, part of the North American secondary literature has, on the contrary, stressed the alleged break between Foucault's research on power and that of his last period on the history of subjectivity.⁵⁵ According to the 'Foucault consensus', as Nealon aptly dubs it, the successive impasses of the initial neo-structuralism, and then of the totalizing analysis of panoptical power, led the 'last Foucault' to set aside the issue of power and concern himself exclusively with the aesthetic invention of a style of existence bereft of any political dimension. Furthermore, if we follow this de-politicizing reading of Foucault, the aestheticization of ethics anticipated the neo-liberal mutation precisely by making self-invention a new norm. In reality, far from being oblivious of one another, the issues of power and the subject were always closely articulated, even in the last work on modes of subjectivation. If one concept played a decisive role in this respect, it was 'counter-conduct', as developed in the lecture of 1 March 1978.⁵⁶ This lecture was largely focused on the crisis of the pastorate. It involved identifying the specificity of the 'revolts' or **'forms of resistance of conduct'** that are the correlate of the pastoral mode of power. If such forms of resistance are said to be 'of conduct', it is because they are forms of resistance to power as conduct and, as such, **are themselves forms of conduct opposed to this 'power-conduct'**. **The term 'conduct' in fact admits of two meanings: an activity that consists in conducting others, or 'conduction'; and the way one conducts oneself under the influence of this activity of conduction.**⁵⁷ **The idea of 'counter-conduct' therefore has the advantage of directly signifying a 'struggle against the procedures implemented for conducting others', unlike the term 'misconduct', which only refers to the passive sense of the word.**⁵⁸ **Through 'counter-conduct', people seek both to escape conduction by others and to define a way of conducting themselves towards others.**⁵⁹ **What relevance might this observation have for a reflection on resistance to neo-liberal governmentality?** It will be said that the concept is introduced in the context of an analysis of the pastorate, not government. **Governmentality**, at least **in its** specifically **neo-liberal form**, precisely **makes conducting others through their conduct towards themselves its real goal**. **The peculiarity of this conduct towards oneself, conducting oneself as a personal enterprise, is that it immediately and directly induces a certain conduct towards others: competition with others**, regarded as so many personal enterprises. Consequently, counter-conduct as a form of resistance to this governmentality must correspond to a conduct that is indivisibly a conduct towards oneself and a conduct towards others. One cannot struggle against such an indirect mode of conduction by appealing for rebellion against an authority that supposedly operates through compulsion external to individuals. If 'politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation',⁵⁹ it means that ethics and politics are absolutely inseparable.⁶⁰ To the subjectivation-subjection represented by ultra-subjection, we must oppose a subjectivation by forms of counter-conduct. **To neo-liberal governmentality as a specific way of conducting the conduct of others, we must therefore oppose a no less specific double refusal: a refusal to conduct oneself towards oneself as a personal enterprise and a refusal to conduct oneself towards others in accordance with the norm of competition**. As such, the double refusal is not 'passive disobedience'.⁶⁰ For, **if it is true that the personal enterprise's relationship to the self immediately and directly determines a certain kind of relationship to others – generalized competition – conversely, the refusal to function as a personal enterprise, which is self-distance and a refusal to line up in the race for performance, can only practically occur on condition of establishing cooperative relations with others, sharing and pooling**. In fact, **where would be the sense in a self-distance severed from any cooperative practice?** At worst, a cynicism tinged with contempt for those who are dupes. At best, simulation or double dealing, possibly dictated by a wholly justified concern for self-preservation, but ultimately exhausting for the subject. Certainly not a counter-conduct. All the more so in that **such a game could lead the subject, for want of anything better, to take refuge in a compensatory identity**, which at least has the advantage of some stability by contrast with the imperative of indefinite self-transcendence. **Far from threatening the neo-liberal order, fixation with identity, whatever its nature, looks like a fall-back position for subjects weary of themselves**, for all those who have abandoned the race or been excluded from it from the outset. **Worse, it recreates the logic of competition at the**

level of relations between 'little communities'. Far from being valuable in itself, independently of any articulation with politics, **individual subjectivation is bound up at its very core with collective subjectivation**. In this sense, sheer aestheticization of ethics is a pure and simple abandonment of a genuinely ethical attitude. **The invention of new forms of existence can only be a collective act, attributable to the multiplication and intensification of cooperative counter-conduct**. A collective refusal to 'work more', if only local, is a good example of an attitude that can pave the way for such forms of counter-conduct. In effect, it breaks what André Gorz quite rightly called the 'structural complicity' that binds the worker to capital, in as much as 'earning money', ever more money, is the decisive goal for both. It makes an initial breach in the 'immanent constraint of the "ever more", "ever more rapidly"'.⁶¹ **The genealogy of neo-liberalism attempted in this book teaches us that the new global rationality is in no wise an inevitable fate shackling humanity**. Unlike Hegelian Reason, it is not the reason of human history. **It is itself wholly historical** – that is, **relative to strictly singular conditions that cannot legitimately be regarded as untranscendable**. The main thing is to understand that nothing can release us from the task of promoting a different rationality. That is why the belief that the financial crisis by itself sounds the death-knell of neo-liberal capitalism is the worst of beliefs. It is possibly a source of pleasure to those who think they are witnessing reality running ahead of their desires, without them having to move their little finger. It certainly comforts those for whom it is an opportunity to celebrate their own past 'clairvoyance'. At bottom, it is the least acceptable form of intellectual and political abdication. Neo-liberalism is not falling like a 'ripe fruit' on account of its internal contradictions; and traders will not be its undreamed-of 'gravediggers' despite themselves. Marx had already made the point powerfully: 'History does nothing'.⁶² **There are only human beings who act in given conditions and seek through their action to open up a future for themselves. It is up to us to enable a new sense of possibility** to blaze a trail. The **government** of human beings **can be aligned with horizons other than those of maximizing performance, unlimited production and generalized control. It can sustain itself with self-government that opens onto different relations with others than that of competition between 'self-enterprising actors'**. The **practices of 'communization' of knowledge, mutual aid and cooperative work can delineate the features of a different world reason. Such an alternative reason cannot be better designated than by the term reason of the commons**.

Case

Solvency

MOSQUES EXCLUDED FROM SURVEILLANCE

John Careccia 13, Islamic Mosques: Excluded From Surveillance By Feds, 6-17-2013, Western Journalism, <http://www.westernjournalism.com/islamic-mosques-excluded-from-surveillance-by-feds/>

Since October 2011, mosques have been off-limits to FBI agents. Surveillance or undercover sting operations are not allowed without high-level approval from a special oversight body at the Justice Department dubbed the Sensitive Operations Review Committee (SORC). Who makes up this body, and under what methodology do they review requests – nobody knows. The names of the chairman, members and staff are kept secret. Why is it necessary to keep the names and titles of the people who decide whether or not to protect the rest of the country from radical Muslims, secret? **We do know the panel was set up under pressure from Islamist groups who complained about FBI stings at mosques. Just months before the panel's formation, the Council on American-Islamic Relations (CAIR) teamed up with the ACLU to sue the FBI for allegedly violating the civil rights of Muslims in Los Angeles by hiring an undercover agent to infiltrate and monitor mosques in America's second largest city.**

Another defeat for the politically correct imbeciles in our government. Before mosques were excluded from the otherwise wide domestic spy net the administration has cast, the FBI launched dozens of successful sting operations against homegrown radicals inside mosques, and disrupted dozens of plots against innocent American citizens across the United States.

No NYPD surveillance – society is making progressive steps

CBS 14 (CBS New York, “End of NYPD Muslim Surveillance Program Applauded”, CBS New York, April 16, 2014, <http://newyork.cbslocal.com/2014/04/16/end-of-nypd-muslim-surveillance-program-applauded/>, 7/30/15 AV)

NEW YORK (CBSNewYork/AP) — **Muslim groups and civil liberties advocates applauded the decision by NYPD officials to disband a controversial unit that tracked the daily lives of Muslims** as part of efforts to detect terrorism threats, but they said there were concerns about whether other problematic practices remained in place. **The NYPD said Tuesday it had disbanded the surveillance program and that detectives assigned to the unit had been transferred to other duties within the division.** An ongoing review of the Demographics Unit by Police Commissioner Bill Bratton found that the same information collected by the unit could be better collected through direct contact with community groups, officials said. **This reform is a critical step forward in easing tensions between the police and the communities they serve, so that our cops and our citizens can help one another go after the real bad guys,** Mayor Bill de Blasio said in a statement. The Demographics Unit was created 18 months after the 9/11 terror attacks. The program, conceived with the help of a CIA agent working with the NYPD, assembled databases on where Muslims lived, shopped, worked and prayed. Plainclothes officers infiltrated Muslim student groups, put informants in mosques, monitored sermons and cataloged Muslims in New York who adopted new, Americanized surnames. Linda Sarsour, the executive director of the Arab American Association of New York, applauded the decision but said there’s still concern about the police use of informants to infiltrate mosques without specific evidence of crime. “This was definitely a part of the big puzzle that we’re trying to get dismantled,” Sarsour said. But, she added, “This doesn’t necessarily prove to us yet that these very problematic practices are going to end.” Others also voiced concerns and said they want more assurances that the NYPD is ending the practice. “It’s a good step, but I think what we need to do now is build bridges between the NYPD and law enforcement authorities in general,” Ibrahim Hooper, spokesman for the Council on American-Islamic Relations. “We’re, of course, concerned that some of the functions might just be carried out by different parts of the NYPD,” said Glenn Katon, legal director for Muslim Advocates. New York Civil Liberties Union Executive Director Donna Lieberman said police-community relations took a blow from the NYPD unit’s broad surveillance of all Muslims, not just people suspected of wrongdoing. “The NYPD’s disbanding of a unit that targeted New York Muslims and mapped their everyday institutions and activities is a welcome first step for which we commend Commissioner Bratton,” said Lieberman. “We hope that the Demographics Unit’s discriminatory activities will not be carried out by other parts of the NYPD.” Former Police Commissioner Ray Kelly defended the surveillance tactics, saying officers observed legal guidelines while attempting to create an early warning system for terrorism. But in a deposition made public in 2012, an NYPD chief testified that the unit’s work had never generated a lead or triggered a terrorism investigation in the previous six years. In Washington, 34 members of Congress had demanded a federal investigation into the NYPD’s actions. Attorney General Eric Holder said he was disturbed by reports about the operations and the Department of Justice said it was reviewing complaints received from Muslims and their supporters. **While campaigning for office last fall, de Blasio said he would end broad spying on Muslims. He said on his watch, NYPD surveillance tactics would only be authorized to follow up on specific leads and that the police force would be under the supervision of a new inspector general.** Former federal prosecutor Philip Eure was named to the inspector general position last month. Bratton also met last week with Muslim community leaders to work on improved relations.

Islamophobia

Alt causes to Islamophobia – affirmative’s plan can’t solve

Eve Loren **Goldstein 15**, Psychiatrist, AllAboutCounseling, <http://www.allaboutcounseling.com/library/islamophobia/>

The leading cause for Islamophobia is usually misinformation or total lack of information based on the religion. Unfortunately, Islamophobic people are not likely to be willing to educate themselves about their fears or spend time around any Islamic people. This feeling is somewhat understandable, as they do claim to be physically afraid of the Islamic people, but **this attitude will likely lead to a worsening of their fear and not provide any situation for positive change.**

Islamophobia can not only hold you back in your life, it can also hold back others around you. This condition **is not only an extreme or irrational fear of people following the Islamic beliefs, it is usually coupled with a hatred of their religion**. As a result, it leads to an unfair demeanor towards someone's right for a personal choice. **This phobia is generally construed as a form of prejudice towards other religions and has recently become a relatively significant issue in our society**. Making the effort for change will make a huge difference in your personal life, usually resulting in a more calm and collected composure in previously perceived stressful situations. If you are ready to make this positive change, on both a personal and social level, do some preliminary Internet research to find the best treatment options available locally to you.

The aff's own Srinagar 12 card states "Muslims are represented in the media, though primarily in political cartoons, irreverent statements" – this proves alternate causes to Islamophobia that the aff cannot counteract within society – curtailing religious surveillance does not stop the media or political cartoons

No online islamophobia solvency

Spence 14 (Duncan Spence, "Why online Islamophobia is difficult to stop", CBC News, 11/1/14, Duncan Spence is an author for CBC News, <http://www.cbc.ca/news/why-online-islamophobia-is-difficult-to-stop-1.2810242>, 7/31/15 AV)

Islamophobia has been an ongoing concern in the west since 9/11, but a number of recent incidents in Britain have given rise to a new wave of hatred that experts say is finding a breeding ground online. Part of the problem, researchers say, is that **right-wing groups can post anti-Islamic comments online without fear of legal prosecution**. "If they were to say, 'Black people are evil, Jamaicans are evil,' they could be prosecuted," says Fiyaz Mughal, founder of Islamophobia reporting web site TellMamaUK.org. **But because religious hatred isn't covered legally in the same way that racism is**, Mughal says "the extreme right are frankly getting away with really toxic stuff." **Researchers believe the rise of the Islamic State in Iraq and Syria (ISIS) and incidents such as the murder of British soldier Lee Rigby and the recent sexual exploitation scandal in the town of Rotherham have contributed to a spike in online anti-Muslim sentiment** in the UK. Imran Awan, deputy director of the Centre for Applied Criminology at Birmingham City University, noticed the trend when he was working on a paper regarding Islamophobia and Twitter following Rigby's death. Rigby was killed in the street in southeast London in 2013 by two Islamic extremists who have since been convicted. Awan says the anonymity of social media platforms makes them a popular venue for hate speech, and that the results of his report were "shocking, to say the least." **Of the 500 tweets from 100 Twitter users Awan examined, 75 per cent were Islamophobic** in nature. He cites posts such as "'Let's go out and blow up a mosque' and 'Let's get together and kill the Muslims,'" and says most of these were linked to far-right groups. Awan's findings echo those of Tell MAMA UK, which has compiled data on anti-Muslim attacks for three years. (MAMA stands for "Measuring Anti-Muslim Attacks.") Tell MAMA's Mughal says anti-Muslim bigotry is "felt significantly," and adds that "in our figures, we have seen a year-by-year increase." Researchers believe far-right advocates are partly responsible for a spike in online hate speech. "There's been a real increase in the far right, and in some of the material I looked at online, there were quite a lot of people with links to the English Defence League and another group called Britain First," says Awan. Both Mughal and Awan believe that right-wing groups such as Britain First and the EDL become mobilized each time there is an incident in the Muslim community. The Twitter profile of the EDL reads: "#WorkingClass

movement who take to the streets against the spread of #islamism & #sharia #Nosurrender #GSTQ.” Below it is a link to their Facebook page, which has over 170, 000 likes. Below that page, a caption reads, “Leading the Counter-Jihad fight. Peacefully protesting against militant Islam.” EDL spokesperson Simon North dismisses accusations that his group is spreading hate, emphasizing that Muslims are often the first victims of attacks carried out by Islamic extremists. “We address things that are in the news the same way newspapers do,” says North. Experts in far-right groups, however, say their tendency to spread hateful messages around high-profile cases is well established. North allows that some Islamophobic messages might emanate from the group’s regional divisions. But they do not reflect the group’s overall thinking, he says. “There are various nuances that get expressed by these organizations,” North says. “Our driving line is set out very clearly in our mission statement.” According to EDL’s web site, their mission statement is to promote human rights while giving a balanced picture of Islam. Awan argues online Islamophobia should be taken seriously and says police and legislators need to make more successful prosecutions of this kind of hate speech and be more “techno-savvy when it comes to online abuse.” Prosecuting online Islamophobia, however, is rare in the UK, says Vidhya Ramalingam of the European Free Initiative, which researches far-right groups. That’s because groups like Britain First, which have over 400,000 Facebook likes, have a fragmented membership and do not have the traditional top-down leadership that groups have had in the past. Online Islamophobia is also flourishing in Canada. The National Council of Canadian Muslims (NCCM) is receiving a growing number of reports. But there are now fewer means for prosecuting online hate speech in Canada. Section 13 of the Canadian Human Rights Act protected against the wilful promotion of hate online, but it was repealed by Bill C-304 in 2012. “It’s kind of hard to say what the impact is, because even when it existed, there weren’t a lot of complaints brought under it,” says Cara Zwibel of the Canadian Civil Liberties Association. **Though there is a criminal code provision that protects against online hate speech, it requires the attorney general’s approval in order to lay charges — and that rarely occurs.** says Zwibel. Section 319 of the Criminal Code of Canada forbids the incitement of hatred against “any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation.” A judge can order online material removed from a public forum such as social media if it is severe enough, but if it is housed on a server outside of the country, this can be difficult. Ihsaan Gardee, executive director of NCCM, says without changes, anti-Muslim hate speech will continue to go unpunished online, which he says especially concerns moderate Muslims. “They worry about people perceiving them as sharing the same values these militants and these Islamic extremists are espousing.”

Democracy

Democratic peace theory leads to conflict – “liberal peace” relies on accounting errors that ignore massive structural violence and ensure self-fulfilling prophecy – solutions predicated on it cause error replication

Kiely 5

[Ray Kiely, Professor of International Politics @ University of London Queen Mary] [Empire in the Age of Globalisation US Hegemony and Neoliberal Disorder] (<http://tinyurl.com/qgmv49l>) (accessed 7-16-15) //MC

Liberal notions of democratic peace should therefore be seen in this light. It is true that liberal democracies in the advanced capitalist countries are less likely to go to war with each other today than in the past. But this **so-called ‘liberal peace’ is itself a product of a history of bloody conflict, and the idea that such peace can be simply imposed** on ‘pre-modern states’ **ignores the ways in which the advanced powers have generated bloody conflict** in those parts of the world. It also **ignores ongoing processes of state formation and territorial conflict in relatively new states**. Cooper’s division of the world into post-modern, modern and pre-modern states has a simplistic appeal, but it is purely descriptive, and tells us nothing about the (violent) histories of state formation

that have led to such a division. **It also betrays a simplistic linearity in which the virtues of the advanced can quickly be imposed upon the backward.** This is a version of modernisation theory, in which **countries are said to be poor simply because they are insufficiently globalised** (see Chapter 5). **Quick-fix solutions** such as the illiberal imposition of liberal democracy are thus likely to **exacerbate such problems, no matter how well intentioned** they may be – and we would do well to remember that past interventions have been justified by recourse to support for freedom and democracy. Indeed, these have often been based on the idea that intervention in the past was ill-intentioned or misguided, but that we have got it right ‘this time’. **These points** are not made to support a blanket anti-interventionist position, but they do **warn against easy solutions, liberal follies and messianic rhetoric.** Moreover, **no US administration has really been committed to genuinely democratic principles** of multilateral global governance. **All post-war US governments** have **upheld** the belief in **the desirability of US hegemony**, even if some have regarded multilateral negotiation as more important than others. It could of course be argued that because the US is a liberal democracy it has a greater right than others to exercise world leadership. But **if democracy is to be valued, then it cannot be selective:** it must apply to states not only in relation to their domestic populations, but also in relation to the international system of nation-states.¹⁰ In this international system, **the US has a poor record in terms of democratic principles**, as we have seen. Singer usefully makes the point:^a Advocates of democracy should see something wrong with the idea of **a nation fewer than 300 million people dominating a planet with more than six billion inhabitants.** That’s **less than 5 per cent of the population ruling over the remainder** – more than 95 per cent – without their consent. (Singer 2004: 191)^a It may of course be utopian to espouse the cause of global democracy, even if, as cosmopolitan democrats point out, a similar argument was used in the past to argue against democracy within nation-states. But surely **it is wishful thinking to expect the world’s population to acquiesce passively to** such **a patently undemocratic international system.** This is not to romanticise much of the ‘anti-imperialist’ resistance to current US global domination, much of which is reactionary. Terrorism should be condemned, and indeed efforts should be made to counter terrorist attacks. But it is absurd to dismiss all resistance to the US as the actions of terrorist minorities, whose actions are completely beyond explanation. Only **the most ardent wishful thinking about ‘US destiny’ and** the most **dangerous amnesia about history** – such as that shared by George Bush and Tony Blair – **can reduce global politics to simplistic struggles between good and evil.**¹¹ This is hardly surprising, as it **reflects a long tradition of liberal thought justifying illiberal measures against illiberal people.** John Stuart Mill argued that ‘despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement and the means justified by actually effecting that end’ (Mill 1974: 69). In the ‘war on terror’, **terrorism has been reduced to a totally inexplicable, polymorphous mass.** As a result, ‘[w]ithout defined shape or determinate roots, its mantle can be cast over any form of resistance to sovereign power’ (Gregory 2004: 140)

Democracy and human rights claims are used as false pretense for war

Chojnacki 6 (Sven, Professor @ Berlin Freie, Democratic Wars, pg. 35)

Moreover, **an active policy of democratization might not only accelerate violent processes but the norms of democracy and human rights may also be a pretext for pursuing power interests by military means** (ct. Shannon, 2000; Schjelset, 2001). **Taking into account the -growth in military intervention capabilities, unilateral options for action on the part of powerful states, and the existing power asymmetries in the international system on the one hand, and the relevance of violent intrastate and substate conflicts for international politics in an era of interdependence on the other, there is little reason to assume that the number of military interventions will decrease in the future.** A final risk to democratic peace arises through norm- and value-based demarcation processes and war-promoting patterns of argumentation vis-a-vis non-democratic systems. **The more democratic states identify themselves in contrast to potential adversaries and the less the cost-benefit argument** comes to hear in the face of technological superiority, the

more the risk of war increases (d. Muller, 2002a, p. 58). At the same time, it should be noted that superior military capabilities, normative orientations and global liberalization pressures could be regarded as potential threats to non-democratic states and regions. This could result in the emergence of new images of what an enemy is and a 'democracy-specific security dilemma' vis-a-vis the rest of the world (MULLER, 2002a, pp. 59-60). The 'clash of civilizations' envisaged by Samuel Huntington could thus evolve as a self-fulfilling prophecy as it begins to inhabit the security policies of Western democracies. A policy of democratic interventionism would not only confront democracies with incalculable security risks but might also undermine their own nonnative claims.

Democracy destroys the environment – several reasons.

Li and Reuveny 7

Li, Prof of poli sci at Penn State, and Reuveny, prof of public and environmental affairs @ Indiana U, Quan and Rafael, "The Effects of Liberalism on the Terrestrial Environment" <http://cmp.sagepub.com/cgi/content/abstract/24/3/219>

According to the *policy inaction argument*, facing environmental degradation, democracy can often exhibit policy inaction for several reasons (Midlarsky, 1998: 159). First, democracy seeks to please competing interest groups. As such, it may be reluctant to alleviate environmental degradation because some groups are expected to benefit (or lose) from environmental policies more than others. Second, "corporation and environmental groups can fight each other to a standstill, leaving a decision making vacuum instead of a direct impact of democracy on the environment." Third, when budgets are tight democracies may ignore environmental problems, perceiving economic issues to be more pressing.

Democracy re-entrenches inequality – five reasons – turns the human rights impact

McElwee 14 (Five Reasons Why Democracy Hasn't Fixed Inequality,

http://www.huffingtonpost.com/sean-mcelwee/five-reasons-why-democrac_b_5858160.html//A.V.

One of the most longstanding hopes (on the left) and fears (on the right) about democratic politics is that voters of modest means will use their electoral weight to level the economic playing field.

In a market economy, the median voter's income will invariably be below the national average creating an apparently compelling opportunity for a politics of redistribution. This makes the sustained increase in income inequality in the United States and other developed countries a bit of a puzzle. One common suggestion, offered recently by Eduardo Porter in The New York Times, is ignorance. Voters "don't grasp how deep inequality is." But while Americans' understanding of economic trends is certainly imperfect, the data suggest that the broad trends are known to the population. Nathan Kelly and Peter Enns, for instance, find that when asked to compare the ratio of the highest paid occupation and the lowest, Americans at the bottom of the income distribution do believe inequality is high and rising. In 1987, Americans as reported that the highest-paid occupation took home 20 times what the lowest paid occupation did - by 2000, they thought the gap had grown to 74 times. A recent Pew survey finds that 65% of adults agree that the gap between the rich and everyone else has increased in the past 10 years, only 8% say it has decreased. A Gallup poll from earlier this year suggests that 67% of Americans report that they are either "somewhat" or "very" dissatisfied with the income and wealth distribution in the U.S. If ignorance doesn't explain inaction, what does? These five factors are the most important culprits: 1) Upward mobility According to research from Carina Engelhardt and Andreas Wagner, around the world people overestimate the level of upward mobility in their society. They find that redistribution is lower than when actual social mobility is but also lower where perceived mobility is higher. Even if voters perceive the level of inequality correctly, their tendency to overstate the level of mobility can undermine support for redistribution. In another study

Alberto Alesina and Eliana La Ferrara find that, Americans who believe that American society offers equal opportunity (a mythology) are more likely to oppose redistribution. Using data from 33 democracies, Elvire Guillaud finds that those who believe they have experienced downward mobility in the past decade are 32% more likely to support redistribution. A relatively strong literature now supports this thesis. **2) Inequality undermines solidarity** Enns and Kelly find, rather counterintuitively, that when "inequality in America rises, the public responds with increased conservative sentiment." That is, **higher inequality leads to less demand for redistribution. This is perhaps because as society becomes less equal, its members have less in common** and find it less congenial to act in solidarity. Bo Rothstein and Eric Uslaner argue that, "the best policy response to growing inequality is to enact universalistic social welfare programs. However, the social strains stemming from increased inequality make it almost impossible to enact such policies." As inequality increases, the winner-take-all economy leads voters try to look out for their own children. The period during which overall inequality has risen has seen a massive increase in **more affluent families' spending on enrichment for their own children.** Chris Dillow points to research by Klaus Abbink, David Masclet and Daniel Mirza who find in social science experiments that disadvantaged groups are more likely to sacrifice their wealth to reduce the wealth of the advantaged group when inequality was lower than when it was higher. Kris-Stella Trump finds that rising inequality perpetuates itself, noting that, "Public ideas of what constitutes fair income inequality are influenced by actual inequality: when inequality changes, opinions regarding what is acceptable change in the same direction." **3) Political misrepresentation** Ideological factors can't tell the whole story. Many Americans support redistributive programs like the minimum wage and support for the idea that hard work leads to success has plummeted in the last decade. A further important reason for the lack of political response to inequality relates to the structure of American political institutions, which fail to translate the desires of less-advantaged Americans for more redistribution into actual policy change. Support for this thesis comes from many corners of the political science field, including Martin Gilens, Dorian Warren, Jacob Hacker, Paul Pierson, and Kay Lehman Schlozman. Research by five political scientists finds that status quo bias of America's often-gridlocked congress serves to entrench inequality. More simply, lower-income Americans tend to vote at a lower rate. William Franko, Nathan Kelly and Christopher Witko find that states with lower turnout inequality also have lower income inequality. Elsewhere, Franko finds that states with wider turnout gaps between the rich and poor are less likely to pass minimum-wage increases, have weaker anti-predatory-lending policies and have less generous health insurance programs for children in low-income families. Kim Hill, Jan Leighley and Angela Hilton-Andersson find, "an enduring relationship between the degree of mobilization of lower-class voters and the generosity of welfare benefits." Worryingly, Frederick Solt finds that, **"citizens of states with greater income inequality are less likely to vote and that income inequality increases income bias in the electorate."** That is, as inequality increases, the poor are less likely to turn out, further exacerbating inequality. **4) Interest-group politics** The decline of labor unions has decreased the political importance of poor voters, because unions were an important "get-out-the-vote" machine. A recent study by Jan Leighley and Jonathan Nagler finds that the decline in union strength has reduced low-income and middle-income turnout. But labor's influence (or lack thereof) is also important when the voting is done. Research finds that policy outcomes in the United States are heavily mediated by lobbying between interest groups, so organization matters. Martin Gilens writes, "Given the fact that most Americans have little independent influence on policy outcomes, interest groups like unions may be the only way to forward their economic interests and preference." His research indicates that unions regularly lobby in favor of policies broadly supported by Americans across the income spectrum, in contrast to business groups, which lobby in favor of policies only supported by the wealthy. It's no surprise then that numerous studies have linked the decline in union membership and influence with rising inequality. **5) Racial conflict** A recent study by Maureen A. Craig and Jennifer A. Richeson finds that **when white Americans are reminded that the nation is becoming more diverse, they become more conservative.** Dog-whistle phrases like "welfare queens" have long driven whites to oppose social safety net programs they disproportionately benefit from. Research from Donald Kinder and Cindy Kam indicates that racial bias among white voters is strongly correlated with hostility toward means-tested social assistance programs. Another study by Steven Beckman and Buhong Zhen finds that blacks are more likely to support redistribution even if their incomes are far above average and that poor whites are more likely to

oppose redistribution. In other words, a massive public education campaign about the extent of income inequality is neither necessary nor sufficient to achieve the kind of redistributive policies liberals favor. **The real obstacles to policy action on inequality are more deeply ingrained in the structure of American politics, demographics, and interest group coalitions.** Insofar as there is a role for better information to play, it likely relates not to inequality but to social mobility which remains widely misperceived and is a potent driver of feelings about the justice of economic policy. As John Steinbeck noted, "Socialism never took root in America because the poor see themselves not as an exploited proletariat but as temporarily embarrassed millionaires." Stronger unions, more lower income voter turnout and policies to reduce the corrupting influence of money on the political process would all work to reduce inequality. It will take political mobilization, not simply voter education to achieve change. The winks have interpreted the world; the point, however, is to change it.

Democracy does not affect whether or not a state represses.

Timmerman '12 (Ashley M; B.A University of Central Florida; "WHEN LEADERS REPRESS: A STUDY OF AFRICAN STATES"; http://etd.fcla.edu/CF/CFE0005428/Masters_thesis_final.pdf)

Some studies (Davenport and Inman, 2012) present evidence that contradicts this, saying that while regime type is important, it is "not universally applicable across all concepts." Davenport and Armstrong (2004) argue that the previous studies showing negative linear relationships between democracy and levels of repression are flawed. According to them, **there is a negative linear relationship, but only above a particular threshold, that varies due to the measure in question.** In their study, the measures include international war, civil war, and military control, among others. **However, below this threshold, democracy does not affect the levels of repression.** Beer and Mitchell (2006) also present evidence that suggest **democracy is 5 not the deciding factor in whether or not a state will repress.** Using the case of India as an example, Beer and Mitchell (2006) suggest **ethnic and religious factors for the high levels of repression** within a democratic state. The study accurately accounts for the **election of specific political parties and the electoral participation as factors for repression, within this democratic state.** This contradicts most of the previous research that suggests democracies will not repress.

*Anti blackness

1NC Link

The 1ac start from positioning an analogy to the position of blackness that erases its historical specificity and undermines coalitions around challenging anti blackness. Their coalitional politics posits a chain of equivalencies that gets coopted by alliances with civil society.

Sexton 2010

[Jared, associate professor of African American studies and film and media studies at the University of California, Irvine, "People-of-Color-Blindness", Social Text 2010 Volume 28, Number 2 103: 31-56, AX]

*we don't endorse ableist language

If the oppression of nonblack people of color in, and perhaps beyond, the United States seems conditional to the historic instance and functions at a more restricted empirical scope, antiblackness seems invariant and limitless (which does not mean that the former is somehow negligible and short-lived or that the latter is exhaustive and unchanging). If pursued with some consistency, the sort of comparative analysis outlined above would likely impact the formulation of political strategy and modify the demeanor of our political culture. In fact, it might denature the comparative instinct altogether in favor of a relational analysis more adequate to the task. Yet all of this is obviated by the silencing mechanism par excellence in Left political and intellectual circles today: "Don't play Oppression Olympics!" The Oppression Olympics dogma levels a charge amounting to little more than a leftist version of "playing the race card." To fuss with details of comparative (or relational) analysis is to play into the hands of divide-and-conquer tactics and to promote a callous immorality. 72 However, as in its conservative complement, one notes in this catchphrase the unwarranted translation of an inquiring position of comparison into an insidious posture of competition, the translation of ethical critique into unethical attack. This point allows us to understand better the intimate relationship between the censure of black inquiry and the recurrent analogizing to black suffering mentioned above: they bear a common refusal to admit to significant differences of structural position born of discrepant histories between blacks and their political allies, actual or potential. We might, finally, name this refusal people-of-color-blindness, a form of colorblindness inherent to the concept of "people of color" to the precise extent that it misunderstands the specificity of antiblackness and presumes or insists upon the monolithic character of victimization under white supremacy 73 —thinking (the afterlife of) slavery as a form of exploitation or colonization or a species of racial oppression among others. 74 The upshot of this predicament is that obscuring the structural position of the category of blackness will inevitably undermine multiracial coalition building as a politics of radical opposition and, to that extent, force the question of black liberation back to the center of discussion. Every analysis that attempts to understand the complexities of racial rule and the machinations of the racial state without accounting for black existence within its framework—which does not mean simply listing it among a chain of equivalents or returning to it as an afterthought—is doomed to miss what is essential about the situation. Black existence does not represent the total reality of the racial formation—it is not the beginning and the end of the story—but it does relate to the totality: it indicates the (repressed) truth of the political and economic system. That is to say, the whole range of positions within the racial formation is most fully understood from this vantage point, not unlike the way in which the range of gender and sexual variance under patriarchal and heteronormative regimes is most fully understood through lenses that are feminist and queer. 75 What is lost for the study of black

existence in the proposal for a decentered, “postblack” paradigm is a proper analysis of the true scale and nature of black suffering and of the struggles—political, aesthetic, intellectual, and so on—that have sought to transform and undo it. What is lost for the study of nonblack nonwhite existence is a proper analysis of the true scale and nature of its material and symbolic power relative to the category of blackness.⁷⁶ This is why **every attempt to defend the rights and liberties of the latest victims of state repression will fail to make substantial gains** insofar as it forfeits or sidelines the fate of blacks, the prototypical targets of the panoply of police practices and the juridical infrastructure built up around them. **Without blacks on board, the only viable political option and the only effective defense against the intensifying cross fire will involve greater alliance with an antiblack civil society and further capitulation to the magnification of state power.** At the apex of the midcentury social movements, Kwame Ture and Charles Hamilton wrote in their 1968 classic, *Black Power: The Politics of Liberation*, that **black freedom entails “the necessarily total revamping of the society.”**⁷⁷ For Hartman, thinking of the entanglements of the African diaspora in this context, **the necessarily total revamping of the society is more appropriately envisioned as the creation of an entirely new world:** I knew that no matter how far from home I traveled, I would never be able to leave my past behind. I would never be able to imagine being the kind of person who had not been made and marked by slavery. I was black and a history of terror had produced that identity. **Terror was “captivity without the possibility of flight,” inescapable violence, precarious life. There was no going back to a time or place before slavery, and going beyond it no doubt would entail nothing less momentous than yet another revolution.**

2nc link: No History

Racial profiling cannot be understood free from its historical context on the plantation. Other approaches fail because they render this concrete situation metaphorical.

Sexton 07 (Jared, *Racial Profiling and the Societies of Control* from “Warfare in the American Homeland: Policing and Prison in a Penal Democracy” edited by Joy James, Duke University Press, p. 200-02. Sexton is an associate professor of African American Studies and an associate professor of Film and Media Studies at the University of California, Irvine. They have a Ph.D from the University of California, Berkeley in Ethnic Studies // EMS).

In theory, everyone in the United States (and many outside its boundaries) is subject to these rules of engagement. Yet, as Ira Glasser, former director of the American Civil Liberties Union (ACLU), recently noted, **while the police could, say, randomly raid apartment buildings on the Upper West Side of Manhattan and yield fruitful results, they clearly do not.** As he puts it, “They don’t do it **because most of the folks who live in those apartment buildings are white. They don’t do it because if they tried to do it, the outrage would become so big, so fast that it would become politically impossible to sustain.**”¹² We might wonder who would be outraged at such operations and whose outrage would make a difference? At any rate, the verdict of his analysis is clear: On our highways, on our streets, in our airports, and at our customs checkpoints, skin color once again, irrespective of class, and without distinctions based on education or economic status, skin color once again is being used as a cause for **USDICION**, and a sufficient reason to violate people’s rights. For blacks in particular the situation is acute. The most recent attack on Fourth Amendment protections followed immediately the Warren Court’s “due process revolution,” as inaugurated by its decisions in the *Mapp* (1961) and *Miranda* (1966) cases. This shift in judicial opinion in favor of criminal suspects and defendants, disproportionately black and characteristically depicted as such, was supposed by some to be the criminal-law equivalent to or extension of then recent civil law reforms. **The motion toward constitutional protections for blacks was,** then, taken to be a byproduct of the limited success of the Civil Rights Movement, but its broader implications were **rapidly conflated with the perceived threat of the radicalization of struggle dubbed “Black Power,” which for the mainstream presented ominous criminal tendencies,** among other things. The idea that blacks could or should have both civil and criminal rights thus entered the furor of an emergent “law and order” political culture whose executive, legislative, and judicial wings

all feverishly and collaboratively retrenched. **The legal history from Richard Nixon to Ronald Reagan to George W Bush from "war on crime" to "war on drugs" to "war on terror" -is alarmingly short. The liberal civil-rights legislation and judiciary review enjoyed a very brief and largely ineffective life. But the "revolution" in criminal rights never even got off the ground;** it never actually happened except in the collective paranoid fantasy of "white America." There is, finally, no golden age for blacks before the criminal law. Therefore, in our discussions of a so-called creeping fascism or nascent authoritarianism or rise of the police state, particularly in the wake of the Homeland Security and PATRIOT acts, **we might do better than trace its genealogy to the general warrant (or even the Executive Order), whose specter forever haunts the democratic experiment of postrevolutionary civil society. Instead, the proper object of investigation is the antebellum slave code and its antecedents in colonial statute, not because the trajectory of this legal history threatens to undo the rights of all, but precisely because the prevailing libertarian impulse in the United States has so resourcefully and rendered the concrete situation in metaphoric terms.** Under the force of this blacks, who were clearly in the but definitively not of it, were not only available to arbitrary search and seizure-the bane of the general warrant-but were, in the main, always already searched and seized. More to the point, they had, in the famous phrase, "no rights that a white man bound to respect," including the right to life. **The ethos of slavery-** in other words, the lasting ideological and affective matrix of the white supremacist project-**admits no legitimate black self-defense, recognizes no legitimate assertions of black self-possession, privacy, or autonomy.** A permanent state of theft, seizure, and abduction orders the affairs of the captive community and its progeny. **Structural vulnerability to appropriation, perpetual and involuntary openness, including all the wanton uses of the body** so finely detailed by scholars like Saidiya Hartman and Hortense Spillers, **should be understood as the paradigmatic conditions of black existence in the Americas, the defining characteristics of New World antiblackness.**¹⁴ In short, **the black, whether slave or "free," lives under the commandment of whites.** Is Policing blacks in the colonial and antebellum periods was, we recall, the prerogative of every white (they could assume the role or not) and was only later professionalized as the modern prison system emerged out of the ashes of Reconstruction.¹⁶ Without glossing the interceding history, suffice it to say that such policing was organized across the twentieth century at higher orders of magnitude by the political, economic, and social shifts attending the transition from welfare to warfare state. **"Racial profiling," then, is a young term, but the practice is centuries-old. In other words, the policing of blacks-whose repression has always been state sanctioned, even as it was rendered a private affair of "property management" remains a central issue today; it has not recently emerged.** Amnesty International's public hearings on racial profiling, the stalled federal legislation termed "HR 1443," the ACLU'S "Driving while Black" campaign, and the problematic reworking of the issue of racial profiling after September 11 all unfold against the backdrop of this long history of "policing black people." **The effects of crude political pragmatism, legalistic single-mindedness, or historical myopia enable us to identify the unleashing of the police with the advent of the war on drugs or the xenophobic panic around the New Immigration or the emergence of Homeland Security against the threat of terrorism.**

A2 Coalitions

Islamophobia is only a manifestation of racialization—the fact that Middle Easterners are deemed white by law means they could never include other minorities in their struggle against law

Love 09 (Erik Love, an ISPU Fellow and an Assistant Professor of Sociology at Dickinson College in Pennsylvania, received his MA and Ph.D. in sociology from the University of California at Santa Barbara.) (Confronting Islamophobia in the United States: framing civil rights activism among Middle Eastern Americans, 23 Sep 2009. Patterns of Prejudice, Vol. 43, Nos 3-4, 401-425, DOI: 10.1080/00313220903109367)

Approaching Islamophobia as a product of racial dynamics in the United States brings certain analytical advantages. First, this approach draws on a wealth of knowledge about

race and ethnicity to explain how Islamophobia does not always target Islam and Muslims per se, but instead takes on the familiar pattern of racial scapegoating: fear and hatred, prejudice and discrimination directed towards groups crudely demarcated primarily by physical appearance.⁵ Race clearly plays a role when Sikh American and African American Muslim children are harassed in similar ways in classrooms, when Syrian Americans along with Pakistani Americans have to present themselves to immigration authorities for 'special registration', when Lebanese American and Iranian American workers lose their jobs for the same discriminatory reasons, and when Chaldean churches and Sunni mosques alike are vandalized and receive the same kinds of hate mail. These kinds of incidents, which impact on a large range of communities in spite of their diversity, occur primarily **as a result of the racial lens through which Americans understand the world.** The ideology of race is understood as a flexible social construct, subject to modification through the work of actors who target the state as they seek recognition and redress.⁶ The process of racialization profoundly affects all individuals in the United States, because each person is perceived to belong to socially constructed racial categories. The categories themselves change over time, as do the criteria for membership in any particular category; people recognized as belonging to the Irish race, for example, later became 'white' due to changes in the predominant racial ideology. These identity categories take on meaning and have material consequences via state policy and resource provision, through representations in cultural space and through the organization of institutions in civil society. The prevailing 'racial order' at any point in history indicates the schema or hierarchy of recognized racial identity categories, created through a 'compromise between racial movements and the state'.⁷ From the latter part of the twentieth century to the present day (the so-called 'post-civil rights era'), the 'racial pentagon' of black, white, Latino, Asian and Native American has been described as the prevailing list of recognized racial identity categories in the United States.⁸ Where do individuals and groups affected by racialized Islamophobia 'fit'? According to the United States Census, people from the broadly defined Middle Eastern region legally count as racially white. This creates a paradox, as described by John Tehranian: On one hand, [Middle Eastern Americans] suffer from the types of discrimination that face minority groups. On the other hand, formally speaking, Middle Easterners are deemed white by law. This dualistic and contested ontology of the Middle Eastern racial condition creates an unusual paradox. Reified as the other, Americans of Middle Eastern descent do not enjoy the benefits of white privilege. Yet, as white under the law, they are denied the fruits of remedial action.⁹ The unclear position caused by this racial paradox*/in terms of citizenship, rights and identity*/of migrants and their descendants who came to the United States from North Africa and western and southern Asia, a large region now vaguely defined as the Middle East, dates back to the eighteenth century if not earlier. The groups under the Middle Eastern racial umbrella often have little in common with one another except that, in the United States, Islamophobia lumps them together and makes them targets of discrimination and racism. In other words, 'Islamophobia' is the latest term for a centuries-long history of American state policy, cultural discourses and discriminatory practices that enforce racial boundaries around Middle Easterners in America.

*Cede the Political K

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Individual interrogation is always the wrong starting point for politics- governments obey institutional logics that exist independently of individuals and constrain decisionmaking – the only way to concretely change society is by engaging institutional politics

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50)

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. 'Our social being is constituted by relations and our social acts presuppose them.' At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This 'lattice-work' of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: people are not relations, societies are not conscious agents'. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the 'point of contact' between human agency and social structures. This is known as a 'positioned practice' system. In many respects, the idea of 'positioned practice' is very similar to Pierre Bourdieu's notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu's notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a 'social field'. According to Bourdieu, a social field is 'a network, or a configuration, of objective relations between positions objectively defined'. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals' subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of 'internalization of reality and the externalization of internality.' Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar's stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise,

given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, 'a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society... It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables'.

The distinction between pragmatism and radicalism is falsely constructed and the affirmative holds the two in creative tension—legalization strategies enable us to take advantage of current conditions without sacrificing political vision

Berger 13 [2013, Dan Berger is an Assistant Professor at the University of Washington Bothell, "Social Movements and Mass Incarceration: What is To Be Done?", *Souls: A Critical Journal of Black Politics, Culture, and Society*, Volume 15, Issue 1-2, 2013, pages 3-18]

The strategy of **decarceration combines radical critique, direct action, and tangible goals for reducing the reach of the carceral state. It is a coalitional strategy that works to shrink the prison system through a combination of pragmatic demands and far-reaching, open-ended critique. It is reform in pursuit of abolition.** Indeed, **decarceration allows a strategic launch pad for the politics of abolition, providing what has been an exciting but abstract framework with a course of action.** ³² **Rather than juxtapose pragmatism and radicalism** as has so often happened in the realm of radical activism, **the strategy of decarceration seeks to hold them in creative tension. It is a strategy in the best tradition of the black freedom struggle. It is a strategy that seeks to take advantage of political conditions without sacrificing its political vision.** Today we are in a moment where it is possible, in the words of an organizer whose work successfully closed Illinois's infamous supermax prison Tamms in January 2013, to confront prisons as both an economic and a moral necessity. ³³ Prisons bring together diverse forms of oppression across race, class, gender, sexuality, citizenship status, HIV status and beyond. The movements against them, therefore, will need to bring together diverse communities of resistance. They will need to unite people across a range of issues, identities, and sectors. That is the coalition underlying groups such as Californians United for a Responsible Budget (CURB), the Nation Inside initiative, and Decarcerate PA. The fight against prisons is both a targeted campaign and a broad-based struggle for social justice. These movements must include the leadership by those directly affected while at the same work to understand that prisons affect us all. This message is the legacy of prison rebellions from Attica in 1971 to Pelican Bay in 2012. The challenge is to maintain the aspirational elements of that message while at the same time translating it into a political program. Decarceration, therefore, works not only to shrink the prison system but to expand community cohesion and maximize what can only be called freedom. Political repression and mass incarceration are joined at the hip. The struggles against austerity, carcerality, and social oppression, the struggles for restorative and transformative justice, for grassroots empowerment and social justice must be equally interconnected. For it is only when the movement against prisons is as interwoven in the social fabric of popular resistance as the expansion of prisons has been stitched into the wider framework of society that we might hope to supplant the carceral state. There are many obstacles on the path toward decarceration; the existence of a strategy hardly guarantees its success. Until now, I have focused largely on the challenges internal to the movement, but there are even taller hurdles to jump in encountering (much less transforming) the deeply entrenched carceral state. Perhaps the biggest challenge, paradoxically, comes from the growing consensus, rooted in the collective fiscal troubles of individual states, that there is a need for prison reform. In that context, a range of politicians, think tanks, and nonprofit organizations—from Right on Crime to the Council on State Governments and the Pew

Charitable Trusts—have offered a spate of neoliberal reforms that trumpet free market solutions, privatization, or shifting the emphasis away from prisons but still within the power of the carceral state. Examples include the “Justice Reinvestment” processes utilized by states such as Texas and Pennsylvania that have called for greater funding to police and conservative victim’s rights advocates while leaving untouched some of the worst elements of excessive punishment. These neoliberal reforms can also be found in the sudden burst of attention paid to “reentry services” that are not community-led and may be operated by private, conservative entities. ³⁴ Perhaps the grandest example can be found in California, where a Supreme Court ruling that overcrowding in the state’s prisons constituted cruel and unusual punishment has been met with a proposal for “realignment,” that shifts the burden from state prisons to county jails. ³⁵ A combination of institutional intransigence and ideological commitment to punish makes the road ahead steep. Even as many states move to shrink their prison populations, they have done so in ways that have left in place the deepest markings of the carceral state, such as the use of life sentences and solitary confinement, and the criminalization of immigrants. Social movements will need to confront the underlying ideologies that hold that there is an “acceptable” level of widespread imprisonment, that there is a specter of villainy out there—be they “illegal immigrants,” “cop killers,” “sex criminals”—waiting in the wings to destroy the American way of life. ³⁶ **There is a risk, inherent in the sordid history of prison reform, that the current reform impulse will be bifurcated along poorly defined notions of “deservingness” that will continue to uphold the carceral logic that separates “good people” from “bad people” and which decides that no fate is too harsh for those deemed unworthy of social inclusion. This, then, is a movement that needs to make nuanced yet straightforward arguments that take seriously questions of accountability while showing that more cops and more (whether bigger or smaller) cages only takes us further from that goal.** ³⁷ At stake is the kind of world we want to live in, and the terms could not be more clear: the choice, to paraphrase Martin Luther King, is either carceral chaos or liberatory community. The framework of community—as expressed Decarcerate PA slogan “build communities not prisons” and the CURB “budget for humanity” campaign—allows for a robust imagination of the institutions and mechanisms that foster community versus those that weaken it. It focuses our attention on activities, slogans, programs, and demands that maximize communities. In short, it allows for unity. **If the state wants to crush dissent through isolation, our movements must rely on togetherness to win. Solidarity is the difference between life and death. State repression expands in the absence of solidarity. Solidarity is a lifeline against the logic of criminalization and its devastating consequences. For the most successful challenges to imprisonment come from intergenerational movements: movements where people raise each other’s consciousness and raise each other’s children, movements that fight for the future because they know their history.** Here, **in this pragmatic but militant radicalism, is a chance to end mass incarceration and begin the process of shrinking the carceral state out of existence.**

Legal strategies are comparatively the best – we can build long term movements

Spade 11 (lawyer, prominent trans activist, and Associate Professor of Law at Seattle University School of Law. He founded the Sylvia Rivera Law Project which provides free legal services to transgender individuals who are low-income and/or people of color)

(Dean, Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law, pg. 186-7)

Developing law and policy reform targets as campaign issues. Because administrative systems cause enormous harm [Q transpeople every day, issues related to how these systems operate tend to be deeply felt and broadly applicable to our constituencies. For that reason, law and policy reform targets can sometimes be a good place to direct our organizing. This organizing can provide opportunities to reframe an issue, bring directly impacted people who have not previously been part of political organizing into leadership, build shared political analysis about important forms of systemic harm, and establish and advance relationships within and between constituencies. When these law/policy reform campaigns are chosen, they can build momentum and membership in a movement organization. Winning certain reforms

may even provide some relief to members experiencing harm. The limited effect of law and policy reform victories can also often build shared analysis among organizers about how empty legal equality can be, and can generate enhanced demands for transformation as organizing continues. Taking up law and policy targets can make sense when deployed as a tactic in service of a larger strategy of mass mobilization. If law and policy changes are won solely through the work of a few white lawyers meeting with bureaucrats or elected officials behind closed doors, this does not achieve the mobilization goals that require building a demand (and momentum behind that demand) across a broad spectrum of directly impacted people and winning it through collective efforts of a large group. The goals of this work should not be merely about changing what laws and policies say. Instead, the work should build the capacity of directly impacted people to work together and push for change that will significantly improve their lives. Ideally, those who are propelled into political action by involvement in a campaign stay with the work, continue to develop skills and analysis, and bring others to organizing. Together, people can construct increasingly broad imaginations of transformative change. Even after small victories enormous harms must still be addressed as newly won policies are often not followed or implemented, and important lessons are learned about sustained struggle and the effectiveness of collective action.

Radical politics must engage the state – the alt is right wing take over Mouffe 10

(What is Radical Politics Today?, Edited by Jonathan Pugh, pg. 235)

It is clear that, once we envisage social reality in terms of ‘hegemonic and ‘counter-hegemonic’ practices, radical politics is not about withdrawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial’ otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regulation. Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state.

The alternative is to ENGAGE institutional politics- we must move beyond their abstraction in favor of discussing the tough choices and trade-offs that a non-institutional analysis wishes away – institutions are inevitable and learning to pragmatically engage them best facilitates change

Themba-Nixon 2K [Makani Themba-Nixon, “Changing the Rules: What Public Policy Means for Organizing,” Colorlines. Oakland: Jul 31, 2000. Vol. 3, Iss. 2; pg. 12, AX]

In essence, policies are the codification of power relationships and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, if organizing is about changing the rules and building power, how can organizing be separated from policies? Can we really speak truth to power, fight the right, stop corporate abuses, or win racial justice without contesting the rules and the rulers, the policies and the policymakers? The answer is no-and double **no** for people of color. Today, racism subtly dominates nearly every aspect of policymaking. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. What Do We Stand For? Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was

about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. **Many** of us **were too busy to tune into the welfare policy** drama in Washington, **only to find it** washed up right **on our doorsteps**. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. **Policy doesn't get more relevant than this**. And so **we got involved in policy-as defense**. Yet **we have to do more than block their punches**. We have to **start the fight with initiatives of our own**. Those who do are finding offense a bit more fun than defense alone. **Living wage ordinances, youth development** initiatives, even gun control and alcohol and tobacco policies **are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives**. - Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. **These are just a few of the examples that demonstrate how organizing for local policy** advocacy has **made inroads in areas where positive national policy** had been **stalled** by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, and the tried and true: cold, hard cash. **Despite these barriers, grassroots organizing can be very effective** at the smaller scale of local politics. At the local level, we have greater access to elected officials and officials have a greater reliance on their constituents for reelection. For example, **getting 400 people to show up at city hall in just about any city in the U.S. is quite impressive**. On the other hand, 400 people at the state house or the Congress would have a less significant impact. Add to that the fact that all 400 people at city hall are usually constituents, and the impact is even greater. Recent trends in government underscore the importance of local policy. Congress has enacted a series of measures devolving significant power to state and local government. **Welfare, health care, and the regulation of food and drinking water safety are among the areas where states and localities now have greater rule**. Devolution has some negative consequences to be sure. History has taught us that, for social services and civil rights in particular, the lack of clear federal standards and mechanisms for accountability lead to uneven enforcement and even discriminatory implementation of policies. Still, there are real opportunities for advancing progressive initiatives in this more localized environment. Greater local control can mean greater community power to shape and implement important social policies that were heretofore out of reach. **To do so will require careful attention to the mechanics of local policymaking and a clear blueprint** of what we stand for. Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. **By getting into the policy arena in a proactive manner, we can take our demands to the next level**. Our **demands can become law, with real consequences if the agreement is broken**. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, **this work requires** a certain amount of **interaction with** "the suits," as well as struggles with **the bureaucracy**, the **technical language**, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, **policy work is just one tool** in our

organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, and experience into stories that are designed to affect the public conversation. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

2NC Link ext.

Individual focus trades off with collective action frames. This makes debates competitions of dueling oratories rather than political strategies that include "Mobilizing Ideas" that explain a plan of action for collectivity, organization, and continuity.

Oakes et al 2k6 [Jeannie Oakes, John Rogers, Gary Blasi, & Martin Lipton .UCLA Law Students. "Grassroots Organizing, Social Movements, and the Right to High-Quality Education" paper prepared for the Rethinking Rodriguez Symposium. The Warren Institute UC Berkeley, School of Law April 27-28, 2006 https://www.law.berkeley.edu/files/oakes-rogers-biasi_paper.pdf, Accessed 7/25/15, AX]

Framing As we discussed earlier, social movements challenge society's collective sense making in ways that conventional reform strategies do not. This comes about through a struggle over beliefs and ideas as well as over concrete conditions—i.e., disrupting the cultural logics of scarcity, merit and deficit with countervailing logics. Instead of these logics, Americans could presume that the nation's great wealth can make opportunities abundant, not scarce. They could adopt as common sense that high quality and equitable education is a right for all students, not something that students should have to compete for. They could take as given that social priorities and not social wealth determine whether society can afford to educate all children well and provide them with decent housing, healthcare, and economic stability. They could believe that schools are absolutely capable of providing high-quality education to low-income children and children of color if there is enough public will to provide the necessary opportunities to schools in all communities.

Under what conditions can the current networks of grassroots organizations, coalitions, and interest groups—and those that might join them—actually become a social movement? For insights, we again turn to the social science scholarship on social movements. Scholars in the field define social movements as "collectivities acting with some degree of organization and continuity outside of institutional and organizational channels for the purpose of challenging or defending extant authority..."³⁶ They identify three requisites to a social movement: "collectivity," "organization," and "continuity."

Most scholars agree that acting together to sustain a coherent challenge to existing authority requires (a) a processes through which sufficient numbers of people come to see their grievances and their possible re mediation in shared and compelling terms (commonly referred to as "framing"); (b) organizational and leadership resources sufficient to move from shared understanding to concerted action; and (c) sufficient allies and resources to sustain concerted action over time and in the face of significant resistance. In this section we examine these three conditions, generally, and as they may exist at the present time in California.

In the language of many social movement scholars, such alternative logics must take the form of "mobilizing ideas" that, not only change thinking, but compel action by a variety of audiences and participants—from grassroots "actors" to middle class and elite observers and reactors. The phenomenon whereby these "mobilizing ideas" take shape is commonly known as "framing." Framing is not simply finding the right "turn of phrase" to motivate individuals; rather it poses a new conception of an existing social problem that moves it from being seen as regrettable and inevitable to being

considered an injustice that can and should be remedied. Scholars of framing see this process as being a deliberate effort of social movement actors to assign meanings to events and conditions that will mobilize supporters and allies. Such meanings are generally referred to as “collective action frames.”³⁷

David Snow and his colleagues argued, for example, in 1986 that “frame alignment processes” were crucial to social movement organizations.³⁸ Fourteen years later two of the authors wrote of the “almost meteoric increase” in research on “the framing/movement link.”³⁹ In this literature, the essential collective action frame reflects a shared understanding of some problematic condition or situation they define as in need of change, make attributions regarding who or what is to blame, articulate an alternative set of arrangements, and urge others to act in concert to affect change.⁴⁰ Snow and others also argue that frames are linked with the development and maintenance of collective identity—the strong sense of being a member of a group—particularly as social movement coalitions become heterogeneous.⁴¹ In turn, collective identity is thought to be a primary motivation for individuals’ in movements—such as feminism, environmentalism, and civil rights—from which they don’t expect benefit to one’s own class or material interests.⁴²

However, not all frames are alike. Theorists differentiate (a) diagnostic framing, which defines important causes of the problem; (b) prognostic framing, the articulation of possible solutions or a plan of attack; and (c) motivational framing, which helps construct the vocabularies of motive and a rationale for action.⁴³

In the case of educational justice, there are contending and to some extent incompatible frames, some more likely than others to define problems and solutions in ways that develop a sense of injustice and a collective identity among a wide array of activists required to generate broad-based public support. None of the frames is wholly satisfactory, and much framing work remains. Two of the prevailing frames, inequality (lack of fundamental fairness or justice) and quality (lack of adequacy or excellence) have both strengths and deficits. An inequality frame, shaped in the more general struggles for civil rights and social equality, diagnoses the problem as one of unequal access to educational opportunity, and calls for redistribution and leveling, accepted in Serrano⁴⁴ but rejected in Rodriguez.⁴⁵ The inequality frame draws motivational force from the still powerful images and themes of the civil rights movement. At the same time, the inequality frame is self-limiting in its reach. Appealing to those who have the least, along with their allies driven by justice concerns, it has the potential to frame potential allies as competitors. To the degree that it fails to challenge the logic of scarcity, it seems to call for redistribution within a “zero sum” arena of high-quality education.

The affirmative must identify a coherent connection between their advocacy and its potential for tangible political change---absent a metric to test its efficacy, it replicates idealist theoretical approaches they critique

Catherine **Lu 13**, Associate Professor of Political Science, McGill University, July 2013, “Activist political theory and the challenge of global justice,” *Ethics & Global Politics*, Vol. 6, No. 2, <http://www.ethicsandglobalpolitics.net/index.php/egp/article/view/21627/28587>

Which of these various international, state, corporate and civil society responses and proposals should we support? What political institutional changes are required to halt these repeated scenes of human wreckage produced by grave injustices such as the Rana Plaza building collapse? Is progress in breaking the vicious pattern of workplace catastrophes in the global apparel industry possible? What can political theorists contribute to these ongoing debates about global justice and responsibility?

The main objective of Lea Ypi’s first book, *Global Justice and Avant-Garde Political Agency*, is precisely to provide an account of the role of political theory and political theorists in the struggles of contemporary political agents for global justice. For Ypi, the purpose of normative political theory in its ‘activist mode’ is to identify and assist contemporary

'avant-garde political agents' to realise progressive political change by formulating coherent and plausible normative views about the function and purpose of our social practices and institutions. This is accomplished by employing a historically informed and forward-looking dialectical method of learning from the trials, failures, and successes of past political struggles with a view to evaluating the adequacy of different interpretations of the function and purposes of social institutions and practices, and distinguishing between more regressive or status quo, and more progressive interpretations of the relevant normative principles.²⁰

The criteria for adjudicating between different normative interpretations of the function and purpose of political institutions involve meeting three tasks. First, an interpretation (or family of interpretations) is better than its rivals if it is able to diagnose the causes of persistent and profound patterns of social conflict

at an appropriate level of analysis, accounting for the empirical evidence better than its competitors. Second, an interpretation is superior if it is able, after identifying inadequacies in old normative categories, to innovate from them and 'formulate principles that preserve all the normative benefits of its predecessors whilst avoiding their failures'. Third, a normative interpretation can outperform its rivals if it displays 'heuristic potential,' providing new ways to conceive of the purposes or functions of social institutions and practices, in light of theoretical innovations that anticipate new, unforeseen questions and challenges. A dialectical approach thus helps to make progress under contemporary conditions possible by providing a way to judge which theories (or families of theories) spawned by social and political conflicts and crises are 'better able to combine principles and agency in a fundamentally appropriate but also politically effective and motivationally sustainable way'. In light of the novel political and moral challenges wrought by new agents and circumstances of politics, normative political theory should aim to revise or refine interpretations of the normative principles underlying our social practices and institutions, in ways that improve their functionality and responsiveness to the concerns and commitments of the agents subjected to them.²¹

The normative theorist who is engaged in this activist mode works in tandem with the 'avant-garde political agents' who struggle for progressive political transformations: both are likened to 'creative scientists or artists who put existing knowledge and techniques at the service of fresh experiments, developing new perspectives, asking unprecedented questions, and paving the way for the development of alternative paradigms'.²² Drawing on the history of the women's movement, the anti-slavery movement, workers' movements, anti-colonial movements, and human rights movements, Ypi observes that the most effectual avant-garde political agents were those who tried 'to subvert specific interpretive patterns from within, while continuing to act as their critical voice'.²³ In terms of theories of global justice, Ypi finds Kant's own political theory exemplary for combining a cosmopolitan account of normative principles with a statist conception of political agency, and she interprets Kant's 'moral politician' to be similar to a cosmopolitan avant-garde political agent who makes it her 'duty to act within the state in conformity with cosmopolitan principles of justice'.²⁴

An adequate activist political theory should be able to give an account of the moral desirability of principles, as well their political feasibility and motivational sustainability. Doing so requires confronting issues of principle and issues of political agency, and combining them in ways that make possible progressive political change. Ypi observes, however, that normative political theorists have tended to ignore the normative relevance of political agency to the task of formulating normative principles for politics.

This ignorance or disconnect between normative principles and political agency is apparent in the two dominant approaches—ideal and non-ideal—to normative political theory. Ideal theory approaches are truth-seeking enterprises that ‘try to identify and establish a fundamentally appropriate analysis of first-order normative principles, regardless of whether these principles can meaningfully guide action in the real world’.²⁵ While constructing principles based on idealised agents, structures, and conditions may have some critical force in that they provide a basis for evaluating the justness of existing principles, practices, and social conditions, Ypi argues that ideal theoretical approaches tend to generate principles that are indeterminate, irrelevant, or distorting, given their disconnection from issues of political agency.²⁶ Non-ideal approaches, in contrast, ‘aim to develop principles able to guide agency in empirically contingent circumstances’, and typically take the current circumstances conditioning social and political agency to ‘play a constitutive role’ in formulating the relevant normative principles.²⁷ Ypi is concerned, however, that non-ideal theoretical approaches are vulnerable to a status quo bias, compromising the critical task of normative theory by taking too much of existing agents, practices, institutions, and conditions as they are.

Ypi admits that these are stylised reconstructions, and that most contemporary political theories of global justice exhibit elements of both ideal and non-ideal theoretical approaches so understood. Indeed, it should be noted that Ypi’s interpretation of the function of ideal and non-ideal theories reveals a certain dissatisfaction with a standard way of thinking about their distinction.²⁸ In the seminal account by John Rawls, ideal theories are the primary task of the political theorist, and have as their aim the identification of the correct first-order normative principles to guide the major social and political institutions of a society. Ideal theory accomplishes this task by abstracting from historically contingent circumstances, and idealising agents, structures or conditions in certain counterfactual and favourable ways.²⁹ Non-ideal theory is distinguished by its aim to identify transitional normative principles in response to unfavourable contexts where agents are either wilfully acting against the normative principles identified in ideal theory, or are involuntarily incapable of acting according to those principles. For example, in Rawls’s Law of Peoples, the duty of assistance is a principle of non-ideal theory to deal with the problematic existence of burdened societies that lack the capacity to develop domestically decent or just political and social institutions.³⁰ Non-ideal principles thus serve a transitional aim of helping agents to progress towards an ideal account of justice.

Ypi’s formulation of the distinction between ideal and non-ideal approaches to political theory serves a different purpose than this Rawlsian account. Her interpretation of the distinction operates to highlight the relationship between normative principles and political agency, and how problematic relationships between these—too distant and too close—can undermine either the critical value or the efficacy of any normative theory. From an activist theoretical perspective, ideal theoretical approaches may avoid a status quo bias, but they typically fail to contribute to solving problems confronted by agents currently suffering from inadequate political and social institutions and arrangements, whereas non-ideal theoretical approaches tend to generate myopic views of problem solving that typically lack critical force or emancipatory potential.

With her account of ‘activist political theory’ and the ‘dialectical approach’, Ypi is able to expose unconstructive aspects of the contemporary global justice debate among the two main rivals, cosmopolitans and statist. Ypi is not against cosmopolitanism, but she criticises a tendency of cosmopolitan theorists to dismiss the normative relevance of the state and state-based associations for realising cosmopolitan egalitarian conceptions of global justice. This dismissal, most salient in cosmopolitan arguments about the moral arbitrariness and insignificance of political associations or relational ties, is unconstructive and detrimental to the cause of advancing cosmopolitan normative principles because it fails to recognise the importance of political agency for the realisation of cosmopolitan aims. According to Ypi, the cosmopolitan disavowal of political membership and associative relations is both unnecessary and unwarranted ... Rejecting the normative standing of political communities hardly supports the defence of global distributive principles; it merely draws attention away from some relevant conceptual tools necessary to analyse global political transformation. Being disconnected from how political agency takes shape in the world, and failing to provide principled guidance on how agents committed to cosmopolitan normative principles should aim to reform particular institutions and practices, deprives cosmopolitan theories of their transformative potential and relevance to contemporary political struggles for global justice.³¹ A critical and constructive theory of global justice should not only provide normative

principles that are fundamentally appropriate, but also **address issues of political agency that render such principles politically effective and motivationally sustainable.**

2NC Solves Race

Racial progress has occurred though legal change and more is still possible---reject nonstate action because it ignores specific reforms that achieved lasting reductions in racial inequality

Michael Omi 13, and Howard Winant, Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory, AX

In Feagin and Elias's account, **white racist rule in the USA appears unalterable and permanent.** There is little sense that the 'white racial frame' evoked by systemic racism theory changes in significant ways over historical time. **They dismiss important rearrangements and reforms as merely 'a distraction from more ingrained structural oppressions** and deep lying inequalities **that** continue to **define US society?** (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call 'surface flexibility' to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase 'racial democracy' is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, **we disagree. The USA** is a racially despotic country in many ways, but in our view it **is** also **in many respects a racial democracy, capable of being influenced towards more or less inclusive** and redistributive economic **policies,** social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? ¶ Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. **It would be easy to conclude,** as Feagin and Elias do, **that white racial dominance has been continuous and unchanging throughout US history.** But such a perspective **misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era.** ¶ Feagin and Elias **claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we overlook the serious reversals of racial justice and persistence of huge racial inequalities?** (Feagin and Elias 2012, p. 21) that followed in its wake. **We do not.** In Racial Formation we wrote about 'racial reaction' in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. **While** we argue that **the right wing was able to 'rearticulate' race and racism issues to roll back some of the gains of the civil rights movement,** we also believe that **there are limits to what the right could achieve in the post-civil rights political landscape.** ¶ So we agree that **the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed** over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. **Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion.** These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the **desegregation of the armed forces,** as well as key civil rights movement victories of the 1960s: **the Voting Rights Act, the Immigration and Naturalization Act** (Hart- Celler), as well as important court decisions like **Loving v. Virginia that declared anti-miscegenation laws unconstitutional.** While we have the greatest respect for the late Derrick Bell, we do not believe that his 'interest convergence hypothesis' effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – 'We have lost the South for a generation' – count as 'convergence'? ¶ **The US racial regime has been transformed in significant ways.** As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls 'passive revolutions' – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. ¶ So yes, we think there were **important if partial victories** that **shifted the racial state** and transformed the significance of race in everyday life. **And** yes, we think that

further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, face-based movements demanded not only the inclusion of racially defined 'others' and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other 'new social movements': second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others.¶ **By no means do we think that the post-war movement upsurge was an unmitigated success.** Far from it: all the new social movements were subject to the same 'rearticulation' (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of 'colourblindness' and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various 'backlash' phenomena of the past few decades, even the need to develop the highly contradictory ideology of 'colourblindness', reveal the transformative character of the 'politicization of the social'. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.¶ What are the political implications of contemporary racial trends?¶ Feagin and Elias's use of racial categories can be imprecise. This is not their problem alone; anyone writing about race and racism needs to frame terms with care and precision, and we undoubtedly get fuzzy too from time to time. The absence of a careful approach leads to 'racial lumping' and essentialisms of various kinds. **This imprecision is heightened in polemic. In the** Feagin and Elias essay the term 'whites' at times refers to all whites, white elites, 'dominant white actors' and very exceptionally, anti-racist whites, a category in which we presume they would place themselves. Although the terms 'black', 'African American' and 'Latino' appear, the term 'people of colour' is emphasized, often in direct substitution for black reference points.¶ In the USA today **it is important not to frame race in a bipolar manner. The black/white paradigm made more sense in the past than it does in the twenty-first century. The racial make-up of the nation has now changed dramatically.** Since the passage of the Immigration Reform Act of 1965, the USA has become more 'coloured'. A 'majority-minority' national demographic shift is well underway. Predicted to arrive by the mid-twenty-first century, the numerical eclipse of the white population is already in evidence locally and regionally. In California, for example, non-Hispanic whites constitute only 39.7 per cent of the state's population. While the decline in the white population cannot be correlated with any decline of white racial dominance, the dawning and deepening of racial multipolarity calls into question a sometimes implicit and sometimes explicit black/white racial framework that is evident in Feagin and Elias's essay. Shifting racial demographics and identities also raise general questions of race and racism in new ways that the 'systemic racism' approach is not prepared to explain.3¶ Class questions and issues of panethnicizing trends, for example, call into question what we mean by race, racial identity and race consciousness. No racially defined group is even remotely uniform; groups that we so glibly refer to as Asian American or Latino are particularly heterogeneous. Some have achieved or exceeded socio-economic parity with whites, while others are subject to what we might call 'engineered poverty' in sweatshops, dirty and dangerous labour settings, or prisons. Tensions within panethnicized racial groups are notably present, and conflicts between racially defined groups ('black/brown' conflict, for example) are evident in both urban and rural settings. A substantial current of social scientific analysis now argues that Asians and Latinos are the 'new white ethnics', able to 'work toward whiteness'⁴ at least in part, and that the black/white bipolarity retains its distinct and foundational qualities as the mainstay of US racism (Alba and Nee 2005; Perlmann 2005; Portes and Rumbaut 2006; Waters, Ueda and Marrow 2007).¶ We question that argument in light of the massive demographic shifts taking place in the USA. Globalization, climate change and above all neoliberalism on a global scale, all drive migration. The country's economic capacity to absorb enormous numbers of immigrants, low-wage workers and their families (including a new, globally based and very female, servant class) without generating the sort of established subaltern groups we associate with the terms race and racism, may be more limited than it was when the 'whitening' of Europeans took place in the nineteenth and twentieth centuries. In other words this argument's key precedent, the absorption of white immigrants 'of a different color' (Jacobson 1998), may no longer apply. Indeed, we might think of the assimilationist model itself as a general theory of immigrant incorporation that was based on a historically specific case study – one that might not hold for, or be replicated by, subsequent big waves of immigration. Feagin and Elias's systemic racism model, while offering numerous important insights, does not inform concrete analysis of these issues.¶ It is important going forward to understand how groups are differentially racialized and relatively positioned in the US racial hierarchy: once again racism must be seen as a shifting racial project. This has important consequences, not only with respect to emerging patterns of inequality, but also in regard to the degree of power available to different racial actors to define, shape or contest the existing racial landscape. Attention to such matters is largely absent in Feagin and Elias's account. In their view racially identified groups are located in strict reference to the dominant 'white racial frame', hammered into place, so to speak. As a consequence, they fail to examine how racially subordinate groups interact and influence each others' boundaries, conditions and practices. Because they offer so little specific analysis of Asian American, Latino or Native American racial issues, the reader finds her/himself once again in the land (real or imaginary, depending on your racial politics) of bipolar US racial dynamics, in which whites and blacks play the leading roles, and other racially identified groups – as well as those ambiguously identified, such as Middle Eastern and South Asian Americans (MEASA) – play at best supporting roles, and are sometimes cast as extras or left out of the picture entirely.¶ **We still want to acknowledge that blacks have been catching hell and have borne the brunt of the racist reaction of the past several decades. For example, we agree with** Feagin and Elias's critique of the reactionary politics of incarceration in the USA. The 'new Jim Crow' (Alexander 2012) or even the 'new slavery' that the present system practises is something that was just in its beginning stages when we were writing Racial Formation. It is now recognized as a national and indeed global scandal. **How is it to be understood?** Of course there are substantial

debates on this topic, notably about the nature of the 'prison-industrial complex' (Davis 2003, p. 3) and the social and cultural effects of mass incarceration along racial lines. But **beyond** Feagin and Elias's **denunciation of the ferocious white racism that is operating here, deeper political implications are worth considering**. As Alexander (2012), Mauer (2006), Manza and Uggen (2008) and movement groups like Critical Resistance and the Ella Baker Center argue, **the upsurge over recent decades in incarceration rates** for black (and brown) men expresses the fear-based, law-and-order appeals that have shaped US racial politics since the rise of Nixonland (Perlstein 2008) and the 'Southern strategy'. Perhaps even more central, racial repression **aims at restricting the increasing impact of voters of colour in a demographically shifting electorate**.¶ There is a lot more to say about this, but for the present two key points stand out: first, it is not an area where Feagin and Elias and we have any sharp disagreement, and second, **for all the horrors and injustices that the 'new Jim Crow' represents, incarceration, profiling and similar practices remain political issues. These practices and policies are not ineluctable and unalterable dimensions of the US racial regime. There have been previous waves of reform in these areas. They can be transformed again** by mass mobilization, electoral shifts and so on. **In other words, resistance is not futile**.¶ Speaking of electoral shifts and the formal political arena, how should President Barack Obama be politically situated in this discussion? How do Feagin and Elias explain Obama? Quite amazingly, his name does not appear in their essay. Is he a mere token, an 'oreo', a shill for Wall Street? Or does Obama represent a new development in US politics, a black leader of a mass, multiracial party that for sheer demographic reasons alone might eventually triumph over the white people's party, the Republicans? If the President is neither the white man's token nor Neo, the One,⁵ then once again we are in the world of politics: neither the near-total white despotism depicted by Feagin and Elias, nor a racially inclusive democracy.¶ President Obama continues to enjoy widespread black support, although it is clear that he has not protected blacks against their greatest cumulative loss of wealth in history. He has not explicitly criticized the glaring racial bias in the US carceral system. He has not intervened in conflicts over workers' rights – particularly in the public sector where many blacks and other people of colour are concentrated. He has not intervened to halt or slow foreclosures, except in ways that were largely symbolic. Workers and lower-middle-class people were the hardest hit by the great recession and the subprime home mortgage crisis, with black families faring worst, and Latinos close behind (Rugh and Massey 2010); Obama has not defended them. Many writers have explained Obama's centrism and unwillingness to raise the issue of race as functions of white racism (Sugrue 2010).¶ The black community – and other communities of colour as well – remains politically divided. While black folk have taken the hardest blows from the reactionary and racist regime that has mostly dominated US politics since Reagan (if not since Nixon), no united black movement has succeeded the deaths of Malcolm and Martin. Although there is always important political activity underway, a relatively large and fairly conservative black middle class, a 'black bourgeoisie' in Frazier's (1957) terms, has generally maintained its position since the end of the civil rights era. Largely based in the public sector, and including a generally centrist business class as well, this stratum has continued to play the role that Frazier – and before him, Charles S. Johnson. William Lloyd Warner, Alison Davis and other scholars – identified: vacillation between the white elite and the black masses. Roughly similar patterns operate in Latino communities as well, where the 'working towards whiteness' framework coexists with a substantial amount of exclusion and super-exploitation.¶ Alongside class issues in communities of colour, there are significant gender issues. The disappearance of blue-collar work, combined with the assault by the criminal justice system – chiefly profiling by the police ('stop and frisk') and imprisonment, have both unduly targeted and victimized black and brown men, especially youth. Women of colour are also targeted, especially by violence, discrimination and assaults on their reproductive rights (Harris-Perry 2011); profiling is everywhere (Glover 2009).¶ Here again we are in the realm of racial politics. Debate proceeds in the black community on Obama's credibility, with Cornel West and Tavis Smiley leading the critics. But it seems safe to say that in North Philly, Inglewood or Atlanta's Lakewood section, the president remains highly popular. Latino support for Obama remains high as well. Feagin and Elias need to clarify their views on black and brown political judgement. Is it attuned to political realities or has it been captured by the white racial frame? Is Obama's election of no importance?¶ ***¶ In conclusion, do Feagin and Elias really believe that white power is so complete, so extensive, so 'sutured' (as Laclau and Mouffe might say) as they suggest here? Do they mean to suggest, in Borg-fashion, that 'resistance is futile'? This seems to be the underlying political logic of the 'systemic racism' approach, perhaps unintentionally so. Is white racism so ubiquitous that no meaningful political challenge can be mounted against it? Are black and brown folk (yellow and red people, and also others unclassifiable under the always-absurd colour categories) utterly supine, duped, abject, unable to exert any political pressure? Is such a view of race and racism even recognizable in the USA of 2012? And is that a responsible political position to be advocating? Is this what we want to teach our students of colour? Or our white students for that matter?¶ We suspect that if pressed, Feagin and Elias would concur with our judgement that **racial conflict, both within (and against) the state and in everyday life, is a fundamentally political process**. We think that they would also accept our claim that **the ongoing political realities of race provide extensive evidence that people of colour in the USA are not so powerless, and that whites are not so omnipotent**, as Feagin and Elias's analysis suggests them to be.¶ Racial formation theory allows us to see that there are contradictions in racial oppression. The racial formation approach reveals that white racism is unstable and constantly challenged, from the national and indeed global level down to the personal and intra-psychic conflicts that we all experience, no matter what our racial identity might be. While racism – largely white – continues to flourish, it is not monolithic. Yes, **there have been enormous increases in racial inequality in recent years. But movement-based anti-racist opposition continues, and sometimes scores victories. Challenges to white racism continue both within the state and in civil society**. Although largely and properly led by people of colour, anti-racist movements also incorporate whites such as Feagin and Elias themselves. **Movements may experience setbacks, the reforms for which they fought may be revealed as inadequate**, and indeed their leaders may be co-opted or even eliminated, **but racial subjectivity** and self-awareness, unresolved and conflictual **both within the individual psyche and the body politic, abides**. **Resistance is not futile.**

2NC impact- political crisis

We need sites of public contestation and solidarity in order to solve political crises- otherwise we risk catastrophic impacts and never create concrete change

Milstein 2014 [Brian, College d'études mondiales, "Thinking politically about crisis: A pragmatist perspective", European Journal of Political Theory, 0(0) 1-20, Accessed at Sage Journals 12/12/2014, pg. 1-3, AX]

"Crisis" is a prominent feature of our social and political reality. However, the term "crisis," pervasive as it is in discussions about politics, society, and history, is rarely defined or grappled with explicitly. As the conceptual historian Reinhart Koselleck once observed, "From the nineteenth century on, there has been an enormous quantitative expansion in the variety of meanings attached to the concept of crisis, but few corresponding gains in either clarity or precision."¹ Nearly a half-century after Koselleck made this statement, very little has changed. We talk of particular crises; we talk of things that are alleged to be "in crisis," but there is comparatively little discussion about "crisis" as such. This is especially the case in political theory, where the bulk of normative energies tend to be expended on questions relating to ideal conditions in an otherwise stable society. Yet however else we might think to characterize crisis—be it as a time of radical disruption, a moment of epochal transition, the detonation of systemic societal contradictions, or a state of emergency, and be it of the state, the economy, the environment, or the international sphere—a crisis is always in the last instance a political phenomenon. My purpose here is to rethink the concept of crisis as a concept of political theory. More specifically, I am interested in how the "grammar" of crisis might inform the way we think about political action and social change. In doing so, I seek to broach a number of foundational questions about the nature of the concept of crisis and the place it occupies in our political repertoire: What are we doing when we say there is a crisis? What function does the concept serve? What assumptions are we putting into play when we use the term crisis? Since the beginning of the modern age, crisis experiences have played a key role in calibrating the aims of politics and the central questions of political theory. The primary point of reference for modern political thought—the sovereign state—was forged out of the manifold political crises of the seventeenth and eighteenth centuries. Jon Elster observes that "new constitutions almost always are written in the wake of a crisis or exceptional circumstance of some sort."² Many of our social welfare institutions came into being in the wake of recurrent economic crises, and it is also out of these same experiences that the idea of socioeconomic justice has found its way into the mainstream of contemporary political thought. Many of our most important international institutions, as well as the bulk of international humanitarian law, were forged out of experiences of international and humanitarian crisis, and so, too, have our current debates about human rights and inter-national or global justice. At the same time, crises are not exactly phenomena we welcome. They wreak havoc on society, destroying lives and livelihoods, and they are just as likely to leave society in a worse state instead of a better one. Moreover, crises harbor political dangers as well as opportunities, and the opportunities they do present may just as well be opportunities for exploitation by elites as for emancipatory movement by the masses. It is no surprise that much of the recent literature dealing with crises, particularly in the realm of legal and constitutional scholarship after 9/11, has put its emphasis on precisely this potential for exploitation.³ But, as I will argue in what follows, even this potential for elites or rulers to manipulate crises is parasitic on a more fundamental set of functions that the concept of crisis fulfills in the modern social imaginary. Philosophies of history, especially those influenced by the Hegelian and Marxist traditions, often identify crisis not only with disruption and cataclysm but with opportunities for transformation or even transcendence: crises can be indicative of deeper pathologies in the structure of society, and they can bring into the open power relations or conflicts that remained otherwise hidden.⁴ To be sure, over-simplified associations of crisis with revolutionary praxis have been rightly criticized on both philosophical and empirical grounds as flawed, naive, and even dangerous.⁵ But this need not rule out the possibility of a more subtle, methodical, and pragmatic investigation into the relation of crisis experiences to the creation of historical meaning, transformations of solidarity, and consciousness of justice and injustice. Even if we can no longer abide a simple identification of crisis with emancipation, this does not negate the possibility that crises can be occasions for contesting social structures, transforming solidarities, and pursuing political change. In this article I will offer a "pragmatist" approach to thinking about crisis. My argument is, if we want to think about crisis as a political concept, we need to think through how the concept is used in modern societies—that is, by thinking and speaking actors who experience and act upon crises. Pragmatists from C.S. Peirce to Wittgenstein to Jurgen Habermas and Robert Brandom have argued that, in order to grasp a concept, we need first to examine how it serves the practice of reasoning, how it helps us make inferences about the world, what prior understandings and judgments it presupposes, how it fits in with other related concepts, and how it informs our repertoires of

action. In what follows, I will show that the concept of crisis indeed rests on some powerful assumptions. Crisis belies the traditional distinctions between empirical science and normative philosophy: it is an objective event, but it is one whose urgency demands a normative commitment on the part of those involved in it. It is an inherently reflexive concept, one that blurs the usual dichotomies between fact and value, observer and participant, and theory and practice, and it presupposes our ability to critically observe and take responsibility for our social world. As such, the modern concept of crisis is an essentially participatory concept, whose very invocation calls not just for observation and critical judgment but action. I will begin with a look back at how the concept of crisis has emerged and developed as a central concept in modernity, a reflexive concept participants use to make sense of their increasingly complex relationship to their social world. In the following section, I will show how the modern concept of crisis rests on certain pragmatic assumptions, which will allow us to see how crises can be understood as a function of the publicly discursive production of “crisis consciousness.” As we will see in the “The politics of the crisis community” section, it is the public way in which actors speak about, act upon, and contest each other’s consciousness of crisis that makes crisis into a thoroughly political phenomenon, susceptible to contestation, struggle, and even resistance. I will conclude by arguing that it is precisely this discursive and contested aspect of the crisis concept that can make it appear fuzzy, diluted, or subject to abuse, but this is all the more reason to strive to make the concept explicit in political theory.

2NC impact- warming

Their politics of resistance to institutions and protest weakens institutional and collective change because those decentralized actions can’t bring together diverse communities and abandons institutions-particularly that prevents solutions to global climate change.

Heath and Potter 2005 [Joseph Heath and Andrew Potter. Joseph Heath is an associate professor in the department of philosophy at the University of Toronto. Andrew Potter is an assistant professor in the department of philosophy at Trent University. *Nation of Rebels: Why Counterculture Became Consumer Culture*. “Spaceship Earth.” HarperCollins Publishers. Pg. 329-330, AX]

The fact of the matter is that the antiglobalisation movement has a conception of democratic politics that is fundamentally hostile toward national and international representative institutions. It is convenient to attribute this hostility to a healthy scepticism (“Governments sold us out!”), but really it is as old as the counterculture from which the antiglobalisation movement sprang. Klein claims that her goal is to help build a form of ‘deep’ and decentralised democracy. Yet the politics that she has in mind is essentially the ’60s ideal of ‘participatory democracy’ or ‘grassroots democracy’. Its countercultural pedigree can be seen in the profound dislike of hierarchy, bureaucracy and expertise that this model of democracy entails. The main goal of this sort of politics is to eliminate the institutional barriers and vested interests that stand between citizens and action. It looks to shift from representation to deliberation, by inverting the basic political structure from the top-down structure of representative democracy to a grassroots, bottom-up process for decision-making. This requires a radically decentralised politics, with power downloaded to local communities or municipalities. This is just the political form of the environmentalist ‘Think globally, act locally’ agenda, with a similar faith in its virtues. Underlying it all is a faith in the powers of spontaneous harmony, an assumption that as long as each local community looks after its own interests, the interests of the whole will automatically be met. Furthermore, in shrinking the scope of citizens’ political responsibility and concern, participatory democracy hopes to achieve a substantial reduction in conflict and complexity, and thereby to evade the problems that arise from living in a pluralistic society. The more local the politics, the smaller the population one needs to take into consideration, and thus the less the chances are of having to compromise or accommodate those with different values. Supporters of participatory democracy have even started advocating something called ‘local foreign policy’. Small organisations, from universities to churches to municipalities, pass regulations that the governments at the provincial, state and federal levels are unwilling to consider. Berkeley, California, was (naturally) one of the first to ban companies with investments in Burma from selling their goods or services to municipal agencies. Others have followed suit, targeting companies with investments in places like Indonesia and Nigeria, while still others have enacted ‘living wage’ laws, so that in order to win a municipal contract, a company must pay its employees a suitably high wage and offer a certain package of benefits. Fundamentally, this

is the same form of utopianism that one finds in Callenbach's *Recolonia*. If this sort of deep, decentralised democracy were able to solve our problems, then we wouldn't need governments at all. But the most serious political challenges we face are essentially collective action problems, and decentralised local democracy can't be the solution to these problems, since more often than not it is the cause. Global warming is a good example. No individual corporation has any interest in reducing its output of greenhouse gases, because the costs of global warming are spread across every person on the planet. At the same time, no individual country has any incentive to regulate its own energy industries in the absence of any guarantee that other countries will do likewise. Global warming can be solved only by a general agreement that is binding on every producer of greenhouse gases on earth. What we need is not a local foreign policy, but a global domestic policy on greenhouse gas emissions. At some point, the stance of the antiglobalisation movement begins to generate a vicious circle. The whole problem with globalisation, say its opponents, is that it has weakened governments to the point where they are now irrelevant. We cannot possibly expect our national governments to bring peace, order and justice to the planet, since it is the very impotence of these governments that makes the retreat into local politics necessary in the first place. But then these activists turn around and refuse to participate in national politics, and deny the legitimacy of their own elected officials. This retreat from democratic politics weakens these governments further and robs them of legitimacy with certain crucial segments of the population. In so doing, the antiglobalisation movement weakens the only instrument that can be used to correct the very problems that it diagnoses. We can break the circle only by putting to bed the myth of powerless governments. Governments, especially those in the West, are not shrinking, they are not the stooges of multinational corporations and there has not been a race to the bottom' in taxation, corporate regulation and environmental protection. In fact, just the opposite is true. Average government tax revenues as a percentage of GDP are higher than they have ever been, and the trend is upward, not down. In the wake of the Enron, WorldCom and Parmalat corporate scandals, there is a movement toward significant tightening of international regulations on corporate governance. Finally, there is no evidence that environmental regulations are being weakened by pressures emanating from global competition.

A2: Reformism Bad

Progressive change is possible and effective – the alt fails and leads to authoritarianism
Connolly 11

(William E., *A World of Becoming*, Duke University Press)

Is it not obligatory to expose and resist the system as such rather than taking cumulative actions to move it? Don't such actions necessarily fold back in on themselves, feeding the dosed system they seek to move? Some theorists on the Left say such things, but they themselves have too dosed a view of the systems they criticize. No system in a world of becoming composed of multiple, interacting systems of different types, with different capacities of self-organization, is entirely dosed. It is both more vulnerable to the outside than the carriers of hubris imagine and periodically susceptible to creative movement from within and without simultaneously. Moreover, pure negativity on the Left does not sustain either critique or militancy for long, but rather, it tends eventually to lapse into resignation or to slide toward the authoritarian practices of the Right that already express with glee the moods of negativity, hubris, or existential revenge. We have witnessed numerous examples of such

disappointing transitions in the last several decades, when a negative or authoritarian mood is retained while the creed in which it was set is changed dramatically. We must therefore work on mood, belief; desire, and action together. As we do so we also amplify positive attachment to existence itself amidst the specific political resentments that help to spur us on. To ignore the existential dimension of politics is to increase the risks of converting a noble movement into an authoritarian one and to amplify the power of bellicose movements that mobilize destructive potential. To focus on the negative dimension alone is to abjure the responsibilities of political action during a dangerous time.

To review, none of the role interventions listed above nor all in concert could suffice to break such a global resonance machine. Luck and pregnant points of contact with salutary changes in state actions, other cross-state citizen movements, the policies of international organizations, creative market innovations, and religious organization are needed. But those larger constellations may not themselves move far in a positive direction unless they meet multiple constituencies primed to join them and geared to press them whenever they lapse into inertia, if a world resonance machine of revenge and counter-revenge stretches, twists, and constrains the classical image of sovereign units, regionally anchored creeds, uneven capitalist exchange, and international organizations, while drawing selective sustenance from all of them, a new counter-machine must do so too.

Reform is key –crucial to the movement and refusing short term work ignores the real bodies in the system now

Meiners 7 (Ph.D. in Education, Simon Fraser University, Canada; teaches, writes and organizes in Chicago. Erica R., Right to BeHostile: SCHOOLS. PRISONS, AND THE MAKING OF PUBLIC ENEMIES, pg. 169-70)

Working toward a horizon of abolition forces me to continue learning and considering the depth of how prisons and incarceration are natural- ized in our communities. However, this multifaceted goal of prison abolition does not mean not doing reform work. The horizon of abolition does not preclude working for reforms and changes. Reform work and service providing are required because there are real bodies who need immediate assistance. As longtime feminist prison activist and scholar Karlene Faith writes:¶ Every reform raises the question of whether, in Gramsci's tenus, it is a revolutionary reform, one that has liberatory potential to chal- lenge the status quo, or a reform reform, which may ease the problem temporarily or superficially, but reinforces the status quo by validating the system through the process of improving it. We do liberal reform work because real women in real crises occupy the prisons, and they can't be ignored. Revolutionary reform work is educative: it raises questions of human rights (and thereby validates prisoners as human beings) and demonstrates that the state apparatus, which is mandated to uphold human rights, is one of the worst rights abusers. (Faith, 2000,164-165)¶ Faith reminds me of the necessity of doing the "both/and" where everyday local work may involve service providing or working for reforms, but it is also useful to place, understand, and connect this labor to a larger movement. For example, I cofacilitated domestic violence workshops at the Cook County Jail because there are real women in prisons and jails with real needs. We distributed information about the resources available to women including housing and advocacy services. Yet, despite offering information to women who generally were not informed about these resources, this service-providing was also problematic if analyzed through a wider framework. Our work was free and removed responsibility from the jail to provide these services. Our program made the jail "look good because a group of university academics volunteered their time and pro- vided services and did nothing to challenge the existence of the jail, in fact our work potentially strengthened the jail's legitimacy. This creates a clear contradiction, as how do we challenge the legitimacy of the jail, yet recognize that there are women who require immediate resources? There are significant tensions between these frameworks, reform or service-providing and abolition, and I don't think that these tensions are necessarily a negative. For me, these tensions about how and where to work, and the conflicts surrounding short- and long-term strategies for change, can make

both the "direct service" and "abolition" work stronger. I specifically use the term the horizon of prison abolition because this is a goal that shifts yet simultaneously frames all of my work. Abolition is also a concept that is grounded in histories of successful struggles for racial and economic (and gender) justice, and invoking these histories is useful.

Must consider each use of sovereignty as unique – cannot universalize our opposition to the state or we will create the same problems of universal sovereignty and give ourselves over to multiple other forms of oppression

Derrida 3

(Jacques, THE "WORLD" OF THE ENLIGHTENMENT TO COME (EXCEPTION, CALCULATION, SOVEREIGNTY), Research in Phenomenology. Pittsburgh: 2003. Vol. 33 pg. 9, 44 pgs)

And yet, in the second place, it would be imprudent and hasty, in truth hardly reasonable, to oppose unconditionally, that is, head on, a sovereignty that is itself unconditional and indivisible. One cannot combat, head on, all sovereignty, sovereignty in general, without threatening at the same time, beyond the nation-state figure of sovereignty, the classical principles of freedom and self-determination. Like the classical tradition of law (and the force that it presupposes), these classical principles remain inseparable from a sovereignty at once indivisible and yet able to be shared. Nation-state sovereignty can even itself, in certain conditions, become an indispensable bulwark against certain international powers, certain ideological, religious, or capitalist, indeed linguistic, hegemonies, which, under the cover of liberalism or universalism, would still represent, in a world that would be little more than a market, a rationalization in the service of particular interests. Yet again, in a context that is each time singular, where the respectful attention paid to singularity is not relativist but universalizable and rational, responsibility would consist in orienting ourselves without any determinative knowledge of the rule. To be responsible, to keep within reason [garder raison], would be to invent maxims of transaction for deciding between two just as rational and universal but contradictory exigencies of reason as well as its enlightenment.

2NC Right Takeover DA

The left is failing because of a suspicion of the nation state – we might fight the right at all levels in order to be effective

Grayson and Little 11

(Deborah Grayson and Ben Little 4 August 2011, The far right are the masters of network politics, not the 'internationalist' left, <http://www.opendemocracy.net/ourkingdom/deborah-grayson-and-ben-little/far-right-are-masters-of-network-politics-not-international>)

While Norway mourns and attends to matters of justice, across Europe the left would be wise to pause and reflect upon the mixed responses to the worst case of child murder in northern Europe since the Second World War. We can only hope that Anders Breivik is a lone operator and that we will not see this kind of politically motivated mass murder repeated in the UK or anywhere else, but in showing how right wing ideology is formed and disseminated through increasingly international networks, the Utoya massacre has lessons for us all.

Although globally oriented 'lefties' may like to think this is a contradiction in terms, it is the far right who are pioneering the way towards a new form of

internationalism. This is not to say that they have lost their attachment to the nation – for all that vigilantes like Breivik may think in civilisational or European terms, “small state” nationalism remains the bedrock of their politics. Those that see the blurring of boundaries between European and national perspectives as a sign of incoherence which will diminish the power of these ideological beliefs are mistaken. In an age of network politics it's a strength, and one that the left needs to understand if we are to reverse the electoral successes of the centre-right and the populist rise of the far-right across Europe. So far, the left has struggled to match the way far-right networks have learned to scale seamlessly from the local to the civilisational through the conceptual space of the national. The English Defence League, for example, explain local opposition to their marches as stemming from the malign influence of the SWP's campaign, Unite Against Fascism; cite the welfare state as evidence of leftist domination in national politics; and see in the European Court of Human Rights the imposition of socialist, multicultural values across the entire continent. This sense of multiple scales allows the EDL to create a language that reflects their politics at every level, and to communicate their message across local and national boundaries. They create a unified rhetoric that the left, with their suspicion of the national, cannot replicate.

The strategy of the 1AC results in Anti-politics that makes political corruption and right wing dominance inevitable

Boggs 97 CARL BOGGS, National University, Los Angeles, “The Great Retreat: Decline Of The Public Sphere In Late Twentieth-Century America” 1997 *Theory and Society* 26., AX

Both mall culture and mass media symbolize the prevailing mood of anti-politics: they reproduce to a deeply-atomized, commodified social life-world which corresponds to the mode of consciousness described by Richard Sennett in *The Fall of Public Man*, where citizen involvement in a republic is effaced “by the belief that social meanings are generated by the feelings of individual human beings,” so that the common terrain of power relations and social space is obliterated.¹⁵ Sheldon Wolin refers to this development as a “crisis of citizenship,” reflected in the carving up of the public sphere by local, privatized interests.¹⁶ The point has been reached where most Americans can no longer imagine a system truly open to citizen participation, where the ordinary person might have influence. Viewed in this way, modernity is two-sided: it coincides with the spread of technology, knowledge, and expertise but also reinforces widespread feelings of alienation and powerlessness. Individuals feel engulfed by forces beyond their control ^ bureaucracy, government, huge corporations, the global economy. Under these conditions psychological retreat from the public sphere may seem normal enough. The problem, however, is that such firmly entrenched bastions of power will not vanish simply because they are denigrated or ignored; on the contrary, their hegemony will simply go unchallenged. After California anti-tax crusaders launched the Proposition 13 campaign in 1978, an upsurge of movements on the right fed into a rapidly-growing anti-statist current that transformed the whole terrain of American electoral politics. Winning millions of adherents, these movements took many forms: libertarians, Christian fundamentalists, anti-abortion campaigns, groups, the National Rifle Association, local militias, and so forth. While usually ambivalent toward the public sphere, they nonetheless entered it and often used it to great advantage. Yet popular hostility toward government was never just a right-wing phenomenon; it had already resonated within the new left, the counter-culture, some progressive movements, and a nascent neo-liberalism. As a general mood, anti-politics can be seen as a response to the mounting crisis of the public sector at a time when competitive pressures within the global market began to intensify. It can also be understood as a growing reaction against bureaucracy in any form. Anti-statism was further reinforced by the crisis and then eclipse of Communism around the world ^ a development interpreted by many as validation of free-market capitalism and privatized consumption styles fetishized in the leading industrial nations. When the decline of

European social democracy is taken into account, the waning of the entire socialist tradition becomes a watershed event for justifying the most extreme (and utopian) forms of anti-statism. In this milieu the "death of socialism" and with it **the discrediting of any government planning or regulation of the economy is widely interpreted as a sign that state power is fundamentally corrupt and inefficient at all times and all places.** American society in the 1990s has seen the resurgence of a fiercely anti-government right-wing populism comprising not only free-marketeters and anti-tax partisans but also a bizarre variety of cults, militias, and enclave groups, mostly but not entirely drawn from the ranks of the familiar "angry white male." Many see themselves caught up in an all-out war against an evil and oppressive federal government that taxes and regulates citizens beyond reason. Others see the national state apparatus as some kind of agency of international conspiracies, some-times involving the United Nations. Inevitably, violent confrontations of one sort or another have taken place at the Waco standoff; and conflagration at the Branch Davidian compound, the Oklahoma City bombing, the protracted holdout of the Montana Freeman, the Amtrak train derailment, and numerous others. In hundreds of lesser episodes, federal agents and employees around the country have been victims of threats, intimidation, and various hostile acts. A Gallop Poll taken in May 1995 revealed that no less than 39 percent of Americans believe the federal government constitutes an enemy of human rights. In the first ten days following the Oklahoma City events a number of federal agencies received a total of 140 bomb threats. Twice in 1994 and 1995 disgruntled citizens took employees hostage, in San Francisco and Puerto Rico, to protest shoddy treatment at the hands of government agents. Public officials at all levels are frequently the target of verbal assaults. Such manifestations of popular outrage cannot be dismissed as the irrational acts of marginals and crazies, though this element does enter the picture; far more common is the lashing out of working people who feel powerless and believe, quite rightly, that most government officials and politicians care little about their problems. Whether this revolt against politics can have any strategic value in a period of global interdependence and worsening social crisis raises yet another set of issues. In fact, the historical meaning of contemporary anti-statism is far from clear. Here it is necessary to mention that the 752 **neo-conservative and right-wing attack on big government** has been, and **continues to be, highly selective insofar as these groups would actually hope to strengthen the most oppressive and authoritarian features of the state (the military, police, prison system, controls over personal life) while tearing down** those **social programs** that account for no more than three percent of the total federal budget. Nor is there the slightest inclination to disturb the most gargantuan and powerful institutions of all the multinational corporations, huge financial networks, and their global extensions in the World Bank and IMF. Somehow these huge fortresses of power and wealth escape the conservative attack on "bigness," waste, and lack of accountability. The reality is that the modern state and corporations are thoroughly interwoven, and both are integrated into the permanent war economy. In Theodore Roszak's words: "When we talk about 'big government' in America, this ought to be the meat of the discussion. It is big war that created and sanctioned the big corporations. It is the big corporations that undergird big government. Big government is quite simply the American economy as our local extension of global industrialism."¹⁷ **Anti-politics** thus **represents an abstract, ultimately duplicitous rejection of state power; retreat from the public sphere does not suggest popular mobilization against big government as such but rather an assault on just the redistributive and welfare functions of the state. Put more simply: the idea of dismantling the welfare state is really a code for lowered taxes, deep cuts in social programs, deregulation, and freeing of more resources for private consumption.** The values associated with citizen participation, much less a recovery of the public sphere, **have no place on this agenda.** Thus the Reagan presidency, galvanized and legitimated by its strong opposition to entrenched governmental power, actually contributed to the expansion of that power year by year. Resources were poured into the military; the space program, intelligence, and law enforcement rose to record levels; taxes were increased; administrative corruption spread; and bureaucracy showed no signs of dissolving. Reagan also concocted his famous Star Wars scheme, which, if enacted, would have been the most expensive government program in history. Still, Republicans persisted in their libertarian blather about the evils of state power, always invoking "free-market" values that, in fact, have no relevance to the United States or any capitalist economy. The reality is that the much-celebrated shift back to an autonomous market, family values, local neighborhood, and individual consumption could never occur without eroding the very foundations of state-integrated corporate capitalism.

A2: Cooption/State Link

And despite threats of cooption, being able to forge ties with those in power is necessary to the success of movements

Yeo (Assistant Professor of Politics at the Catholic University of America) **11**
 (Andrew, Activists, Alliances, and Anti-U.S. Base Protests, Cambridge University Press, pg 196-7)

In the previous section, I covered several policy implications and prescriptions for U.S. overseas basing strategy. What insights and lessons can be drawn for anti-base movements? I offer four sets of

recommendations for activists regarding anti-base movement strategy and advocacy. The first suggestion stems directly from the security consensus framework: when possible, activists should form ties with political elites. As discussed in the introductory chapter, U.S. base policies are ultimately decided by government officials. Therefore, anti-base movements gain greater leverage and influence on basing policy outcomes when they form ties with key elites. This was certainly the case with successful anti-base movements such as the Anti-Treaty Movement in the Philippines and No Bases Coalition in Ecuador. Although not included in this volume, ties between Puerto Rican anti-base activists and several U.S. congressional representatives helped activists shut down Roosevelt Roads Naval Station in Vieques, P.R. The support of several prominent U.S. political figures such as Hillary Clinton and Jesse Jackson, and the direct involvement of U.S. representatives such as Nydia M. Velasquez and Luis V. Gutierrez, increased publicity and political leverage for the Vieques movement.⁵⁷ Encouraging anti-base movements to form ties with sympathetic elites seems self-evident. Yet, one might find surprising the level of resistance to this suggestion by some activists. Ties to political elites raise the specter of co-optation. The lack of trust in politicians, the political establishment, or more generally formal politics often stems from activists' own experience and interaction with government officials over the course of several movement episodes. This attitude was expressed by several anti-base activists in South Korea, Japan, and even the Philippines. Activists in Vieques also faced heated discussions over strategy: Should they maintain support for radical left parties? At the local level, should movement leaders move from informal to more formal avenues of politics? Although the wariness of movements in engaging formal political actors is understandable, research across several anti-base movement episodes suggests that movements that form alliances with political elites and engage base politics through both formal and informal channels tend to have a greater impact on basing policy outcomes.

***Framework**

Notes

You can take literally any of the 8 islamophobia affs and read as the t version

Take shell from the generic file- also a ton of the “state good” and “institutions key” stuff are found above in the “Cede the Political K” portion of the file

Topical Versions of the aff

Strict Scrutiny

Strict scrutiny standards are historically tough for governments to meet- extending the standards to include religion solves extensive Islamophobic actions.

Parvaresh 2014 [ROMTIN, J.D., University of Southern California; B.A., B.S., University of California, Berkeley, “PRAYER FOR RELIEF: ANTI-MUSLIM DISCRIMINATION AS RACIAL DISCRIMINATION”, SOUTHERN CALIFORNIA LAW REVIEW, 2014, <http://lawreview.usc.edu/wp-content/uploads/Parvaresh-Final-PDF.pdf>, Accessed 7/16/15, AX]

In late 2011, the New York City Police Department (“NYPD”) made national and international headlines when its secret surveillance of Muslims across the New York City area was discovered. 2 Under the guise of counterterrorism, the NYPD monitored the daily lives of thousands of Muslims for about a decade, 3 using techniques such as taking photographs, collecting license plate numbers at mosques, and utilizing informants known as “mosque crawlers” to infiltrate Muslim organizations. 4 From recording sermons to monitoring businesses and grade schools, the NYPD targeted individuals not because of a reasonable suspicion that they specifically were linked to terrorism, but rather because of one common characteristic: they were or were believed to be Muslim. As one might expect, the police surveillance program has come under fire, as it chills religious participation and casts innocent Muslims as potential terror suspects. 5 In mid-2012, a group of Muslim plaintiffs filed suit in federal court challenging the NYPD’s program. 6 Though their complaint alleged First Amendment violations, including violations of the Free Exercise and Establishment Clauses, their likelihood for success may be hampered: Recent findings indicate that Muslim plaintiffs as a class are less likely to succeed on First Amendment challenges relative to other religious groups. 7 Indeed, in early 2014, the case was dismissed on standing and pleading grounds, 8 and it was under appeal in the Third Circuit as of August 2014. Of greater interest, however, is the plaintiffs’ additional claim for violation of the Equal Protection Clause of the Fourteenth Amendment. This claim, too, faces a doctrinal obstacle—religion is not a suspect classification and is thus not subject to strict scrutiny. Only classifications based on race and national origin are suspect and thus warrant strict scrutiny; 9 by contrast, religion, more so than race or national origin, appears to be the primary, if not sole, basis for the NYPD’s surveillance. This Note, however, does not look to resolve the constitutionality of the NYPD surveillance program. Rather, it explores an idea impliedly raised by the case: the intersection of race and religion in post-9/11 America. For instance, one way the NYPD lawsuit plaintiffs might have bolstered their case would have been to frame the alleged equal protection violations in the context of race, and thus have the NYPD’s actions analyzed under strict scrutiny—a historically tough burden for the government to meet. 10 The question then becomes whether anti-Muslim discrimination could be interpreted as a form of racial discrimination. This Note therefore seeks to place anti-Muslim discrimination into current legal understandings of race. It argues that, in some instances, anti-Muslim discrimination should be treated as racial discrimination. 11 In short, because Muslims, along with Middle Easterners and South Asians, have increasingly become racialized in both the immediate and prolonged aftermath of 9/11, they now warrant additional legal protection

given the various forms of discrimination they experience in both private and public contexts. Opening racial discrimination claims to them would be one way to provide such relief.

The strict scrutiny standard solves-it requires the government to demonstrate a legitimate, non-targeted justification for surveillance- policies restricting the expression of Islamic ideas fail to meet

Figueroa 12 [Tiffani, (associate @ Morrison Foerster's Litigation Department), "'ALL MUSLIMS ARE LIKE THAT': HOW ISLAMOPHOBIA IS DIMINISHING AMERICANS' RIGHT TO RECEIVE INFORMATION", Hofstra Law Review, Winter 2012, <http://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=2699&context=hlr>, Accessed 7/16/15, AX]

As in the case of Islamophobia, it is easy to target a specific group because some Americans automatically associated the 9/11 hijackers with all Muslims and those perceived as Muslim. 31 Similarly, in the interest of national security, the government at times partook in practices that people may view as discriminatory. The government failed to protect the free speech rights of Muslims as a targeted group, and these actions subsequently harmed the right to receive information for Americans. Although the government's purpose in enforcing the laws discussed in this Note was not to close off Muslim ideas, the effects may show otherwise.352 Justice Antonin Scalia stated, "[t]he vice of content based legislation-**what renders it deserving of the high standard of strict scrutiny-is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.**" 353 "Unavoidable targeting" stemming from a government regulation is included within this "vice of content-based legislation." This phenomenon may shine light on what has occurred following the 9/11 attacks. By employing an effects test in the First Amendment analysis, courts will more efficiently investigate whether there is viewpoint discrimination affecting the right to receive information since the courts must first establish if a government action falls disproportionately on a specific group.354

The strict scrutiny standard would immediately declare the most invasive and abusive Islamophobic policies un-Constitutional and reduce the executional ability of these agencies

Love 2012 [Erik, (Assistant Professor of Sociology @ Dickinson College), "NYPD: Whose side are you on?", Institute for Social Policy and Understanding, <http://www.ispu.org/GetArticles/48/2461/Publications.aspx>, Accessed 7/16/15, AX]

Despite the recent outpouring of support of these discriminatory programmes, a federal investigation of the NYPD's practices is sorely needed. It's likely that if the NYPD's crudely constructed policies of religious and racial profiling were brought into the courts, the judicial principle of strict scrutiny would definitely show that the NYPD had grossly violated the constitutional right to equal protection under the law. Strict scrutiny is the standard applied by the courts to determine whether the government can move beyond constitutional limits due to extraordinary circumstances. It's called "strict" because the government must rise to a tripartite standard: first, it must prove that it has a compelling interest; second, that the policy is narrowly tailored to achieve that interest; and, finally, the policy must use the least restrictive means to achieve that interest. Preventing terrorism is, undoubtedly, a compelling state interest. But spying on anyone who happens to be in a mosque or restaurant cannot possibly be "narrowly tailored". Similarly, a programme so paranoid that it spied on its own anti-terrorism partners and kept track of any Muslim who changed their name clearly isn't the "least restrictive means" towards achieving the goal of anti-terrorism. [The case for proving that the NYPD has violated the constitution appears easy to prove in a court. The inability of Muslim American and civil liberties advocates to get these programmes into the courts, so far, is another sign of political oppression. What might be even worse than the flagrant violation of civil rights, however, is that the NYPD programme is likely to make New York and the rest of the country less safe from terrorism. The best scholarship on

terrorism suggests that devout Muslims are very unlikely to join up with terrorists. A February 2012 report from the Triangle Center on Terrorism and Homeland Security concluded that terrorism from Muslim Americans was a "miniscule threat to public safety". An earlier report from the same centre found that Muslim American "practices" effectively "prevent radicalisation".

SPOT

The questioning of Muslim people creates a prevailing atmosphere of Islamophobia

Bilici 10 (Mucahit Bilici, Assistant Sociology Professor at John Jay College; "Islamophobia / Islamophilia, Beyond the Politics of Enemy and Friend," "Muslim Ethnic Comedy: Inversions of Islamophobia," 2010, pg. 198-199)

This routine provides a perfect illustration of the Muslim airport experience, where the negative charisma of being Muslim assumes full transparency. At the airport, those who have so far (in the city, at the ticket counter, and so on) been treated equally suddenly become suspect. At the internal borders of the nation, they suddenly feel their protected status begin to evaporate. Even those Muslims who do not consider themselves particularly profiled or discriminated against in everyday life suddenly begin to feel uneasy. Strip search and other security rites of passage through the border show them the hard edge of the nation. Here Muslim otherness is revealed in the most conspicuous way. Despite official efforts to present searches at the airports as random, comedians like Dean Obeidallah skeptically ask their Muslim audiences: "Are you selected for random search even when you are dropping a friend at the airport?" The fear a Muslim inspires is associated with the unpredictability of his behavior. What if he is a terrorist? What if he hijacks the plane? What if he is only pretending to be normal? All these questions that airport authorities ask citizens to consider transform the Muslim passenger in the eyes of his fellow travelers into a source of unpredictability and danger. When a Muslim like Azhar Usman gets onto the plane, faces fall. Danger is imminent. The anxiety ends only when the plane lands. People are almost thankful to the Muslim passenger for not doing what they feared he might. Flying-while-Muslim thus becomes an extremely public event. A crucial point here is that the airport is where Muslim experience and American mainstream experience meet. Jokes about aviation thus have a remarkable degree of transparency and universality. Muslims and non-Muslims alike can understand and laugh at airport and airplane jokes. They are at once ethnic and national, particular and universal. These jokes represent the comic surface where Muslim and American perspectives intersect most "dangerously" and with full intelligibility. Jokes about the airport experience thus constitute a significant portion of the repertoire of Muslim comedians today.

This surveillance creates conditions for psychological and physical violence against brown people

Huus 11 (Kari Huus, Fulbright Scholar Taiwan, "Muslim Travelers Say They're Still Saddled with 9/11 Baggage", www.today.com/id/44334738/ns/today-today_news/t/muslim-travelers-say-theyre-still-saddled-baggage/#.VafqhnTWKF4, 9/13/2011, sr)

Imagine it is 5 a.m. and you've landed in New York after a 12-hour overseas flight. Standing in the line for U.S. citizens, you wait as a border agent asks passengers ahead a few cursory questions, then waves them through. Your family is instead ushered into a separate room for more than an hour of searching and questioning. This was the welcome that Hassan Shibly, traveling with his wife and infant son, said they received in August 2010, when they returned to the United States from Jordan, after traveling to Mecca. "Are you part of any Islamic tribe? Have you ever studied Islam full time? How many gods do you believe in?" "How many prophets do you believe in?" the agent at New York's JFK Airport asked, according to Shibly, 24, a Syrian-born Muslim American. He said the agent searched his luggage, pulling out his Quran and a hand-held digital prayer counter. "At the end — I guess (the agent) was trying to be nice — he said, 'Sorry, I hope you understand we just have to make sure nothing gets blown up.'" said Shibly, a law school graduate who grew up in Buffalo. A decade after Islamic extremists used airplanes to attack the

World Trade Center and the Pentagon, Muslim American travelers say they are still paying the price for terror attacks carried out in the name of their religion. At airports, ports and land crossings, many contend, they are repeatedly singled out for special screening and intrusive questioning about their religious beliefs. Others say they have been marooned overseas, barred from flights to the United States. ‘Stories come pouring out’ **“Whenever a group of Muslims sit together ... stories come pouring out,”** said real estate agent Jeff Siddique, a Pakistan-born U.S. citizen who has lived in Seattle for 35 years. “It’s story after story after story.” That is supported by a survey released in August by the Pew Research Center, in which 36 percent of Muslim Americans who traveled by air in the last year said they had been singled out for special screening. According to a spokesman for the TSA, some people are chosen randomly for secondary search, while others merit secondary screening if their luggage contains things that raise questions. The TSA is now adding a program called SPOT — Screening Passengers by Observation Technique. “We have behavior detection officers who are all over the airport, looking for people exhibiting behaviors that are considered anomalous ... doing things that suggest they’re trying to hide something,” said TSA spokesman Nick Kimball. “They are observing the queue. When that person gets up to the front, they would be referred to the side.” The TSA website calls the program “a positive step that does not require ethnic profiling but looks to the pattern of behavior. ... These are tools that would allow us to be more precise, but without getting into racial profiling, which is a bad thing.” One of the most chilling cases surrounding the no-fly list is that of Gulet Mohamed, a 19-year-old American citizen of Somali heritage. Mohamed had been visiting family in Yemen and Somalia — two countries with active Islamist terrorist groups. When he went to the Kuwait airport to extend his visa in December, he was arrested and taken to a detention facility, where he was blindfolded, questioned and beaten by unknown agents, according to his lawyer, Gadeir Abbas. The questioners were especially interested in information about Anwar al-Awlaki, a dual U.S. and Yemeni citizen turned Islamic extremist in Yemen, Abbas said. Mohamed insisted he had no information and, after a week, Kuwait ordered his deportation. But when he tried to board a flight to the United States, he was told he was on the no-fly list. Only after Abbas filed a lawsuit on his behalf in January was Mohamed allowed to return home to Virginia. Mohamed is pursuing a claim for damages and to be removed from the list. The federal government wants the case thrown out on the grounds that it is irrelevant now that he is back in the U.S. Meantime, it will not confirm if he is on the no-fly list. The lawsuit is pending, after a judge moved it to a circuit court on jurisdictional grounds. “It’s this very Kafkaesque world where no one has charged (people on the list) with any crime ... but they can see its effects,” said Abbas, an attorney with CAIR. “... His case is the most heinous example of what the no-fly list can do.” Other pending court cases allege that Muslim American travelers have encountered similar violations of their rights, including some who were forced to take thousand-mile circuitous land routes to get back into the U.S. or were stuck overseas for weeks or months until lawyers here took up their cases. The ACLU, which argues that the watch list system is unconstitutional, has filed a lawsuit against the Justice Department, the FBI and the Terrorist Screening Center naming 20 people — 18 U.S. citizens and two permanent residents — who allegedly have been prevented from boarding airline flights to or from the U.S. The plaintiffs say they were told by security or airline staff that their names were on the no-fly list. “Thousands of people have been barred altogether from commercial air travel without any opportunity to confront or rebut the basis for their inclusion, or apparent inclusion” on the no-fly list,” the lawsuits says. “The result is a vast and growing list of individuals whom, on the basis of error or innuendo, the government deems too dangerous to fly, but too harmless to arrest.” In response, the government objected on jurisdictional grounds and argued that the policy

does not violate the constitutional rights of the travelers because “they have not been denied the right to re-enter and reside in the United States, nor have they been denied the ability to travel.” But critics of the list note that in cases like that of the lead plaintiff, **Ayman Latif, a 33-year-old U.S. citizen and disabled Marine Corps veteran, that would have meant weeks of travel from the Middle East to the United States by sea and land, at considerable additional expense.** The U.S. District Court in Portland, Ore., dismissed the case on jurisdictional grounds, ruling that it should go instead to an appeals court. The ACLU is appealing that decision.

SPOT’s ambiguous nature is what allows racial profiling- only removing the program solves

AAI 2013 (AAI Arab American Institute (AAI) “TSA SPOT PROGRAM”; Arab American Institute; AAI ISSUE BRIEF - TSA SPOT PROGRAM; <https://d3n8a8pro7vnm.cloudfront.net/aa/pages/7665/attachments/original/1431630938/SPOT%2525202015.pdf?1431630938>- No date in article but last date cited in past tense is November 2013)

In 2007, TSA introduced a program called Screening Passengers by Observation Techniques (SPOT) based on the subjective, discriminatory screening process first used by the Israeli government. the program uses Behavior Detection Officers (BDOs) to identify passengers who behave “suspiciously” in some manner, then ask them more questions or subject them to increased physical security checks. In 2012, more than 3,000 BDOs were deployed to 176 U.S. airports to look for preselected facial expressions, body language, and appearances that the program lists as suspicious. The Problem Any program that increases the scrutiny of American citizens runs the risk of selecting individuals discriminatorily, especially in a program like SPOT, where the officer who makes the initial inspection also decides who will be inspected. This problem is exacerbated when the class singled out is not designated by any real objective criteria. There is no closed list of sensitive behaviors that officers can look for without using their personal prejudices. Furthermore, there have been a number of reports of profiling or discrimination by BDOs and other TSA officers. Regardless of exactly how often this happens, it’s easy to understand how a program like SPOT could encourage arbitrary enforcement and ethnic and/or religious profiling against Arab or Muslim travelers, or other groups deemed suspicious. Whether or not these problems would be tolerable in a program that actually made Americans safer is a difficult question, but that difficulty disappears if the program isn’t actually effective. And here, the facts leave no room for doubt: SPOT, which has cost American taxpayers about \$1 billion dollars over the last few years, has not been shown to be an effective tool in fighting terrorism. Over and over again, independent reports from the DHS Inspector General and the Government Accountability Office (GAO) have come to the same conclusion. In a strongly critical November 2013 report, the GAO bluntly said that “available evidence does not support whether behavioral indicators [like those used in SPOT] can be used to identify persons who may pose a risk to aviation security.” The report indicated that the techniques officers use to identify suspicious passengers weren’t scientifically sound in any real way. At a Congressional hearing in the aftermath of the report, TSA Administrator John Pistole defended SPOT, but even its supporters on the Transportation Subcommittee of the House Committee on Homeland Security seemed to acknowledge that there were no real results TSA could point to. Perhaps most obviously, there has not been a single instance of a traveler flagged by a BDO who actually turned out to be a threat to aviation security. Rep. Mark Sanford (R-SC) made the point that however helpful behavioral detection might be in other law enforcement fields, it simply hasn’t translated into success in aviation security. Rep. Sanford also agreed with Reps. Sheila Jackson-Lee (D-TX), Steven Horsford (D-NV), and Donald Payne (D-NJ) that SPOT’s guidelines defining “suspicious” behavior were too vague to prevent discriminatory enforcement.

We should engage policy institutions to change the counter-terrorism paradigm.

Jackson 9 (Richard Jackson, Deputy Director at the National Centre for Peace and Conflict Studies, PhD from the University of Canterbury, "Critical Terrorism Studies: An Explanation, a Defence and a Way Forward," p.8-9, 12-15-2009,

If a critically-informed research praxis is distinguished by its explicit commitment to human emancipation, an important component of CTS research is to try to influence policy; not being concerned with policy relevance is not an option for scholars committed to human emancipation (Gunning, 2007b; Toros and Gunning, 2009). However, this does not mean that one should limit oneself to being relevant to state elites. **Critical scholars should engage both policy-makers and policy-takers, if their primary commitment is to humanity rather than the state. Engaging policy-takers furthermore, serves to lessen the risk of co-option by the status quo**, particularly if those thus engaged include members of communities labelled „suspect“ by the state, those designated „terrorists“, and so on. **However, to be effective, and to work towards realising the potential for immanent change within the status quo, critical scholars must simultaneously strive to engage those who are embedded in the state, members of the „counter-terrorist“ forces, the political elite, and so on. This is an area where critical scholars have arguably been weak in the past. I would argue that a commitment to emancipation in turn implies, among other things: a commitment to praxis as organic intellectuals to help bring about concrete utopias out of the fissures and contradictions of existing structures** (see Herring, 2008; Toros and Gunning, 2009); **a continuous process of „immanent critique“ of existing power structures and practices in society; the moral and intellectual questioning of the instrumental rationality paradigm of political violence**, whether it be terrorist or counter-terrorist violence, state or non-state violence (see Burke, 2008); **the prioritising of human security over national security and working towards minimising all forms of physical, structural, and cultural violence** (Toros and Gunning, 2009); and the serious scholarly and practical exploration of non-violence, conflict transformation, and reconciliation as practical alternatives to terrorist and counter-terrorist violence. From this perspective, I believe that CTS is at heart an anti-hegemonic project, a kind of „outsider theorising“ which seeks to go „beyond problem-solving within the status quo and instead... to help engage through critical theory with the problem of the status quo“ (Booth, 2007). Of course, the adoption of an anti-hegemonic, „critical“ standpoint requires a certain amount of intellectual and moral courage because it invariably engenders vigorous opposition from interests vested in the status quo – as a number of CTS scholars, including ourselves, have experienced (see Breen Smyth, 2009; Herring, 2008). CTS scholars must therefore adopt a prior commitment to refusing to give in to intimidation, abandoning research that is controversial, or to self-censorship. **In the current political environment engendered by the war on terrorism, CTS scholars must be prepared to say the unsayable, whether it is to governments, the wider society, particular communities, or terrorists**; in a very real sense, we must accept that „blasphemy is our business“ (Booth, 2008: 68).

Case- Impact Framing

Extinction 1st

Extinction 1st – pre-requisite to formation of value

Wapner 2003

Paul, Associate professor and director of the Global Environmental Policy Program at American University, DISSENT, Winter, <http://www.dissentmagazine.org/minutes/articles/wi03/wapner.htm>

The third response to eco-criticism would require critics to acknowledge the ways in which they themselves silence nature and then to respect the sheer otherness of the nonhuman world. Postmodernism prides itself on criticizing the urge toward mastery that characterizes modernity. But isn't mastery exactly what postmodernism is exerting as it captures the nonhuman world within its own conceptual domain? Doesn't postmodern cultural criticism deepen the modernist urge toward mastery by eliminating the ontological weight of the nonhuman world? What else could it mean to assert that there is no such thing as nature? I have already suggested the postmodernist response: yes, recognizing the social construction of "nature" does deny the self-expression of the nonhuman world, but how would we know what such self-expression means? Indeed, nature doesn't speak; rather, some person always speaks on nature's behalf, and whatever that person says is, as we all know, a social construction. All attempts to listen to nature are social constructions—except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world—in all its diverse embodiments—must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation.

Elevating Human extinction to a real possibility encourages a new social ethic to solve conflicts and create meaning to life.

Epstein and Zhao 9 [Richard J. Epstein and Y. Zhao, Laboratory of Computational Oncology, Department of Medicine, University of Hong Kong, Professorial Block, Queen Mary Hospital, Hong Kong. "The Threat That Dare Not Speak Its Name: Human Extinction". Perspectives in Biology and Medicine, volume 52, number 1 (winter 2009): 116–25. Project Muse.-

Final ends for all species are the same, but the journeys will be different. If we cannot influence the end of our species, can we influence the journey? To do so—even in a small way—would be a crowning achievement for human evolution and give new meaning to the term civilization. Only by elevating the topic of human extinction to the level of serious professional discourse can we begin to prepare ourselves for the challenges that lie ahead. The difficulty of the required transition should not be underestimated. This is depicted in Table 3 as a painful multistep progression from the 20th-century philosophical norm of Ego-Think—defined therein as a short-term state of mind valuing individual material self-interest above all other considerations—to Eco-Think, in which humans come to adopt a broader Gaia-like outlook on themselves as but one part of an infinitely larger reality. Making this change must involve communicating the non-sensationalist message to all global citizens that "things are serious" and "we are in this together"—or, in blunter language, that the road to extinction and its related agonies does indeed lie ahead. Consistent with this prospect, the risks of human extinction—and the cost-benefit of attempting to reduce these risks—have been quantified in a recent sobering analysis (Matheny 2007). Once complacency has been shaken off and a sense of collective purpose created, the battle against self-seeking anthropocentric human instincts will have only just begun. It is often said that human beings suffer from the ability to appreciate their own mortality—an existential agony that has given rise to the

great religions— but in the present age of religious decline, we must begin to bear the added burden of anticipating the demise of our species. Indeed, as argued here, there are compelling reasons for encouraging this collective mind-shift. For in the best of all possible worlds, the realization that our species has long-term survival criteria distinct from our short-term tribal priorities could spark a new social ethic to upgrade what we now all too often dismiss as “human nature” (Tudge 1989).

Case- CTS Answers

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Critical terrorist approaches are never contextual- even if terror studies in flawed in most instances the contextual situation requires political action.

Michel and Richards 9 (Torsten Michel and Anthony Richards, May 19th 2009, False dawns or new horizons? Further issues and challenges for Critical Terrorism Studies, Critical Studies on Terrorism Vol. 2, No. 3, December 2009, pp. 404-405, accessed 7/17/15) CH

This background conception as to what it means to engage in critical scholarship is hardly present in CTS publications so far. This is not to say that CTS scholars must develop an elaborate account of the 'critique of reason', but what is unsatisfactory is that thus far it seems that this dimension is not even implicitly assumed. First, CTS scholarship right now focuses on one core problem that should be subjected to critique – the predominance of a specific 'orthodox' take on terrorism. What is, however, actually critiqued is a social reality that has emerged out of a specific application of reason (instrumental reason to be precise). An account of this social reality needs to feature in CTS as Critical scholarship is never particular but is in its conception holistic. The critique is never simply projected against this or that situation or discourse but always aims for a wider questioning of the prescriptions of reason that underlie these discursive structures. The second main example where so far only rudimentary reflection can be witnessed concerns the notions of relativism and truth. As we have seen, CTS commits itself to a historicist notion of truth which recognizes the contextual and historically contingent nature of our knowledge. Such a position, if not substantiated, leaves itself open to a relativistic reading that could basically end up in arguing that knowledge claims essentially cannot be evaluated against a common basis. With respect to the study of terrorism then this could easily lead to the exoneration and legitimization of specific violent practices by claiming their rootedness in a specific historical environment that cannot be judged by standards outside itself. Critical Theory in general (and CTS as well, we presume), however, is eager to avoid such a plunge into relativism which would also threaten the potential for a truly emancipatory agenda. If this is the case, it seems necessary to elaborate more substantially on the nature of knowledge and the possibility of truth in such accounts. Again, we find quite an extensive treatment of these matters among Critical Theorists but hardly anything in CTS publications so far. Admittedly, Toros and Gunning try to circumvent the complete plunge into an epistemological relativism by maintaining, much in line with Critical Theory in general, a commitment to a 'minimalist foundationalism' which self-critically allows for the emergence of contextually contingent 'concepts' or 'evidence': 'rather than collapsing the ontological distinction between object and subject, it maintains it, while acknowledging that the two shape each other in a dialectical, never-ceasing dynamic' (Toros and Gunning 2009, p. 92). Such commitment to an ontological dualism between subject and object (albeit in a minimalistic fashion), however, creates its own problems. Do these 'concepts' that they admit can only be delineated within a specific historical and social context refer to real states of affairs in the world? Is the Welsh School committed to a form of critical realism that maintains that we can find what has been called 'intransitive' mind-independent objects that vary in their social meaning according to hegemonic epistemological discourses (Wight 2006, p. 12)? If so, is it committed to a philosophical realism and how would it conceptualize the bridging of the subject-object gap? It can hardly maintain that human beings can grasp these 'objects' for what they 'really' are, as this would be tantamount to maintaining a standard beyond historical and social contingencies. But if it, on the other hand, maintains a nominalism that places these concepts at the mercy of intersubjective, and therefore eventually, mind-dependent processes, how does it escape from relativist commitment? All these issues appear to be unresolved and yet they are by no means trivial as they pertain to the conditions of the possibility of FSCT in general.

Critical terror studies are garbage- most counterterror policies are necessary- criticisms rely on utopian thinking

Jones and Smith 9 – * University of Queensland, Queensland, Australia AND ** King's College, University of London, London, UK (David and M.L.R., "We're All Terrorists Now: Critical—or Hypocritical—Studies "on" Terrorism?," Studies in Conflict & Terrorism, Volume 32, Issue 4 April 2009 , pages 292 – 302, Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word "terror," its manipulation by ostensibly liberal democratic state actors, and the complicity of "orthodox" terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance?¶ Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard **Jackson, suggested** some uncertainty concerning the preferred title of the journal. *Critical Studies on Terrorism* appeared last on a list where the first choice was *Review of Terror Studies*. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve?¶ What it Means to be Critical¶ The editors and contributors explore what it means to be "critical" in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is "a growth industry," observing with a mixture of envy and disapproval that "literally thousands of new books and articles on terrorism are published every year" (pp. 1-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective.¶ Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation "terror" is, for the critical theorist, misplaced. As the symposium explains, "acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and a few thousand casualties per year over the entire world" (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.¹ At the same time, the more pervasive and repressive terror practiced by the state has been "silenced from public and ... academic discourse" (p. 1).¶ **The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption** and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution "Old Myths, New Fantasies and the Enduring Realities of Terrorism" (pp. 5-16), not only discovers ten "myths" informing the understanding of terrorism, but also finds that these myths reflect a "state centric security focus," where analysts rarely consider "the violence perpetrated by the state" (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is "central to terrorism and counter-terrorism as political action," that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be "the terrorist's best friend" (p. 7).¶ Stohl further compounds this incoherence, claiming that "the media are far more likely to focus on the destructive actions, rather than on ... grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories" (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The "media" is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misreported.¶ Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in "The End of Terrorism Studies" (pp. 37-49), asserts that established analysts like Bruce Hoffman "specifically exclude states as possible perpetrators" of terror. Consequently, the emergence of "critical terrorism studies" "may signal the end of a particular kind of traditionally state-focused and directed 'problem-solving' terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality" (p. 42).¶ Elsewhere, Adrian Guelke, in "Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror" (pp. 17-25), considers British government-induced media "scare-mongering" to have legitimated an "authoritarian approach" to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in "The Terrorist Subject: Terrorist Studies and the Absent Subjectivity" (pp. 27-36), find the War on Terror constitutes "*the single*," all embracing paradigm of analysis where the critical voice is "not allowed to ask: what is the reality itself?" (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract "desire" that demands terror as "an ever-present threat" (p. 31). In order to sustain this fabrication: "Terrorism experts and commentators" function as "realist policemen"; and not very smart ones at that, who while "gazing at the evidence" are "unable to read the paradoxical logic of the desire that fuels it, whereby *lack* turns to *excess*" (original italics) (p. 32). Finally, Ken **Booth**, in "The Human Faces of Terror: Reflections in a Cracked Looking Glass" (pp. 65-79), reiterates Richard Jackson's contention that state terrorism "is a much more serious problem than non-state terrorism" (p. 76).¶ **Yet, one searches in vain in these articles for evidence to support the ubiquitous assertion of state bias: assuming this bias in conventional terrorism analysis as a fact seemingly does not require a corresponding concern with evidence of this fact, merely its continual reiteration by conceptual fiat. A critical perspective dispenses**

not only **with terrorism studies** but also with the norms of accepted scholarship. Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry.¶ Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. **The unproved “state centrism” of terrorism studies serves as a platform for further unsubstantiated accusations** about the state of the discipline. Jackson and his fellow editors, along with later claims by Zulaika and Douglass, and Booth, again assert that “orthodox” analysts rarely bother “to interview or engage with those involved in ‘terrorist’ activity” (p. 2) or spend any time “on the ground in the areas most affected by conflict” (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of “talking to terrorists” in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*.¶ A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with “the particular dynamics of the political world” (p. 70). Analogously, Stohl claims that “the US and English [sic] media” exhibit a tendency to psychologize terrorist acts, which reduces “structural and political problems” into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics.¶ By contrast, the critical approach is not only self-reflective, but also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, “reflexivity” is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity “to challenge dominant knowledge and understandings, is sensitive to the politics of labelling ... is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation” (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications.¶ Reflexive or Defective? ¶ Firstly, **to challenge dominant knowledge and understanding** and retain sensitivity to labels **leads inevitably to a fixation with language, discourse, the ambiguity of the noun, terror, and its political use and abuse.** Terrorism, Booth enlightens the reader unremarkably, is “a politically loaded term” (p. 72). Meanwhile, Zulaika and Douglass consider terror “the dominant tropic [sic] space in contemporary political and journalistic discourse” (p. 30). Faced with the “serious challenge” (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is “one of the most powerful signifiers in contemporary discourse.” There is, moreover, a “yawning gap between the ‘terrorism’ signifier and the actual acts signified” (p. 1). “[V]irtually all of this activity,” the editors pronounce *ex cathedra*, “refers to the *response* to acts of political violence not the violence itself” (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security.¶ In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the “instability (and thoroughly politicized nature) of the unifying master-terms of our field: ‘terror’ and ‘terrorism’” (p. 38). To address this he contends that a critical stance requires us to “keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis.” Indeed, “without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all” (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke “*questions the question.*” This intellectual *potpourri* apparently enables the critical theorist to “question the ontological status of a ‘problem’ before any attempt to map out, study or resolve it” (p. 38).¶ Interestingly, Burke, Booth, and the symposistahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility.¶ **The critical approach to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much confusion and inconsequentiality in the practice of the social sciences.** It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. **This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and a real theory of language.**¶ The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they

are talked about in a certain way. More precisely, as J.L. Mackie explains, “if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there.”² Indeed, in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves.¶ It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows.¶ What is To Be Done?¶ This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. “[C]ritical knowledge,” Booth declares, “involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions” (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with “big-picture navigation aids” (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson’s nineteen points, in a somewhat different context, “God Almighty only gave us ten”). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should “avoid exceptionalizing the study of terrorism,” “recognize that states can be agents of terrorism,” and “keep the long term in sight.” Unexceptional advice to be sure and long recognized by more traditional students of terrorism. The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth’s concluding injunction to “stand outside” prevailing ideologies (p. 78).¶ In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists.¶ The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable.¶ On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”⁴¶ The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an inspissated moral confusion. This is paradoxical given that the editors make much in the journal’s introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape.¶ Historically Speaking¶ Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such

understanding is not serious or genuine but histrionic.”⁵ It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact.¶ On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives ... or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33).¶ **At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist.** Further, the greater terrorist uses the greater violence: **Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists.**¶ In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “terror has multiple forms” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75).¶ Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, **Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.”** This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. **In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice.** As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46).¶ In the end, **un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda** under the guise of *soi-disant* cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) **and no doubt bursts into spontaneous chanting of Kumbaya.**¶ In analogous visionary terms, Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, **Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision.**¶ Overall, the journal's fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. **Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones** that accept the best that may be achieved in the circumstances. Ultimately, **to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media.**⁶¶ **It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.”** However, **in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study.** Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear.¶ Critical Studies and Strategic Theory—A Missed Opportunity¶ Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call

conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against ‘Critical Terrorism Studies’” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors’ willingness to acknowledge deficiencies in some terrorism research shows that **critical self-reflection is already present in existing terrorism studies**. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position.¶ Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved.¶ Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author’s distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.”¶ Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke’s further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism.¶ Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel’s bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.⁷ The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun.¶ Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the flawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.¶ Conclusion¶ In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory’s ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged.¶ At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama Boston Legal Judge Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain

and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of *Critical Studies on Terrorism* are its natural home.

AT: Alternatives

Alternatives to counterterror measures are utopian – we can't emancipate ourselves from the problem of terrorism

Michel and Richards 9 (Torsten Michel and Anthony Richards, May 19th 2009, False dawns or new horizons? Further issues and challenges for Critical Terrorism Studies, *Critical Studies on Terrorism* Vol. 2, No. 3, December 2009, pp. 406-407, accessed 7/17/15) CH

The following will raise some concerns as to how the role of emancipation is conceptualized in current examples of Frankfurt School-inspired approaches to CTS. To begin with, in addition to the critique of positivism which is inherent in various critical projects within and outside the field of International Relations, CTS clearly articulates that one of its main aims – and certainly its main normative aim – is to provide a space for emancipatory rationality (Blakeley 2007, p. 234; also Jackson 2007, pp. 249–250). Emancipation is directed at all those groups and individuals, mainly located in the global South, that suffer from the so far rigid and hegemonic discourse that characterises terrorism research. The close intertwinement with state interests has, in their view, a purely instrumental dimension that aims at reifying and cementing the dominance of Western political and institutional structures on a global and regional scale (Blakeley 2007, p. 231). From these initial observations certain problematic issues follow for the conception of emancipation so far exhibited in CTS. To begin with, on a more practical level, CTS makes the premature and optimistic assumption not only that universalising a specific set of values (i.e. Western) is a good thing but that every community will ultimately, when it comes to its senses, pursue a path of emancipation which will lead to a universalistic conception of a just society and a harmonization of norms and values (McDonald 2009, p. 121). The assumption is made that everybody wants to be 'emancipated' or that if they do not want to they should want to.

One is left with the impression that, rather than reflecting the heterogeneity of human existence, CTS represents an elite body of thought derived in the West that is underpinned by the utopian aspiration that everybody wants to, or should want to, to live by a specific set of values which are seen as universally valid as they are derived from an allegedly universal application of reason. And so, rather than being liberating or emancipatory, for the vast bulk of the global population, CTS risks being narrow and itself engaged in a hegemonic project. In order to realise emancipation in this sense it is therefore necessary, presumably, to universalise a specific set of values through a continuous application of self-reflexive emancipatory reason. How emancipatory, however, is it to quash all other forms of ideology and governance that do not conform to our own? It is argued that the politics of emancipation aims to transcend 'oppressive' social divisions. What about those cultures (and indeed people's securities) that revolve around social divisions? Here again we encounter a strange lack of self-reflexivity in FSCT-inspired approaches to terrorism. Although scholars engaged in promoting this normative agenda stress the need for a continuous critical engagement, it remains unclear 'from where' their own normative agenda comes and what exactly makes it legitimate. A simple statement of conviction along the lines of 'we aim to free people from oppression' is certainly not enough to legitimise desired practices. Empirically, it may be abhorrent to us to see that the role of women in many environments apparently renders them 'insecure' from a CTS perspective, but what if this is a cultural imperative? Are we also to attempt to address the 'insecurity' of lower caste tribes and groups in relation to higher castes? Do women in developing countries and members of lower castes feel insecure or is that a state of mind that has been bestowed upon them by relativist observers who deem that they must be insecure according to the latter's own conceptions as to what must define security? As Ayoob argues, such a definition of emancipation 'refuses to acknowledge that a society or group can be emancipated without being secure and vice versa. . . . Such semantic acrobatics tend to impose a model of contemporary Western polities . . . that are far removed from Third World realities' (Ayoob 1997, pp. 126–127)

Responding to terrorism can't be reduced to discursive choices. Problematizing conventional approaches isn't sufficient.

Michel and Richards 9 (Torsten Michel and Anthony Richards, May 19th 2009, False dawns or new horizons? Further issues and challenges for Critical Terrorism Studies, Critical Studies on Terrorism Vol. 2, No. 3, December 2009, pp. 409-410, accessed 7/17/15) CH

One example as to where CTS tends to overstate the case for its novelty relates to the perpetual problem of defining terrorism. Ruth Blakeley maintains that one of the main problems with 'orthodox' terrorism studies is that in its conceptions 'the "terrorist label" is used as a political tool to de-legitimize certain groups, rather than as an analytical category' (Blakeley 2007, p. 230). This politicization of the term terrorism leads to a specific narrative, she argues, in which the Northern democratic states are continuously portrayed as victims under constant threat from extremist non-state actors mostly originating in the global South. Therefore, Blakeley suggests that 'critically oriented scholars need to reclaim the term "terrorism" and use it as an analytical tool, rather than political tool in the service of the elite power' (p. 233). The critical edge in this new take on terrorism studies should thereby bring deliverance from the dominant discourse in which terrorism studies serves as a legitimizing tool for oppressive actions conducted by hegemonic states. There are, however, some flaws in this argument. Firstly, Blakeley seems to suggest a bifurcation between a political use embedded in a specific set of structures that empower few, silence many and blame specific non-state actors, and an analytical view that would allow a 'fairer' approach to the analysis of terrorism. She says for instance: 'This means that rather than taking a literal approach to the study of terrorism and then seek instances of the phenomenon to try and determine causes and remedies' (p. 230), we end up with utilizing the terrorism label to further specific state-centric interests and shape security discourses in an advantageous way for the powerful. An analytical rather than political use, she argues, promises a more even – one might even say neutral – basis from which all instances that fit into a 'reasonable' definition of terrorism can be equally addressed (p. 229). Apart from the obvious question of whether and how such an analytical use based on a 'reasonable' definition is achievable, it will certainly not fit well into a critical approach, even when broadly conceptualized. This is because Critical Theory has generally understood itself as a counter-movement to the abstract systematizations of German idealism in its various forms and has objected most strongly against a practical (political, social) and theoretical (abstract analytical) split of human existence. Intuitively, then, Blakeley's call for an analytical use of the term 'terrorism' seems hard to combine with the overall critical outlook that CTS is proposing. Apart from these potential compatibility problems, Blakeley contradicts herself in her pursuit of this analytical use. Only one paragraph after proposing the necessity for critical scholars to reclaim terrorism and use it as an analytical tool within a Critical Theory oriented approach, she states that such an endeavour should be pursued 'with the specific, normative aim of offering suggestions for the emancipation of people in the South from the oppressive practices of Northern powers' (p. 234). Emancipating oppressed people in the South, as laudable as it sounds, is of course a political aim in itself. If CTS takes this as a central concern, however, and the emphasis on emancipation in almost all instances of T. Michel and A. Richards scholarship in this young field suggests it does, then we encounter here a politicization of the terrorism label yet again, this time projected against the global hegemonic North, but nevertheless political. So, we are left somewhat puzzled as to how reclaiming terrorism analytically and thereby overcoming its political abuse can be meaningfully combined with a clear and overt political agenda exhibited in CTS scholarship itself. It seems fair to suggest that given the way that terrorism is used in various language-games in the international arena, a political use is unavoidable in one form or another (Jackson 2007, p. 247). But why then veil this political proclivity in a scholarly jargon that suggests a de-politicization and analytical revival of the term 'terrorism'? On the definition itself, terrorism is surely a method that has been used by a wide variety of actors. There is nothing new in Jackson's (2007, p. 248) proclamation that we need an actor-free definition of terrorism. Such definitions have been put forward by so-called 'orthodox' terrorism scholars for many years (Schmid and Longman 1998). Of course, the terrorism perpetrated by states should not be excluded from any definition (nor should terrorism carried out by any actor) but this is not a new or contemporary revelation. A perpetrator based definition is indeed not only unhelpful but it is also misses the key point that terrorism is first and foremost a method and as such no perpetrator is excluded, be they states, social movements, guerrilla groups, terrorist groups and so on. As Weinberg rightly observed the notion of 'one man's terrorist is another man's freedom fighter' is confusing the goal with the activity (Weinberg 2005, p. 2). An actor-free definition that strives for neutrality might look something like the following: terrorism is a particular method of force or violence and/or the threat of force or violence that has been carried out by a wide range of actors (both

state and non-state), that often targets civilians, is usually for a political purpose and is usually designed to have a psychological impact beyond the immediate victims. Such a definition is not the product of some new-found momentum towards bringing the 'state back into terrorism studies' but reflects what has always been the case (at least in modern times): that terrorism is a method that has been used by a variety of actors.

They have no criteria for making epistemological and ontological choices about terrorism.

Michel and Richards 9 (Torsten Michel and Anthony Richards, May 19th 2009, False dawns or new horizons? Further issues and challenges for Critical Terrorism Studies, Critical Studies on Terrorism Vol. 2, No. 3, December 2009, pp. 407-408, accessed 7/17/15) CH

Smith suggests that 'emancipation seems to be particularly helpful in thinking about September 11 because it forces us to think through the reasons for those undertaking the attacks as well as the complex question of how to respond' (Smith 2005, p. 43). A clear link is made between 9/11, emancipation and human insecurity (which entails the lack of the provision of 'food, shelter, education, health care etc.') (Smith 2005, p. 54). While anyone could reasonably argue that there is a link between economic underdevelopment and human insecurity, to take this further and suggest a link between human insecurity and terrorism is certainly more contentious. The literature on this issue has failed to establish such a link (and indeed, in general, argues against it) (Schmid 2004, pp. 65–66; also Krueger and Maleckova 2003). Terrorism has not, in the main, been the weapon of those in poverty (for example) but of those who aim to fulfil particular political and religious ideologies. Smith therefore makes something of a quantum leap: the apparent 'degree of support' from those in less developed countries who suffer from 'human insecurity' is suddenly and speculatively propelled as a 'possible cause of terrorism' (Smith 2005, pp. 54–55). While the lack of empirical research in terrorism studies has rightly been criticised, critical security studies and CTS are arguably even more culpable in this regard when such claims are made based upon little empirical evidence. On a more abstract level it also seems unclear what the commitment to emancipation in CTS actually signifies. The term is used without any substantial clarification as to its conceptual and practical content. This seems especially troubling as Critical Theory itself is characterised by a variety of conceptualisations regarding not only the content of emancipation but also the differing views as to the possibility of achieving and pursuing in a practical way an emancipatory agenda. In CTS such reflections, however, seem not to be of any particular concern. Rather, the emancipatory potential of human reflection and action is silently assumed to be not only possible but realisable. This is connected to an underlying commitment to a specific form of rationality (Renger 1998, pp. 82–83) that allows for deducing the problem-laden structure of contemporary academic discourse in the area of terrorism studies and a subsequent prescription for a normative-practical agenda in which the 'emancipation' of mainly the 'global Downloaded by [University of California, Berkeley] at 08:23 15 July 2015 408 T. Michel and A. Richards South' takes a prime spot. Even a quick glance over the main contributions to Critical Theory over the last decades will reveal, however, that both the actual content of emancipation as well as the potential for its realisation are hotly debated. The range of propositions we can find in this respect span from an 'engaged withdrawal' in Adorno and Horkheimer, through to the pragmatist infused communicative action within existing liberal institutionalist structures in Habermas, to the emphasis on recognition as a precondition for 'healthy citizenship' in Axel Honneth (Chambers 2004, pp. 220–239).² Each of these (and to be clear these are only three specific, through prominent, examples of Critical scholarship) presents a completely distinct representation of the content, aim and potential for the pursuit of emancipation. CTS scholars, for better or worse, cannot simply take 'emancipation' out of these contestations and either claim a deceptive transparency of meaning manifested in 'liberating people from all kinds of violence' or retreat into an anti-foundationalist stand in which 'the concrete content of emancipation cannot and need not be determined in the beginning'. With respect to the first option the questions of the supremacy of their critical ontology as well as the authority of their epistemology remain unresolved, and with respect to the second option, the question arises as to how an emancipatory agenda can be argued for and pursued without any preconception of its substance – thus, how do the self appointed emancipators know that they are in fact emancipating? It turns out that a normative aim (in this case liberating or emancipating or simply helping the oppressed of the world) is not a viable ground on which scholarship or action for that matter can be based. As we can learn from the large trajectory of Critical Theory, such a commitment comes with its shortcomings and flaws and any possibility of following Marx's dictum to change the world must first and foremost start with a self-reflective and critical stand towards one's own theoretical and

practical commitments. A simple desire to better the world and to unmask the abuse of power (as implicitly portrayed in current instances of terrorism scholarship) is not just an external exercise of ‘speaking truth to power’ but relies in its very possibility on a constant commitment to internal critique and a continuous perpetuation of the ‘hermeneutics of suspicion’, all of which right now seem dangerously absent in CTS scholarship. In this respect, we can recall Nick Rengger’s recent citation of T. S. Elliot: ‘The last temptation is the greatest treason: to do the right deed for the wrong reason’ (Rengger 2008, p. 961; originally in Eliot 1938, p. 44.1)

Terror policy key

We shouldn’t discard problem-solving approaches to terrorism.

Horgan & Boyle 2008 [John & Michael J, A case against ‘Critical Terrorism Studies’, *Critical Studies on Terrorism*, 1:1, 52-53, <http://dx.doi.org/10.1080/17539150701848225>]

Another critique of terrorism studies derives from the general critique of the influence of ‘problem-solving’ theory in terrorism studies (Gunning 2007b). The argument here, and deriving from Cox, is that terrorism studies tends to take the world as it is, rather than challenging its foundations of social and political order, and forsakes efforts to find ways of applying scholarly knowledge to relieving the burdens of those oppressed by unjust social and political structures (Cox 1981, p. 129). In other words, the charge is that the study of terrorism has a predominant status quo bias, which leads it to focus on how to solve problems for those in power, at the expense of ‘emancipation’. The ‘mode’ of thinking of terrorism studies is thus dominated by instrumental rationality, to the detriment of reflective approaches and interdisciplinary research. We believe this is overstating the case. Like much of political science, the study of terrorism has been influenced by the logic of ‘problem-solving’ theory and includes a strong dose of instrumental rationality. But to imply that all those working within an empirical tradition of research in terrorism studies do not challenge the status quo, or suggest uncomfortable truths to those in power, is misleading. Many of the serious scholars who work in this field are sympathetic to the normative goals that CTS scholars espouse, and are unafraid to speak truth to power when needed. For example, many terrorism scholars do not hesitate to tell governments bluntly that unpopular certain foreign policy choices (such as the US invasion of Iraq or the Israeli occupation of the West Bank and Gaza) generate terrorism, and that addressing pervasive economic and social inequalities is an essential part of counter-terrorism. In fact, in a 2004 ‘Open Letter to the American People’, over 700 security studies scholars in the USA and elsewhere signed their names to a case which included the following: We judge that the current American policy centered around the war in Iraq is the most misguided one since the Vietnam period, one which harms the cause of the struggle against extreme Islamist terrorists. One result has been a great distortion in the terms of public debate on foreign and national security policy—an emphasis on speculation instead of facts. (Security Scholars for a Sensible Foreign Policy (2004)⁵ The list included such well-known terrorism experts as Jessica Stern, David Rapoport (Co-editor of *Terrorism and Political Violence*), and Mia Bloom. If terrorism scholars, including these, were solely interested in telling comforting lies to those in power, they would shy away from these uncomfortable facts and would certainly not publicly identify themselves with such an openly critical stance.

Case- Alt causes

Other programs result in racial profiling

Leadership Conference 11

The Leadership Conference, coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, "The Reality of Racial Profiling", <http://www.civilrights.org/publications/reports/racial-profiling2011/the-reality-of-racial.html?referrer=https://www.google.com/>, 2011//SRawal

- Operation front line
- Lower standard from probable cause to reasonable suspicion
- Terrorists screening center

Another example of a federal program that involves racial profiling is Operation Front Line (OFL). The stated purpose of OFL,⁴⁷ which was instituted just prior to the November 2004 presidential election, is to "detect, deter, and disrupt

terror operations."⁴⁸ **OFL is a covert program, the existence of which was discovered through a Freedom of Information Act lawsuit filed by the American-Arab Anti-Discrimination**

Committee and the Yale Law School National Litigation Project.⁴⁹ According to the 2009 ACLU/Rights Working Group report, data regarding OFL obtained from the Department of Homeland Security show that: **an astounding seventy-nine percent of the targets**

investigated were immigrants from Muslim majority countries. Moreover, foreign nationals from Muslim-majority countries were 1,280 times more likely to be targeted than similarly situated individuals from other countries. Incredibly, not even one terrorism-related conviction resulted from the interviews conducted under this program. What did result, however, was an intense chilling effect on the free speech and association rights of the Muslim, Arab and South Asian communities targeted in advance of an already contentious presidential election.⁵⁰ Lists of

individuals who registered under NSEERS were apparently used to select candidates for investigation in OFL.⁵¹ **Inasmuch as the overwhelming majority of those selected were Muslims, OFL is a clear example of a federal program that involves racial profiling.** Moreover, because OFL has resulted in no terror-related convictions, the program is also a clear example of how racial profiling uses up valuable law enforcement resources yet fails to make our nation safer.⁵² Although Arabs and Muslims, and **those presumed to be Arabs or Muslims based on their appearance, have since 9/11 been targeted by law enforcement authorities in their homes, at work, and while driving or walking,**⁵³ **airports and border crossings have become especially daunting.** One reason for this is a

wide-ranging and intrusive Customs and Border Patrol (CBP) guidance issued in July 2008 that states, **in the course of a border search, and absent individualized suspicion, officers can review and analyze the information transported by any individual attempting to enter ... the United States.**" (Emphasis added)⁵⁴ In addition,

the standard to copy documents belonging to a person seeking to enter **the U.S. was lowered from a "probable cause" to a "reasonable suspicion" standard.**⁵⁵ **Operating under such a broad and subjective**

guidance, border agents frequently stop Muslims, Arabs, and South Asians for extensive questioning about their families, faith, political opinions, and other private matters, and subject them to intrusive searches. Often, their cell phones, laptops, personal papers and books are taken and reviewed. **The**

FBI's Terrorist Screening Center (TSC) maintains a list of every person who, according to the U.S. government, has "any nexus" to terrorism.⁵⁶ Because of misidentification (i.e., mistaking non-listed persons

for listed persons) and over-classification (i.e., assigning listed persons a classification that makes them appear dangerous when they are not), **this defective "watch-list" causes many problems for Muslims, Arabs, and South Asians seeking to enter the United States, including those who are U.S. citizens.**

Alt cause — local policies enforce racist surveillance, plan can't reform these

AP 12 — Samantha Henry, Matt Appuzzo, Wayne Perry, reporters for the Associated Press, American multinational nonprofit news agency, 2012 ("New Jersey Muslims Angry Over NYPD Surveillance Findings," *The Huffington Post*, May 25, Available online at http://www.huffingtonpost.com/2012/05/25/new-jersey-muslims-cangry-nypd-surveillance_n_1545319.html, Accessed on 6/14/15)

TRENTON, N.J. -- Muslim leaders in New Jersey say they are angry but uncertain what their next step will be after the state's attorney general found that New York City police did not violate any laws in its surveillance of Muslim businesses, mosques and student groups in New Jersey. Several mosque leaders who attended a meeting Thursday with Attorney General Jeffrey S. Chiesa said they were shocked he found no violation of state criminal or civil laws by the NYPD in operations that many Muslims considered unjustified surveillance based solely on religion. "This is a big violation of our civil rights, and we need to go to our communities and explain it?" Imam Mohammad Qatanani, the spiritual leader of the Islamic Center of Passaic County said Thursday as he left the meeting. Qatanani said he would not tell his congregants to stop collaborating with law enforcement, but added, "We need from them to show us the same seriousness and honesty in building bridges with the Muslim community." Chiesa had been asked by Gov. Chris Christie, who appointed him, to look into operations in New Jersey that were part of a widespread NYPD program to collect intelligence on Muslim communities both inside New York and beyond. Undercover officers and informants eavesdropped in Muslim cafes and monitored sermons, even when there was no evidence of a crime. They infiltrated Muslim student groups, videotaped mosque-goers or collected their license plate numbers as they prayed. The result was that many innocent business owners, students and others were cataloged in police files. The interstate surveillance efforts, revealed by The Associated Press earlier this year, angered many Muslims and New Jersey officials. Some, like Newark Mayor Cory Booker and the state's top FBI official, criticized the tactics. Others, like Christie, focused more on the fact that the NYPD didn't tell New Jersey exactly what it was up to. In response, Chiesa launched what he described as a fact-finding review. Further, authorities found that New Jersey has no laws barring outside law enforcement agencies from secretly conducting operations in the state, representatives of the attorney general's office told the AP. However, New York police have agreed to meet with New Jersey law enforcement regularly to discuss counterterrorism intelligence and operations, the attorney general said.

Alt cause—FBI's terror list

Bilici, 1AC Author, 10 (Mucahit Bilici, Assistant Sociology Professor at John Jay College; ""Islamophobia / Islamophilia, Beyond the Politics of Enemy and Friend," "Muslim Ethnic Comedy: Inversions of Islamophobia," 2010, pg. 198-199//rck)

Ahmed Ahmed is an Egyptian American who also had an acting career in Hollywood. Dissatisfied with the parts available to Middle Eastern actors, he decided to become a stand-up comedian after 9/11. Ahmed's routine typically revolves around the absurdities of the security check at the airport. He claims that his name matches one of the FBI's most wanted terrorists. So each time he goes to the airport, he has to go through extra security checks.

SPOT doesn't do anything—there are only officers at 0.8% of US Airports

Forbes 14 (Steve, Chairman and Editor-in-Chief of Forbes Media, editorials for each issue of Forbes under the heading of "Fact and Comment," January 6, "Spot-on Mistake at TSA; Duped by Obama," <http://www.forbes.com/sites/othercomments/2014/01/06/spot-on-mistake-at-tsa-duped-by-obama/>, //rck)

Consider SPOT's results last year: Behavior detection officers chose nearly 36,000 travelers for extra screening, then referred about 2,100 of them to law enforcement. Of those, a tiny fraction were denied boarding, and 183 were arrested on a range of charges, from fraudulent documents to suspected drugs. None for terrorism. The agency points to the arrests as proof of SPOT's success. But consider that the TSA had to pick out 196 travelers, on average, for each one who ultimately merited arrest. Not exactly a big payoff for the effort and expense of keeping 3,131 officers at 122 airports. Nor is the TSA supposed to be in the business of detaining drunks or catching common criminals, unless they mean to blow up a plane. Airport security and airline personnel can handle the routine stuff. The Government Accountability Office reported that flagging travelers based on behavior is only slightly better than picking them out by random chance. Although a 2011 study by TSA's parent agency concluded the program is effective, the GAO found that the study's data were unreliable and its method flawed.

Case- Circumvention

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The FBI will circumvent – whistleblowers are punished

ACLU 13 [American Civil Liberties Union, September 2013, “UNLEASHED AND UNACCOUNTABLE; The FBI’s Unchecked Abuse of Authority,” <https://www.aclu.org/sites/default/files/assets/unleashed-and-unaccountable-fbi-report.pdf>]/dickies

The FBI has a notorious record of retaliating against FBI employees who report misconduct or abuse in the FBI and has used aggressive leak investigations to suppress other government whistleblowers. Congress exempted the FBI from the requirements of the Whistleblower Protection Act of 1989 and instead required the Justice Department to establish an internal system to protect FBI employees who report waste, fraud, abuse, and illegality. Still, FBI Director Robert Mueller repeatedly vowed to protect Bureau whistleblowers: I issued a memorandum on November 7th [2001] reaffirming the protections that are afforded to whistleblowers in which I indicated I will not tolerate reprisals or intimidation by any Bureau employee against those who make protected disclosures, nor will I tolerate attempts to prevent employees from making such disclosures.¹⁸⁰ Yet court cases and investigations by the Justice Department Office of Professional Responsibility and Inspector General have repeatedly found that FBI officials continue to retaliate against FBI employees who publicly report internal misconduct, including Michael German,¹⁸¹ Sibel Edmonds,¹⁸² Jane Turner,¹⁸³ Robert Wright,¹⁸⁴ John Roberts,¹⁸⁵ and Bassem Youssef.¹⁸⁶ Other FBI whistleblowers choose to suffer retaliation in silence. Special Agent Chad Joy courageously blew the whistle on a senior FBI agent’s serious misconduct during the investigation and prosecution of Alaska Sen. Ted Stevens, which resulted in the trial judge overturning the conviction against him, but only after the senator had lost re-election.¹⁸⁷ Special Agent Joy was publicly criticized by his then-retired supervisor, subjected to a retaliatory investigation, and then taken off criminal cases.¹⁸⁸ Joy resigned and no longer works at the FBI, while the FBI agent responsible for the misconduct in the Stevens’ case continues to be assigned high-profile investigations—a clear sign that the FBI culture continues to protect agents involved in misconduct more than those who report it.¹⁸⁹ These high-profile cases of whistleblower retaliation discourage other FBI personnel from coming forward. A 2009 Inspector General report found that 28 percent of non-supervisory FBI employees and 22 percent of FBI supervisors at the GS-14 and GS-15 levels “never” report misconduct they see or hear about on the job.¹⁹⁰ That such a high percentage of officials in the government’s premiere law enforcement agency refuse to report internal misconduct is shocking and dangerous and perpetuates the risk that Americans like Sen. Stevens will continue to be victimized by overzealous investigations and prosecutions. The FBI has also been involved in suppressing other government whistleblowers through inappropriately aggressive leak investigations. For example, when the U.S. media reported in 2005 that the National Security Agency (NSA) was spying on Americans’ communications without warrants in violation of the Foreign Intelligence Surveillance Act, the FBI didn’t launch an investigation to enforce the law’s criminal provisions. It instead went after the whistleblowers, treating leaks to the American public about government malfeasance as espionage.¹⁹¹ After more than a year of aggressive investigation and interviews, armed FBI agents conducted coordinated raids on the homes of four former NSA and Justice Department officials and a House Intelligence Committee staffer, treating them as if they were dangerous Mafiosi instead of dedicated federal employees who held the government’s highest security clearances. William Binney, who served more than 30 years in the NSA, described an FBI agent pointing a gun at his head as he stepped naked from the shower.¹⁹²

Curtailing surveillance in specific areas will just cause agencies to literally surveil areas outside/around it- mosque surveillance tactics prove

Goldman et. al, 12

(Adam and Matt are editors for the Associated Press. “NYPD Defends Tactics Over Mosque Spying; Records Reveal New Details On Muslim Surveillance.” http://www.huffingtonpost.com/2012/02/24/nypd-defends-tactics-over_n_1298997.html. Date Accessed- 7/13/15. Anshul Nanda)

NEW YORK -- The New York Police Department targeted Muslim mosques with tactics normally reserved for criminal organizations, according to newly obtained police documents that showed police collecting the **license plates of worshippers, monitoring them on surveillance cameras and cataloging sermons** through a network of informants.¶ The documents, obtained by The Associated Press, have come to light as the **NYPD fends off criticism of its monitoring of Muslim student groups and its cataloging of mosques and Muslim businesses in nearby Newark, N.J.** The NYPD's spokesman, Paul Browne, forcefully defended the legality of those efforts Thursday, telling reporters that its officers may go wherever the public goes and collect intelligence, even outside city limits.¶ The new documents, prepared for Police Commissioner Raymond Kelly, show how the NYPD's roster of **paid informants monitored conversations and sermons inside mosques. The records offer the first glimpse of what those informants, known informally as "mosque crawlers," gleaned from inside the houses of** worship.¶ For instance, when a Danish newspaper published inflammatory cartoons of Prophet Muhammad in September 2005, **Muslim communities around the world erupted in outrage. Violent mobs took to the streets in the Middle East.** A Somali man even broke into the cartoonist's house in Denmark with an ax.¶ In New York, thousands of miles away, it was a different story. Muslim leaders preached peace and urged people to protest lawfully. Write letters to politicians, they said. Some **advocated boycotting Danish products, burning flags and holding rallies.**¶ All of that was permissible under law and protected by the First Amendment to the Constitution. All was reported to the **NYPD by its mosque crawlers and made its way into police files for Kelly.**¶ Imam Shamsi **Ali brought up the topic of the cartoon, condemning them.** He announced a rally that was to take place on Sunday (02/05/06) near the United Nations. He asked that everyone to attend if possible and reminded everyone to keep their poise if they can make it," one report read.¶ At the Muslim Center of New York in Queens, the report said, "Mohammad Tariq Sherwani led the prayer service and urged those in attendance to participate in a demonstration at the United Nations on Sunday."¶ **When one Muslim leader suggested planning a demonstration**, one of the people involved in the discussion about how to get a permit was, in fact, working for the NYPD.¶ **"It seems horrible to me that the NYPD is treating an entire religious community as potential terrorists,"** said civil rights lawyer Jethro Eisenstein, who reviewed some of the documents and is involved in a decades-old class-action lawsuit against the police department for spying on protesters and political dissidents.¶ The **lawsuit is known as the Handschu case, and a court order in that case governs how the NYPD may collect intelligence.**¶ Eisenstein said the documents prove the NYPD has violated those rules.¶ "This is a flat-out violation," Eisenstein said. "This is a smoking gun."¶ Browne, the NYPD spokesman, did not discuss specific investigations Thursday but told reporters that, because of the Handschu case, the NYPD operates under stricter rules than any other department in the country. He said police do not violate those rules.¶ His statements were intended to calm a controversy over a 2007 operation in which the NYPD mapped and photographed all of Newark's mosques and eavesdropped on Muslim businesses. Newark Mayor Cory Booker said he was never told about the surveillance, which he said offended him.¶ Booker and his police director accused the NYPD of misleading them by not revealing exactly what they were doing. Had they known, they said it never would have been permitted. But Browne said Newark police were told before and after the operation and knew exactly what it entailed.¶ Kelly, **the police commissioner, and Mayor Michael Bloomberg have been emphatic that police only follow legitimate leads of criminal activity and do not conduct preventive surveillance in ethnic communities.**¶ Former and current law enforcement officials either involved in or with direct knowledge of these programs say they did not follow leads. The officials spoke on condition of anonymity because they were not authorized to discuss the secret programs. But the documents support their claims.¶ The effort highlights one of the most difficult aspects of policing in the age of terrorism. Solving crimes isn't enough; police are expected to identify would-be terrorists and move in before they can attack.¶ There are no universally agreed upon warning signs for terrorism. Terrorists have used Internet cafes, stayed in hostels, worked out at gyms, visited travel agencies, attended student groups and prayed at mosques. So the NYPD monitored those areas. In doing so, they monitored many innocent people as they went about their daily lives.¶ Using plainclothes officers from the squad known as the Demographics Unit, police swept Muslim neighborhoods and catalogued the location of mosques. The ethnic makeup of each congregation was logged as police fanned out across the city and outside their jurisdiction, into suburban Long Island and areas of New Jersey.¶ "African American, Arab, Pakistani," police wrote beneath the photo of one mosque in Newark.¶ Investigators looked at mosques as the center of Muslim life. All their connections had to be known.¶ David Cohen, the **NYPD's top intelligence officer, wanted a source inside every mosque within a 250-mile radius of New York,** current and former officials said. **Though the officials said they never managed to reach that goal, documents show the NYPD successfully placed informants or undercovers - sometimes both - into mosques from Westchester County, N.Y.,** to New Jersey.¶ The NYPD used these sources to get a sense of the sentiment of worshippers whenever an event generated headlines. The goal, former officials said, was **to alert police to potential problems before they bubbled up.**¶ Even when it was clear there were no links to terrorism, **the mosque informants gave the NYPD the ability to "take the**

pulse" of the community, as Cohen and other managers put it.¶ When New York Yankees pitcher Cory Lidle and his flight instructor were killed on Oct. 11, 2006, when their small plane crashed into a Manhattan high-rise apartment, fighter planes were scrambled. Within hours the FBI and Homeland Security Department said it was an accident. Terrorism was ruled out.¶ Yet for days after the event, the NYPD's mosque crawlers reported to police about what they heard at sermons and among worshippers.¶ (View the PDF documents on Danish cartoons, mosque targeting and summaries of plane crash.)¶ At the Brooklyn Islamic Center, a confidential informant "noted chatter among the regulars expressing relief and thanks to God that the crash was only an accident and not an act of terrorism," one report reads.¶ "The worshippers made remarks to the effect that `it better be an accident; we don't need any more heat,'" an undercover officer reported from the Al-Tawheed Islamic Center in Jersey City, N.J.¶ In some instances, the **NYPD put cameras on light poles and trained them on mosques, documents show. Because the cameras were in public space, police didn't need a warrant to conduct the surveillance.**¶ Police also **wrote down the license plates of cars in mosque parking lots, documents show. In some instances, police in unmarked cars outfitted with electronic license plate readers would drive down the street and record the plates of everyone parked near the mosque,** former officials recalled.¶ "They're viewing Muslims like they're crazy.

New regulations only legitimize government surveillance by creating an illusion of constraint

Glennon 14 [Michael, Professor of International Law at Tufts, 2014, "National Security and Double Government", <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>] //dickies

National security policy in the United States has remained largely constant from the Bush Administration to the Obama Administration. This continuity can be explained by the "double government" theory of 19th-century scholar of the English Constitution Walter Bagehot. As applied to the United States, Bagehot's theory suggests that U.S. national security policy is defined by the network of executive officials who manage the departments and agencies responsible for protecting U.S. national security and who, responding to structural incentives embedded in the U.S. political system, operate largely removed from public view and from constitutional constraints. The public believes that the constitutionally-established institutions control national security policy, but that view is mistaken. Judicial review is negligible; congressional oversight is dysfunctional; and presidential control is nominal. Absent a more informed and engaged electorate, little possibility exists for restoring accountability in the formulation and execution of national security policy.

The institution of national security agencies determines policy – new constraints create an illusion of control that only legitimizes surveillance

Glennon 14 [Michael, Professor of International Law at Tufts, 2014, "National Security and Double Government", <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>] //dickies

U.S. national security policy has scarcely changed from the Bush to the Obama Administration. The theory of Walter Bagehot explains why. Bagehot described the emergence in 19th-century Britain of a "disguised republic" consisting of officials who actually exercised governmental power but remained unnoticed by the public, which continued to believe that visible, formal institutions exercised legal authority.⁶⁰¹ Dual institutions of governance, one public and the other concealed, were referred to by Bagehot as "double government."⁶⁰² A similar process of bifurcated institutional evolution has occurred in the United States, but in reverse: a network has emerged within the federal government that exercises predominant power with respect to national security matters. It has evolved in response to structural incentives rather than invidious intent, and it consists of the several hundred executive officials who manage the military, intelligence, diplomatic, and law enforcement agencies responsible for protecting the nation's security. These officials are as little disposed to stake out new policies as they are to abandon old ones. They define security more in military and intelligence terms rather than in political or diplomatic ones. Enough examples exist to persuade the public that the network is subject to judicial, legislative, and executive constraints. This appearance is

important to its operation, for the network derives legitimacy from the ostensible authority of the public, constitutional branches of the government. The appearance of accountability is, however, largely an illusion fostered by those institutions' pedigree, ritual, intelligibility, mystery, and superficial harmony with the network's ambitions. The courts, Congress, and even the presidency in reality impose little constraint. Judicial review is negligible; congressional oversight dysfunctional; and presidential control nominal. Past efforts to revive these institutions have thus fallen flat. Future reform efforts are no more likely to succeed, relying as they must upon those same institutions to restore power to themselves by exercising the very power that they lack. External constraints—public opinion and the press—are insufficient to check it. Both are manipulable, and their vitality depends heavily upon the vigor of constitutionally established institutions, which would not have withered had those external constraints had real force. Nor is it likely that any such constraints can be restored through governmental efforts to inculcate greater civic virtue, which would ultimately concentrate power even further. Institutional restoration can come only from an energized body politic. The prevailing incentive structure, however, encourages the public to become less, not more, informed and engaged.

The national security team actually determines policy – court and the president create the illusion of curtailment

Glennon 14 [Michael, Professor of International Law at Tufts, 2014, “National Security and Double Government”, <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>] //dickies

Bagehot's theory may have overstated the naiveté of Britain's citizenry. When he wrote, probably few Britons believed that Queen Victoria actually governed. Nor is it likely that Prime Minister Lord Palmerston, let alone 658 members of the House of Commons, could or did consciously and intentionally conceal from the British public that it was really they who governed. Big groups keep big secrets poorly. Nonetheless, Bagehot's enduring insight—that dual institutions of governance, one public and the other concealed, evolve side-by-side to maximize both legitimacy and efficiency—is worth pondering as one possible explanation of why the Obama and Bush national security policies have been essentially the same. There is no reason in principle why the institutions of Britain's juridical offspring, the United States, ought to be immune from the broader bifurcating forces that have driven British institutional evolution. As it did in the early days of Britain's monarchy, power in the United States lay initially in one set of institutions—the President, Congress, and the courts. These are America's “dignified” institutions. Later, however, a second institution emerged to safeguard the nation's security. This, America's “efficient” institution (actually, as will be seen, more a network than an institution) consists of the several hundred executive officials who sit atop the military, intelligence, diplomatic, and law enforcement departments and agencies that have as their mission the protection of America's international and internal security. Large segments of the public continue to believe that America's constitutionally established, dignified institutions are the locus of governmental power; by promoting that impression, both sets of institutions maintain public support. But when it comes to defining and protecting national security, the public's impression is mistaken. America's efficient institution makes most of the key decisions concerning national security, removed from public view and from the constitutional restrictions that check America's dignified institutions. The United States has, in short, moved beyond a mere imperial presidency to a bifurcated system—a structure of double government—in which even the President now exercises little substantive control over the overall direction of U.S. national security policy. Whereas Britain's dual institutions evolved towards a concealed republic, America's have evolved in the opposite direction, toward greater centralization, less accountability, and emergent autocracy.

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Secrecy and diffusion of blame means any curtailment will be circumvented

Glennon 14 [Michael, Professor of International Law at Tufts, 2014, “National Security and Double Government”, <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>] //dickies

What has held the Trumanites together during this era is what Bagehot believed held Britain's efficient institutions together: loyalty, collective responsibility, and—most importantly—secrecy.¹⁶⁵ “Secrecy, once accepted, becomes an addiction,” Edward Teller said.¹⁶⁶ The Trumanite network is not alone in accepting the need for secrecy in national security matters—the Madisonian institutions do as well—but in breadth and depth, the Trumanites' opaqueness is striking. Trumanites can have no real discussions with family or friends about work because nearly all of their work is classified. They hold multiple compartmented clearances. Their offices are located in the buildings' expensive real estate—the Pentagon's E-Ring, the CIA's Seventh Floor, the State Department's Seventh Floor. Key pads lock their doors. Next to their desks are a safe and two computers, one unclassified and the other classified. Down the hall is a SCIF¹⁶⁷ where the most sensitive briefings take place. They speak in acronyms and code words that the public has never heard and, God (and the FBI) willing, never will hear. The experts they consult are their colleagues. Outside expertise, when needed, is difficult to tap. The Trumanites sign non-disclosure agreements under which they promise to submit for prepublication review anything they write on the subject of their work. Outside experts have signed nothing; normally they do not even hold a security clearance. Outside experts can thus provide insights but are not in the flow of intelligence and have little sense of the internal, organizational decisionmaking context in which issues arise. Nor have they any particular loyalty to the group, not being a part of it. The Trumanites have additional incentives to keep information to themselves. Knowing that information in Washington is power, they are, in the words of Jack Balkin, both information gluttons and information misers.¹⁶⁸ They are information gluttons in that they “grab as much information as possible”; they are information misers in that they try to keep it from the public. Potential critics, power competitors, and adversaries are starved for information concerning the Trumanite network while it feasts on information concerning them. The secrecy of Trumanite activities thus grows as the privacy of the general public diminishes and the Trumanites' shared “secret[s] of convenience”¹⁶⁹ bind them more tightly together. The Trumanites' ability to mask the identity of “the decider” is another factor that accounts for the network's durability and resilience. Efforts by the press and congressional oversight committees to pinpoint exactly who is responsible for a given policy are easily deflected by the shield of secrecy provided by the network structure. Because everyone—the entire “national security team”—is accountable, no one is accountable.¹⁷⁰ The network's success in evading questions concerning the continuation of military assistance to Egypt—despite a clear statutory prohibition against the continuation of such aid following a military coup¹⁷¹—is illustrative. Below is an excerpt from the State Department spokeswoman, Jen Psaki, answering questions from the press on July 26, 2013: QUESTION: And who ultimately made the decision not to make a determination? MS. PSAKI: Well, obviously, there's a factor as it relates to the legal component, which our legal office here played a significant role in, and certainly this was discussed and agreed to through the interagency process. QUESTION: But who decided? I mean, the buck stops somewhere. As Harry Truman said, it stopped with him. Does the buck stop with the President in this case, or with the Secretary, or with the acting legal advisor of the State Department, or who? Who made the decision? MS. PSAKI: Well, I'm not going to read out who was where on what and all the players involved in this. QUESTION: I'm not asking that. I'm asking who made the decision. MS. PSAKI: This was agreed to by the national security team. Beyond that, I'm not going to – I don't have anything. QUESTION: Why are you afraid to say who made the decision? MS. PSAKI: I'm not afraid of anything, Arshad. I'm just not—I'm not getting into more specifics than that for you.¹⁷² Its cohesion notwithstanding, the Trumanite network is curiously amorphous. It has no leader. It is not monolithic. It has no formal structure.¹⁷³ Its actual membership blurs at the margins. Its ranks reflect the same organizational, philosophical, and personal rivalries and fissures common to all bureaucracies. Blame avoidance ranks high among its priorities.¹⁷⁴ But while Trumanites' view of the world differs at the margins, it does not differ at the core. It has been said that there is no such thing as a military mind,¹⁷⁵ but this is not true. Mills captured the military mindset; in the military, he wrote, there is an “intensified desire, too deeply rooted to examine, to conform to type, to be indistinguishable, not to reveal loss of composure to inferiors, and above all, not to presume the right to upset the arrangements of the chain of command.”¹⁷⁶ Operating as it does under the long shadow of the military, the range of internal disagreement within the Trumanite network is tiny, like differences over appropriate necktie width. The conformist mentality percolates upward. Bob Woodward reported on the response to President Obama's question as he sat down with eighteen top advisers for the second meeting of the Afghanistan-Pakistan strategy review. “‘Is there anybody who thinks we ought to leave Afghanistan,’ the President asked? Everyone in the room was quiet. They looked at him. No one said anything.”¹⁷⁷ The incident was unexceptional. “The dirty little secret here,” a former associate counsel in the Bush White House, Brad Berenson, explained, “is that the United States government has enduring institutional interests that carry over from administration to administration and almost always dictate the position the government takes.”¹⁷⁸

Plan fails – national security experts have a personal incentive to reinscribe the status quo

Glennon 14 [Michael, Professor of International Law at Tufts, 2014, “National Security and Double Government”, <http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf>] //dickies

The Trumanite network is as little inclined to stake out new policies as it is to abandon old ones. The Trumanites’ grundnorm is stability, and their ultimate objective is preservation of the status quo. The status quo embraces not only American power but the Trumanites’ own careers, which are steadily elevated by the conveyor belt on which they sit. Preoccupied as they are with cascading crises, swamped with memos and email and overwhelmed with meetings, Trumanites have no time to re-examine the cosmological premises on which policy is based.¹⁷⁹ Their business is reacting, day and night. Working weekends and evenings is routine; theirs are 24/7 jobs¹⁸⁰ that leave no time for pondering big pictures. They are caught up in tactics;¹⁸¹ larger ends are for memoirs. Reflecting on the “fail[ure] to take an orderly, rational approach” to Vietnam decisionmaking, Robert McNamara wrote that “we faced a blizzard of problems, there were only twenty-four hours a day, and we often did not have time to think straight.”¹⁸² His successors encountered an equally frenetic environment.¹⁸³ With the anger, frustration, emotion, and the mental and physical exhaustion induced in working long hours under crisis conditions, a pernicious but existing policy gradually comes to be seen as the least bad choice. The status quo is preserved by minimizing risks, which means no bold departure from the settled long-term policy trajectory. “Men who have participated in a decision,” as James Thomson succinctly put it, “develop a stake in that decision.”¹⁸⁴ Slow is therefore best. The risk of embarrassment is lower in continuing a policy someone else initiated than in sponsoring one’s own new one. If the policy fails, the embarrassment is someone else’s. Trumanites are therefore, above all, team players. They are disinclined to disagree openly. “The further up you go,” one prominent organization theorist put it, “the less you can afford to stick out in any one place.”¹⁸⁵ As one seasoned adviser said, because “there is a real team concept and where money disputes are not usually the core, radically different views of the direction to be taken by an administration can cause serious trouble.”¹⁸⁶ He advises that a “new president should take care that his key officials in foreign policy all have a roughly similar outlook on the world and America’s place in it.”¹⁸⁷ Accordingly, once a policy is final, Trumanites rally readily round it, however much they might once have disagreed. Dissent shades into disloyalty and risks marginalization, particularly in a policy group with high esprit de corps. As Kissinger put it, “[s]erving the machine becomes a more absorbing occupation than defining its purpose.”¹⁸⁸ Little credit is gained by advocating for an option that has earlier been rejected. Likelier than not, one’s superior, or his superior, was present at the creation of the policy and takes pride in its authorship. “In government it is always easier to go forward with a program that does not work,” David Halberstam wrote, “than to stop it altogether and admit failure.”¹⁸⁹ Even those immersed in the policy-making process are often bewildered by its outcome. The Army chief of staff, Harold Johnson, could think of “no logical rationale” to explain the military’s continuing recommendations for incremental escalation of the U.S. war effort in Vietnam—even though the military had difficulty devising any persuasive strategy to produce victory.¹⁹⁰

Fusion Center Module – No Regulations

Fusion centers monitor lawful religious activity

Patel and Price '12 Faiza Patel serves as co-director of the Brennan Center's Liberty and National Security Program; Michael Price serves as counsel for the Brennan Center's Liberty and National Security Program (10/18/12, Faiza Patel, Michael Price, Brennan Center for Justice, "Fusion Centers Need More Rules, Oversight", <https://www.brennancenter.org/analysis/fusion-centers-need-more-rules-oversight>)

Instead of looking for terrorist threats, **fusion centers were monitoring lawful political and religious activity**. That year, **the Virginia Fusion Center described a Muslim get-out-the-vote campaign as "subversive."** **In 2009, the North Central Texas Fusion Center identified lobbying by Muslim groups as a possible threat.**

The DHS dismissed these as isolated episodes, but the two-year Senate investigation found that such tactics were hardly rare. It concluded that **fusion centers routinely produce "irrelevant, useless or inappropriate" intelligence that endangers civil liberties.**

None of their information has disrupted a single terrorist plot. These revelations call into question the value of fusion centers as currently structured. At a minimum, they underscore the need for greater oversight and clearer rules on what information fusion centers collect and disseminate.

Of course, effective information sharing is critical to national security. But as the Senate investigation demonstrates, there is little value in distributing information if it is shoddy, biased or simply irrelevant. When fusion centers feed such information into the echo chamber of federal databases, they only compound mistakes and clog the system.

The DHS has failed to create effective mechanisms or incentives for quality control. Instead, **fusion centers collect and share information according to their individual standards, which vary considerably.**

These rules often **permit information to flow to federal agencies that has no connection to criminal activity** — let alone terrorism. This creates the risk that intelligence networks will become saturated with poor or irrelevant information as well as lend undue credibility to inaccurate data. The Senate report showed that these risks are not just theoretical.

Fusion centers need explicit and consistent rules. The DHS should ensure that the information the centers collect and distribute is relevant, useful and constitutional by requiring them to show some reasonable suspicion that criminal activity is afoot.

This is not a particularly high bar to clear. The reasonable suspicion standard is familiar to every police officer. The requirement would serve as an important bulwark against privacy and civil rights violations, but it would also keep meaningless information out of the system.

Without such well-defined and familiar standards, as the Senate report demonstrates, fusion centers are left rudderless.

In addition, fusion centers must have active, independent oversight. While Congressional inquiries are important for exposing problems, the Senate should not have been the first governmental body to take a critical look at fusion centers.

At the state and local level, **there is often no mechanism to ensure that fusion centers are generating useful information or complying with the law.** At the federal level, the DHS is responsible for verifying that the data shared by fusion centers meet certain minimum standards. But **the DHS has delegated this responsibility to the centers themselves and has not conducted independent audits.**

DHS oversight has been so poor that the department could not even say how much money it has spent on fusion centers, estimating the cost at somewhere from \$289 million to \$1.4 billion.

Fusion centers guarantee profiling will continue post-plan

Constitution Project '12 The Constitution Project (8/15/12, The Constitution Project, "RECOMMENDATIONS FOR FUSION CENTERS", <http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>)

2. Reports of Political, Racial and Religious Profiling

Despite these constitutional principles, there have been numerous anecdotal reports of incidents in which fusion centers have targeted individuals in the United States for surveillance and investigation based solely on beliefs and characteristics that are protected by the First and Fourteenth Amendments. Although federal guidance to fusion centers cautions against profiling, these incidents demonstrate that significant additional guidance, training and oversight are crucial to ensure that fusion centers and other law enforcement agencies do not engage in racial, religious and political profiling.⁴¹

Recent **reports from across the country bear testament to the potential for problematic profiling at fusion centers, particularly regarding bulletins and intelligence reports circulated by fusion centers.** These are a few examples:

- **The February 2009 "Prevention Awareness Bulletin," circulated by a Texas fusion center, described Muslim lobbying groups as "providing an environment for terrorist organizations to flourish"** and warned that "the threats to Texas are significant."

The bulletin called on law enforcement officers to report activities such as Muslim "hip hop fashion boutiques, hip hop bands, use of online social networks, video sharing networks, chat forums and blogs."⁴²

- A Missouri-based fusion center issued a February 2009 report describing support for the presidential campaigns of Ron Paul or third party candidates, possession of the iconic "Don't Tread on Me" flag and anti-abortion activism as signs of membership in domestic terrorist groups.⁴³

- **The Tennessee Fusion Center listed a letter from the American Civil Liberties Union (ACLU) to public schools on its online map of "Terrorism Events and Other Suspicious Activity."** The letter had advised schools that **holiday celebrations focused exclusively on Christmas were an unconstitutional government endorsement of religion.**⁴⁴

• **The Virginia Fusion Center's 2009 Terrorism Risk Assessment Report described student groups at Virginia's historically black colleges as potential breeding grounds for terrorism and characterized the "diversity" surrounding a military base as a possible threat.**⁴⁵

Fusion centers rely on racial profiling

Cyril '15 Staff writer for The Progressive (April 2015, Malkia Amala Cyril, The Progressive, "Black America's State of Surveillance", <http://www.progressive.org/news/2015/03/188074/black-americas-state-surveillance>)

They will use **fusion centers**. Originally designed to increase interagency collaboration for the purposes of counterterrorism, these **have instead become the local arm of the intelligence community**. According to Electronic Frontier Foundation, there are currently seventy-eight on record. **They are the clearinghouse for increasingly used "suspicious activity reports"**—described as "official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity." These reports and other collected data are often stored in massive databases like e-Verify and Prism. As anybody who's ever dealt with gang databases knows, **it's almost impossible to get off a federal or state database, even when the data collected is incorrect or no longer true.**

Predictive policing doesn't just lead to racial and religious profiling—it relies on it. Just as stop and frisk legitimized an initial, unwarranted contact between police and people of color, almost 90 percent of whom turn out to be innocent of any crime, **suspicious activities reporting and the dragnet approach of fusion centers target communities of color.** One review of such reports collected in Los Angeles shows approximately 75 percent were of people of color.

This is the future of policing in America, and it should terrify you as much as it terrifies me. Unfortunately, it probably doesn't, because my life is at far greater risk than the lives of white Americans, especially those reporting on the issue in the media or advocating in the halls of power.

One of the most terrifying aspects of high-tech surveillance is the invisibility of those it disproportionately impacts.

Fusion centers guarantee profiling will continue post-plan

Constitution Project '12 The Constitution Project (8/15/12, The Constitution Project, "RECOMMENDATIONS FOR FUSION CENTERS", <http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>)

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to ensure that fusion centers and other law enforcement agencies do not engage in racial, religious and political profiling.⁴¹

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Fusion centers do what they want

German and Stanley ‘7, German is on the Policy Counsel for National Security, ACLU Washington Legislative Office; Stanley is the Public Education Director, ACLU Technology and Liberty Program (December 2007, Michael German and Jay Stanley, American Civil Liberties Union, “WHAT’S WRONG WITH FUSION CENTERS?,” https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf)

Ambiguous Lines of Authority. The **participation of agencies from multiple jurisdictions in fusion centers allows the authorities to manipulate differences in federal, state and local laws to maximize information collection while evading accountability and oversight through the practice of “policy shopping.”**

Private Sector Participation . **Fusion centers are incorporating private-sector corporations** into the intelligence process, breaking down the arm’s length relationship that protects the privacy of innocent Americans who are employees or customers of these companies, and increasing the risk of a data breach.

Military Participation . **Fusion centers are involving military personnel** in law enforcement activities in troubling ways.

Data Fusion = Data Mining . Federal fusion center guidelines encourage whole sale data collection and manipulation processes that threaten privacy.

Excessive Secrecy . **Fusion centers are hobbled by excessive secrecy, which limits public oversight**, impairs their ability to acquire essential information and impedes their ability to fulfill their stated mission, bringing their ultimate value into doubt.

Their inherently local nature makes regulation impossible

O’Neil ‘8 political science graduate student at the University of California Los Angeles (UCLA) Previously, iobhan served as the analyst for domestic security and intelligence at the Congressional Research Service (CRS). She spent five years working in homeland security serving as the deputy chief of the Intelligence Bureau of the New Jersey Office of Homeland Security and Preparedness (OHSP) (April 2008, Siobhan, Homeland Security Affairs, “The Relationship between the Private Sector and Fusion Centers: Potential Causes for Concern and Realities”, <https://www.hsaj.org/articles/134>)

Given that **fusion centers are entities established by states and localities to serve their own law enforcement**, emergency response, and homeland security needs, and **compounded by the sensitivities associated with federalism, the federal government is in a difficult position of balancing its interests and respecting the local nature of fusion centers**. As such, **the federal government has been understandably hesitant to place requirements on fusion centers**. Instead, federal **agencies have produced guidelines, which have not been compulsory**, to include the National Strategy for Information Sharing and Fusion Center Guidelines. **8** While **these documents** address some of the tactical and operational concerns related to fusion centers, they **are often vague to a fault and fail to provide the comprehensive vision for fusion centers as part of the nation’s homeland security posture**.

Failure to create a consensus on the role, structural requirements, and responsibilities for fusion centers is apt to increase the potential for ineffectiveness, which threatens the viability of fusion centers. If fusion centers fail to demonstrate their worth and strengthen and augment our nation’s homeland security efforts, political support and external agency engagement with these centers is likely to decline. Moreover, potential civil liberties abuses could damage fusion centers’ credibility and undermine their public support. It has rightfully been warned that even rumors of impropriety and civil liberties abuses associated with a single fusion center can cause irreparable damage to the reputation of all fusion centers nationwide. This would be unfortunate given the potential for fusion centers to provide public safety and homeland security benefits to both local communities and the nation.

Fusion centers aren’t under federal jurisdiction—localities won’t enforce rules

Price ‘13, Michael Price serves as counsel for the Brennan Center’s Liberty and National Security Program (12/10/13, Michael Price, Brennan Center for Justice, “National Security and Local Police”, <https://www.brennancenter.org/publication/national-security-local-police>)

The Brennan Center has identified three major reasons the system is ineffective:

Information sharing among agencies is governed by inconsistent rules and procedures that encourage gathering useless or inaccurate information. This poorly organized system wastes resources and also risks masking crucial intelligence.

As an increasing number of agencies collect and share personal data on federal networks, inaccurate or useless information travels more widely. Independent oversight of fusion centers is virtually non-existent, compounding these risks.

Oversight has not kept pace, increasing the likelihood that intelligence operations violate civil liberties and harm critical police-community relations.

According to a report by the Government Accountability Office, 95 percent of suspicious activity reports are not even investigated by FBI. This is unsurprising. In the past, police departments shared information only when there was ‘reasonable suspicion’ of criminal activity. This time-tested standard ensured that police were focused on real threats and not acting on their own biases or preconceptions. But with this crucial filter removed after the attacks of 9/11, almost any behavior — from photographing a landmark, to stretching in the park, to attending a mosque — can be viewed as potentially suspicious, reported, and shared with thousands of other government agencies. It is impractical to sift through and follow up on every report, so important information can easily fall through the cracks. In some instances, the practice has also undermined community trust in the police, which is an essential element of domestic counterterrorism.

Efforts by the federal government to address this oversight gap have been half-hearted. The system is not under federal government control. Federal funds simply flow to state legislatures, which then allocate them as they see fit — no questions asked. State and local governments have rarely stepped into the breach, allowing intelligence activities to go unchecked and unsupervised.

FBI NSLs Module

The FBI can circumvent via national security letters

Sanchez 15

(Julian Don't (Just) Let the Sun Go Down on Patriot Powers, May 29, 2015,
<http://motherboard.vice.com/read/dont-just-let-the-sun-go-down-on-patriot-powers>)

Also permanent are National Security Letters or NSLs, which allow the FBI to obtain a more limited range of telecommunications and financial records without even needing to seek judicial approval. Unsurprisingly, the government loves these streamlined tools, and used them so promiscuously that the FBI didn't even bother using 215 for more than a year after the passage of the Patriot Act. Inspector General reports have also made clear that the FBI is happy to substitute NSLs for 215 orders when even the highly accommodating FISC manages a rare display of backbone. In at least one case, when the secret court refused an application for journalists' records on First Amendment grounds,

the Bureau turned around and **obtained the same data** using National Security Letters.

Case- Legal Reform Fails

One step reforms such as curtailing bulk data collection are just drops in the bucket- Islamophobia is a persistent ideology infecting American politics, which requires changes that predate any policies

Kundnani 2014 [Arun, (Professor of Terror Studies and Media @ NYU), "No NSA reform can fix the American Islamophobic surveillance complex," The Guardian, <http://www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex>, Accessed 7/13/15, AX]

Better oversight of the sprawling American national security apparatus may finally be coming: President Obama and the House Intelligence Committee unveiled plans this week to reduce bulk collection of telephone records. The debate opened up by Edward Snowden's whistle-blowing is about to get even more legalistic than all the parsing of hops and stores and metadata. These reforms may be reassuring, if sketchy. But for those living in so-called "suspect communities" – Muslim Americans, left-wing campaigners, "radical" journalists – the days of living on the receiving end of excessive spying won't end there. How come when we talk about spying we don't talk about the lives of ordinary people being spied upon? While we have been rightly outraged at the government's warehousing of troves of data, we have been less interested in the consequences of mass surveillance for those most affected by it – such as Muslim Americans. In writing my book on Islamophobia and the War on Terror, I spoke to dozens of Muslims, from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question every student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials. There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions. There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. **There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association**. And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. **The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government**. These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher. A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?" This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power. Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities. **Underpinning all the surveillance of Muslim Americans is an**

assumption that Islamic ideology is linked to terrorism. Yet, over the last 20 years, far **more people** have been killed in acts of violence by right-wing extremists than by Muslim American citizens or permanent residents. The huge numbers being spied upon are not would-be terrorists but **law-abiding people**, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one. So **let's reform the NSA and its countless collections. But let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.**

Aff can't solve — Anti-Arab sentiment is entrenched in mainstream media and history which is why any legal reform will fail

Salaita 6 — Steven George Salaita, scholar, author and public speaker, received his B.A. in political science from Radford University in 1997, his M.A. in English from Radford in 1999, and completed his Ph.D. at the University of Oklahoma in Native American studies with a literature emphasis, became an assistant professor of English at University of Wisconsin in Whitewater, where he taught American and ethnic American literature until 2006, associate professor of English at Virginia Tech, won a 2007 Gustavus Myers Outstanding Book Award for writing the book *Anti-Arab Racism in the USA: Where It Comes from and What it Means for Politics Today*, 2006 ("9/11, Anti-Arab Racism, and the Mythos of National Pride," *Beyond Orientalism and Islamophobia*, Fall, Available online at https://muse.jhu.edu/journals/new_centennial_review/v006/6.2salaita.pdf)

My second observation that **anti-Arab racism is not confined to the political right** also is worth analysis. **Racism**, as writers from Elizabeth Cook-Lynn to bell hooks have illustrated, **is never limited to particular social or discursive movements, nor is it ever rooted in consistent sites of cultural or linguistic production. Any comprehensive survey of popular opinion in the United States over the past decade** (a time frame that purposely straddles 9/11) **will demonstrate that the blatant anti-Arab racism of the political right is**, using a vocabulary appropriate to specific political agendas, **reinscribed continually in the discourse, or at least the ethos, of mainstream and progressive media**. For instance, **leftist liberal publications** such as Dissent, Tikkun, and MoveOn.org **have been guilty of expressing racist attitudes** either in the form of support for Palestinian dispossession or by totalizing all Arabs and Muslims as potential terrorists; or the racism arrives subtly by precluding Arabs from speaking on their own behalf. **A similar guilt is shared by mainstream (supposedly liberal) publications** such as the New York Times, Newsweek, Los Angeles Times, and Slate.com, **which, given their corporate obligations, cannot realistically be expected to attack anti-Arab racism when it is so fundamental to the interests of American capitalism** (and to the survival of the publications). Of major concern to this essay is the recognition that, in keeping with the seminal work of Louis Althusser and Terry Eagleton, **we cannot seriously interrogate racism by attributing it solely to one political ideology without analyzing how the racism is interpolated through a multitude of discourses at the benefit of various ideologies**. Beyond this intercultural observation, we can say that **anti-Arab racism has specific historical dimensions that render it unique even as it has been an inheritor of countless tensions and anxieties**. Some of those dimensions—travel narratology, Orientalist scholarship, imperialism—have been discussed by others in some detail; **the dimension I invariably find most interesting is the relationship of anti-**

Arab racism with settler colonization, both in the New World and Holy Land. This relationship indicates that a centuries-old Holy Land mania in the United States not only facilitated what Cook-Lynn (2001) calls “anti-Indianism,” but has allowed the antiIndianism to evolve into support for a new Messianic conquest that positions today’s Arabs in a fascinating theological continuum. If Natives were the first victims of racism in North America, then **Arabs, the new schematic evildoers, are merely the latest to be the first.**

Case- Internal Link Defense

1NC

The aff is woefully inadequate to address the deep-rooted anti-Muslim bias rooted in the US psyche, discourse, and policy—question the effectiveness of the affirmative's method

Ali 12 [Yaser, Managing Attorney at Yaser Ali Law and J.D at University of California, Berkeley - School of Law, "Shariah and Citizenship—How Islamophobia Is Creating a Second-Class Citizenry in America", 8-1-2012, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=4176&context=californialawreview>]

One would assume that anti-Muslim sentiment reached its high water mark after 9/11. To the contrary, however, it has increased dramatically in the third phase of Islamophobia, which began during President Obama's 2008 campaign. If Volpp's contentions about Muslims' being relegated to second-class citizenship were true in 2002, then today that distinction has crystallized even further.¹³⁶ Whereas a vast majority of the incursions in the second phase occurred under the umbrella of national security, Islamophobia has now **evolved beyond simply encouraging profiling and other surveillance techniques aimed at Muslims under the professed interests of national security.** An institutionalized version of Islamophobia in this third phase now focuses on the "creeping threat of Shariah" and, in the process, more explicitly threatens the foundational conceptions of citizenship described by Professor Bosniak. Further, while citizens enjoy some fundamental level of respect for their individual beliefs and practices, this is no longer the case with regard to Muslims, both in journalism and politics today. Whereas it is widely recognized as socially unacceptable to be openly disparaging toward minority groups, the privilege reflected in that norm is **increasingly denied to Muslims.** In this **third phase of Islamophobia,** mainstream discourse now explicitly challenges the notion that American Muslims deserve the same liberal notions of rights that other citizens enjoy. One might surmise that since the contours of this phase cannot easily be demarcated, the third phase is in fact a difference in degree rather than in kind. It is true that unlike the transition from the first to the second phase, there is no single demonstrable event or tipping point that represents the transition from the second to third period; however, there was **a gradual progression that increased in intensity since the presidential campaign of 2008 when the term "Muslim" was actually converted into a slur,** as political opponents "accused" then-Senator Obama of secretly being a Muslim. The suggestion that a Muslim citizen would be less suited for office represents the **deep-seated fear and mistrust of Muslims in the American consciousness.** President Obama's opponents recognized this fact and knew that it would be a powerful tool for discrediting him. Yet what was perhaps most striking about the "allegations" was not the partisan claims themselves, but the responses that President Obama and other government leaders offered. Obama felt compelled to reject the "accusations," doing his best to distance himself from the Muslim community and choosing not to make any campaign stops in mosques or meet with any Muslim organizations during the campaign (despite making numerous stops at churches and synagogues). President Obama did not state, that although he was not a Muslim, there was nothing wrong with Muslims per se. Instead, **he reiterated the bias by referring to the accusations on his website as a "smear."** Further, during one campaign rally, his aides asked two young Muslim women dressed in headscarves to exit the stage area where he would be speaking. Arguably, the pervasiveness of such insidious discourse from the President helped **normalize the notion to the public that American Muslims are not "citizens," but indeed "others."**

No federal modeling internal link—local law enforcement models regional agencies—our ev is comparative

Burruss et al 12 [George W. Burruss has a Ph.D. in Criminology & Criminal Justice at Southern Illinois University Carbondale, Joseph A. Schafer has a Ph.D from Michigan State in Social Science (Criminal Justice), Matthew J. Giblin, an associate professor and undergraduate program director in the Department of Criminology and Criminal Justice at Southern Illinois University Carbondale, Melissa R. Haynes, Member of the Department of Criminology and Criminal Justice, "Homeland Security in Small Law Enforcement Jurisdictions: Preparedness, Efficacy, and Proximity to Big-City Peers", September 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/239466.pdf>]

Respondents were asked a range of questions designed to assess the extent to which institutional pressures influenced their approaches to homeland security. The **measures address factors that are independent of any one person in the organization; that is, they focus on the influence of other agencies, professional associations, and publications without addressing who within the organization was specifically affected by these factors.**¹⁰ Table 8 reports the results of a number of questions measuring whether agency practices were influenced by the actions of their peers. In evaluating their own homeland security performance, 25.8 percent of respondents indicated they paid **significant attention to other agencies like their own.** An additional 59.8 percent of agencies paid some attention to similar agencies. Less than one percent of responding agencies reported that they paid no attention to similar agencies in evaluating their homeland security performance. Participating agencies were asked to what extent their agency modeled homeland security policies and practices after other agencies that they viewed as successful. The majority of agencies indicated they did engage in such modeling often (35.3 percent) or occasionally (54.9 percent). Other sources of institutional pressure are professional associations and relevant publications. In defining homeland security practices and approaches agencies might be influenced by the resources offered by these other entities. Respondents were asked to rate the influence of four sources of influence on a three-point scale from not at all influential (0.0) to very influential (2.0). **Peer agencies were reported to be the most influential.** Strong influence was also indicated for professional associations and government publications. Journal articles and books were the least influential, with an average rating between somewhat influential and not at all influential. Grant programs and other funding opportunities were generally less influential. In relative terms, federal and state grant funding for equipment and training were most influential. Private or community funding sources were least influential in formulating homeland security approaches and practices.

Case- Squo Solves

Squo solves, Federal gov't already expanding rules, but local law enforcement is not

Apuzzo 14, Matt Apuzzo("U.S. to Expand Rules Limiting Use of Profiling by Federal Agents", January 16, http://www.nytimes.com/2014/01/16/us/politics/us-to-expand-rules-limiting-use-of-profiling-by-federal-agents.html?_r=0, Accessed 6/21/15)

The Justice Department will significantly expand its definition of racial profiling to prohibit federal agents from considering religion, national origin, gender and sexual orientation in their investigations, a government official said Wednesday. The move addresses a decade of criticism from civil rights groups that say federal authorities have in particular singled out Muslims in counterterrorism investigations and Latinos for immigration investigations. The Bush administration banned profiling in 2003, but with two caveats: It did not apply to national security cases, and it covered only race, not religion, ancestry or other factors. Since taking office, Attorney General Eric H. Holder Jr. has been under pressure from Democrats in Congress to eliminate those provisions. "These exceptions are a license to profile American Muslims and Hispanic-Americans," Senator Richard J. Durbin, Democrat of Illinois, said in 2012. President George W. Bush said in 2001 that racial profiling was wrong and promised "to end it in America." But that was before the terrorist attacks of Sept. 11. After those attacks, federal agents arrested and detained dozens of Muslim men who had no ties to terrorism. The government also began a program known as special registration, which required tens of thousands of Arab and Muslim men to register with the authorities because of their nationalities. "Putting an end to this practice not only comports with the Constitution, it would put real teeth to the F.B.I.'s claims that it wants better relationships with religious minorities," said Hina Shamsi, a national security lawyer with the American Civil Liberties Union. It is not clear whether Mr. Holder also intends to make the rules apply to national security investigations, which would further respond to complaints from Muslim groups. "Adding religion and national origin is huge," said Linda Sarsour, advocacy director for the National Network for Arab American Communities. "But if they don't close the national security loophole, then it's really irrelevant." Ms. Sarsour said she also hoped that Mr. Holder would declare that surveillance, not just traffic stops and arrests, was prohibited based on religion. The Justice Department has been reviewing the rules for several years and has not publicly signaled how it might change them. Mr. Holder disclosed his plans in a meeting on Wednesday with Mayor Bill de Blasio of New York, according to an official briefed on the meeting who spoke on the condition of anonymity because the conversation was private. Mr. de Blasio was elected in November after running a campaign in which he heavily criticized the Police Department's stop-and-frisk tactic, which overwhelmingly targets minorities and which a federal judge declared unconstitutional. The mayor and attorney general did not discuss when the rule change would be announced, the official said. A senior Democratic congressional aide, however, said the Obama administration had indicated an announcement was "imminent." The Justice Department would not confirm the new rules on Wednesday night but released a short statement saying that the mayor and the attorney general discussed "preventing crime while protecting civil rights and civil liberties." In the past, Mr. Holder has spoken out forcefully against profiling. "Racial profiling is wrong," he said in a 2010 speech. "It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing — whatever city, whatever state." Officials in the Bush administration made similar statements, however, which is why civil rights groups have eagerly waited to hear not just Mr. Holder's opinion, but also the rules he plans to enact. As written, the Justice Department's rules prohibit federal agents from using race as a factor in their investigations unless there is specific, credible information that makes race relevant to a case. For example, narcotics investigators may not increase traffic stops in minority neighborhoods on the belief that some minorities are more likely to sell drugs. They can, however, rely on information from witnesses who use race in their descriptions of suspects. The rules cover federal law enforcement agencies such as the F.B.I. They do not cover local or state police departments. That is significant because Muslim groups have sued the New York Police Department over surveillance programs that mapped Muslim neighborhoods, photographed their businesses and built files on where they eat, shop and pray. Mr. Holder's comments about the new racial profiling rules came up in a conversation about that topic, the official said. William J. Bratton,

the city's new police commissioner, has said he will review those practices. While the rules directly control only federal law enforcement activities, their indirect effect is much broader, said Fahd Ahmed, the legal director of the Queens-based South Asian immigrant advocacy group Desis Rising Up and Moving. For instance, he said, immigration bills in Congress have copied the Justice Department profiling language. And civil rights groups can use the rules to pressure state and local agencies to change their policies. "Federal guidelines definitely have an impact," Mr. Ahmed said. "Local organizers can say, 'These policies are not in line with what's coming from the federal level.'"

Case- State Good vs no plan

Notes

See also "cede the political K"

1NC Anti-Statism Bad

Results matters – failure to have a course of action for mobilizing populations dooms the alt. EVEN if they win their ethics claims, you have to evaluate the question of alt solvency first.

Day 9

(Christopher, The Historical Failure of Anarchism: Implications for the Future of the Revolutionary Project,

http://mikeely.files.wordpress.com/2009/07/historical_failure_of_aanarchism_chris_day_kasama.pdf)

The strength of anarchism is its moral insistence on the primacy of human freedom over political expediency. But human freedom exists in a political context. It is not sufficient, however, to simply take the most uncompromising position in defense of freedom. It is necessary to actually win freedom. Anti-capitalism doesn't do the victims of capitalism any good if you don't actually destroy capitalism. Anti-statism doesn't do the victims of the state any good if you don't actually smash the state. Anarchism has been very good at putting forth visions of a free society and that is for the good. But it is worthless if we don't develop an actual strategy for realizing those visions. It is not enough to be right, we must also win.

Continues...

Finally revolutionaries have a responsibility to have a plausible plan for making revolution. Obviously there are not enough revolutionaries to make a revolution at this moment. We can reasonably anticipate that the future will bring upsurges in popular opposition to the existing system. Without being any more specific about where those upsurges might occur it seems clear that it is from the ranks of such upsurges that the numbers of the revolutionary movement will be increased, eventually leading to a revolutionary situation (which is distinguished from the normal crises of the current order only by the existence of a revolutionary movement ready to push things further). People who are fed up with the existing system and who are willing to commit themselves to its overthrow will look around for likeminded people who have an idea of what to do. If we don't have a plausible plan for making revolution we can be sure that there will be somebody else there who will. There is no guarantee that revolutionary-minded people will be spontaneously drawn to anti-authoritarian politics. The plan doesn't have to be an exact blueprint. It shouldn't be treated as something sacred. It should be subject to constant revision in light of experience and debate. But at the very least it needs to be able to answer questions that have been posed concretely in the past. We know that we will never confront the exact same circumstances as previous revolutions. But we should also know that certain problems are persistent ones and that if we can't say what we would have done in the past we should not expect people to think much of our ability to face the future.

The 1AC's approach to criticizing Western governments only re-creates the problem it attempts to solve

Berger 14 (Lars Berger, Associate Professor in International Security with a PhD in Political Science from the Friedrich-Schiller University of Jena in Germany, "The Muslims Are Coming! Islamophobia, Extremism and the Domestic War on Terror, by Arun Kundnani", March 27 2014, <https://www.timeshighereducation.co.uk/books/the-muslims-are-coming-islamophobia-extremism-and-the-domestic-war-on-terror-by-arun-kundnani/2012227.article>) //mL

One of the central themes in Arun Kundnani's critique of what he describes as the domestic "war on terror" in the UK and the US is the apparent neglect of, or even taboo against, discussing the role played by the foreign policies of Western governments in bringing about the horrific acts of violence witnessed on the streets of London in July 2005 and May 2013. Kundnani, a US-based scholar of terrorism, is adamant that "what governments call extremism is to a large degree a product of their own wars". However, there are a number of theoretical and methodological problems with his account. Kundnani is right to highlight methodological concerns about existing studies of Islamist radicalisation, many of which rely on a small number of cases and fail to include control groups of people who share radical ideologies but nevertheless choose not to engage in political violence. But this is not a new insight. Indeed, researchers across Europe have already published plenty of insightful critiques of the theoretical assumptions and methodological approaches of the radicalisation literature. Worse, Kundnani commits the same mistakes when he presents no theoretical justification for his choice of case studies, and fails to explain why the vast majority of Muslims who disagree with the Western foreign policies he sees as potential root causes have not become engaged in political violence. If we look at public opinion polls from across the Muslim world, including Muslim communities in the West, support for violence against Western civilians stands, on average, at between 5 and 10 per cent. But if Kundnani's assertions are correct, this number should be much higher, given that in some Muslim countries, overwhelming majorities of up to 90 per cent criticise the policies of the US and the West. In fact, it is not perceptions of US foreign policies with respect to Israel or Middle Eastern petroleum resources that shape approval of terrorist violence against US civilians, but the rejection of US culture and some of its most prominent manifestations, such as freedom of expression. This finding may go against the conventional wisdom that Kundnani seems to wish to repackage here as his own insights, but it is quite comprehensible in light of the groundbreaking analysis of anti-Americanisms by scholars Peter Katzenstein and Robert Keohane, in which they differentiate between a view that assesses US foreign policies on their own terms and a view that regards those same policies as reflecting the fundamentally evil nature of US society. But there is a danger that Western governments, in an attempt to address the cacophony of voices typical of the decentralised, pluralistic religious discourses in many (Sunni) Muslim communities around the world, can end up telling Muslims what the "correct" interpretation of Islam is. But once again, these are issues that have also already received considerable academic attention, with plenty of excellent analysis ranging from peer-reviewed publications to countless undergraduate essays. In short, Kundnani's critique of hostility towards Muslims by some Western media and politicians and of Western governments' interaction with their Muslim communities is convincing, although not wholly original. His highly ideological insistence on the link between Western foreign policies and Islamist terrorism is neither.

1NC Consequentialism

Moral absolutism creates tunnel vision and error replication – focus on consequences is a prerequisite to ethical decisionmaking

Isaac '2

(Jeffrey C. Isaac, professor of political science at Indiana-Bloomington, director of the Center for the Study of Democracy and Public Life, PhD from Yale, Spring 2002, Dissent Magazine, Vol. 49, Iss. 2, "Ends, Means, and Politics," p. Proquest

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

*MECHANISM DEFENSE SPECIFIC

Notes

Nothing on the “embrace Terror” version- it’s..... embracing terrorism

Mosques stuff is covered by the FBI circumvention module

Strict Scrutiny

1NC

Their Love evidence indicates Muslims do not have the political power in the status quo to file suits – no reason why having a more strict standard will mean they will be able to suddenly file lawsuits

Strict scrutiny won’t solve – courts will affirm government actions in the name of national security

Meyler 08 (Bernadette Meyler, scholar of British and American constitutional law and of law and the humanities, Leah Kaplan Visiting Professor in Human Rights, “Religious Expression in the Balance: A Response to Murad Hussain’s Defending the Faithful”, The Yale Law Journal, 3/21/08, <http://www.yalelawjournal.org/forum/religious-expression-in-the-balance-a-response-to-murad-hussains-defending-the-faithful>, al)

Courts have, however, in the aftermath of September 11, **been notoriously willing to affirm government actions taken in the name of national security even when they deploy a strict scrutiny standard.** The district and circuit court opinions in *Tabbaa v. Chertoff*—a case Hussain discusses that involved American citizens re-entering the United States from a Muslim conference in Canada—provide striking examples of this tendency. The district court, in a move that the Second Circuit affirmed, did, in fact, apply strict scrutiny in evaluating the plaintiffs’ claims under RFRA—but still ruled in favor of the government. Granting substantial deference to the government with regard to its role in policing the country’s boundaries, the district court maintained that “the IDSO [Intelligence Driven Special Operation] inspections were the least restrictive means of furthering the government’s [compelling] interest in protecting its borders.” Similarly, according to the Second Circuit’s opinion, “given the intelligence the government received, subjecting . . . [c]onference attendees to enhanced processing at the border—including fingerprinting and photographing—was a narrowly tailored means of achieving the government’s compelling interest in protecting against terrorism.”⁴ If strict scrutiny itself does not entail more rigorous examination of the explanations that the government provides for its actions in this and similar situations, **the prospect of outcomes favoring civil liberties appears rather bleak. National security, guarding against terrorism, and the protection of the borders may be construed as compelling state interests** even if plaintiffs construct hybrid claims, and tailoring that is narrow in name alone may be accepted by the courts. Let us not forget that **one of the most reviled results in Supreme Court jurisprudence—that in *Korematsu v. United States*—emerged out of an application of strict scrutiny.**

1. Right wing judges means strict scrutiny will be circumvented Greenwald, 2014

(Glenn is a constitutional Lawyer and an author of a best selling book on politics and Law called No Place to Hide. “ Congress is Irrelevant on Mass surveillance. Here is what matters instead.”. <https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/>. Date Accessed- 7/15/15. Anshul Nanda)

U.S. court proceedings. A U.S. federal judge already ruled that the NSA’s domestic bulk collection program likely violates the 4th Amendment, and in doing so, obliterated many of the government’s underlying justifications. Multiple cases are now on appeal, almost certainly headed to the Supreme Court. None of this was

possible in the absence of Snowden disclosures.¶ For a variety of reasons, when it comes to placing real limits on the NSA, I place almost as little faith in the judiciary as I do in the Congress and executive branch. To begin with, the Supreme Court is dominated by five right-wing justices on whom the Obama Justice Department has repeatedly relied to endorse their most extreme civil-liberties-destroying theories. For another, of all the U.S. institutions that have completely abdicated their role in the post-9/11 era, the federal judiciary has probably been the worst, the most consistently subservient to the National Security State. Courts have no power over agencies

2NC

Their only solvency evidence specific to strict scrutiny concludes that “preventing terrorism is a compelling state interest” and thus still passes strict scrutiny – only the most overt forms of islamophobia will end but covert islamophobia will continue because there is no proof of intent that can be taken to court.

Extend that the courts will circumvent strict scrutiny – that’s Meyler – after 9/11 courts have been willing to affirm actions in the name of security even with strict scrutiny – empirically proven with cases such as Korematsu v. United States

Strict scrutiny fails – racial profiling that has a compelling state interest passes it

Johnson 4 [Kevin Johnson, is the Dean of the UC Davis School of Law. Before becoming a professor, he was a student at Harvard Law School where he served as an editor of the Harvard Law Review, Spring 2004, “Racial Profiling after September 11: the Department of Justice’s 2003 Guidelines”, Loyola Law Review, <http://academic.udayton.edu/race/06hrights/waronterrorism/racial06.htm>] //dickies

The Justice Department guidelines are remarkably sparse about the proper consideration of race in the case of national security and border integrity. They state that: [I]n investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation’s borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States. The guidelines further suggest that airport screeners and other law enforcement authorities may rely on race because a compelling state interest (national security) justifies the racial classification and thus survives strict scrutiny. The guidelines recognize that the Supreme Court requires that all racial classifications be subject to strict scrutiny.

AT: Civil suits solve

Love indicates that Muslims don’t have the polical power to file suits – no reason why setting a new standard solves

Civil suits are empirically ineffective against federal officers

Mike Wagner, 2009 [Mike Wagner, AB, Villanova University; JD, The George Washington University. Mike Wagner is an associate in the Washington office of Covington & Burling LLP, where he counsels government contractors on issues arising at all phases of the public procurement process and handles complex white collar investigations involving allegations of fraud and corruption. Prior to joining Covington, he served as a law clerk on the U.S. Court of Appeals for the Third Circuit and the U.S. District Court for the District of Maryland. A graduate of GW Law, he was an Articles Editor on the George Washington Law Review and

received the 2010 Scribes Law Review Writing Award for best student-written article. November 2009, "Warrantless Wiretapping, Retroactive Immunity, and the Fifth Amendment". The George Washington Law Review, 78 Geo. Wash. L. Rev. 204. JC]

Carr v. United States, ⁿ¹⁰³ another case rejecting a due process challenge to a law immunizing a defendant from tort liability, is likewise unpersuasive because it too involved a case in which the prospective elimination of a cause of action. The plaintiff in Carr, **a federal employee**, was injured in a car accident due to the driving of his colleague, also a federal employee, in 1965. ⁿ¹⁰⁴ The plaintiff **initiated a civil suit against his co-worker, but the Federal Drivers' Act of 1961 abrogated any civil suits against federal employees acting within the scope of their employment and substituted the United States in their place.** ⁿ¹⁰⁵

The plaintiff challenged the abrogation of his cause of action as a violation of the Fifth Amendment's Due Process Clause, but the Fourth Circuit rejected this argument: "The accident occurred over four years after the enactment of the Drivers Act. Therefore, ... [the plaintiff] had no interest entitled to constitutional protection." ⁿ¹⁰⁶ Just as in Ducharme, due process concerns were not implicated because the plaintiff's cause of action, which accrued after the adoption of the immunity provision, was abrogated prospectively by statute. This distinction is crucial to understanding why the laws were upheld in Ducharme and Carr but not in Ettor or Richmond Screw. **In light of this precedent, the importance of determining**

whether FISAA acts retroactively or prospectively is plain. If the causes of action eliminated by FISAA had accrued prior to its passage, then FISAA would operate retroactively and the plaintiffs' property would be eligible for due process protections.

Because tort actions generally accrue at the time of injury, ⁿ¹⁰⁷ the cause of action in the suits abrogated by FISAA accrued when the NSA, with the help of AT&T and other telecommunications firms, began improperly monitoring the plaintiffs' telephone and Internet lines soon after the September 11 [*220] attacks. ⁿ¹⁰⁸ Thus, as Professor Anthony Sebok explains, by the time Congress passed FISAA several years later, the plaintiffs' claims had already vested.

MORE CARDS

Doesn't solve- empirics prove 1/3 of the attempts fail

Winkler 2006 [Adam (Professor @ UCLA School of Law), "Fatal in Theory and Strict in Fact: An Empirical Analysis of Strict Scrutiny in the Federal Courts," Vanderbilt Law Review, <http://search.proquest.com/docview/198950724/fulltextPDF/E2E5ED94185E4CE5PQ/1?accountid=10422>, ProQuest, AX]

This Article contributes to this debate by offering a systematic empirical study of strict scrutiny in the federal courts. Reporting the results of a census of every strict scrutiny decision published by the district, circuit, and Supreme courts between 1990 and 2003, this study shows that strict scrutiny is far from the inevitably deadly test imagined by the Gunther myth and more closely resembles the context-sensitive tool described by O'Connor. Courts routinely uphold laws when applying strict scrutiny, and they do in every major arena of law in which they use the test. Overall, 30 percent of all applications of strict scrutiny—nearly one in three—result in the challenged law being upheld. Rather than "fatal in fact", strict scrutiny is survivable in fact.

End Racial Profiling

1NC

The "End Racial Profiling Act" is unnecessary and too broad.

FOP nodate, world's largest organization of sworn law enforcement officers, "S. 989/H.R. 2074, the "End Racial Profiling Act"," Fraternal Order of Police, <http://www.fop.net/legislative/endrpackt.shtml>, fwang

The legislation unnecessarily defines and bans so-called "racial profiling." The United States Supreme Court has already made it very clear that "the Constitution prohibits selective enforcement of the law based on considerations such as race," and that "the constitutional basis for objecting to intentionally discriminatory application of the laws is the Equal Protection Clause." **Whren v. United States**, 517 U.S. 806, 813 (1996). Further, as one Court of Appeals has explained, "citizens are entitled to equal protection of the laws at all times. If law enforcement adopts a policy, employs a practice, or in a given situation, takes steps to initiate an investigation of a citizen based solely upon that citizen's race, without more, then a violation of the Equal Protection Clause has occurred." **United States v. Avery**, 137 F.3d 343, 355 (6th Circuit 1997). The United States Constitution itself prohibits "racial profiling," making Federal legislation defining or prohibiting such activity unnecessary. The legislation's definition of "racial profiling" is far too broad. The bill prohibits the use of race "to any degree" in selecting individuals to be subject to even the most routine investigatory action, excepting only those situations in which race is used "in combination with other identifying factors" when the law enforcement agent is seeking to apprehend a specific suspect whose race, ethnicity or national origin is part of the description of the suspect." (emphasis added). This means that, absent an eyewitness or other description of a specific suspect's race or ethnicity, law enforcement officers can never use race as a factor even if it would help them to identify a suspect. The proposed legislation would therefore ban a whole range of activities beyond the already unconstitutional, purely race-based activity. The legislation would also apply to Customs and immigration-related enforcement activities, as well as criminal law enforcement efforts.

Judicial Action Fails

Courts misunderstand how police surveillance is conducted and can't act effectively without future legislation

Rushin, 13 --- Visiting Assistant Professor, University of Illinois College of Law (Fall 2013, Stephen, Brooklyn Law Review, "The Legislative Response to Mass Police Surveillance," 79 Brooklyn L. Rev. 1, Lexis,)

[*24] II. THE LAW OF POLICE SURVEILLANCE Traditionally, courts have shied away from regulating police surveillance in public spaces. This is because the courts have operated under a set of jurisprudential assumptions of police surveillance. These jurisprudential assumptions were reasonable in the past because of the limited technological efficiency of previous surveillance technologies. In Jones, the Supreme Court had the opportunity to confront these jurisprudential assumptions in light of modern technology. A majority of the justices indicated that these jurisprudential assumptions were increasingly unsupportable in today's digitally efficient world of policing. n118 But the Court did not alter these doctrinal assumptions in any way, nor did they offer much indication on how they may alter these assumptions in the future. Thus, after the Jones decision, the law of police surveillance today is as incoherent as ever. I have previously argued that the digitally efficient investigative state does not run afoul of the Fourth Amendment, based on the presence of these jurisprudential assumptions, n119 but dicta in the concurrences of the Jones case imply that these jurisprudential assumptions may not exist for much longer. Even so, there is no clear indication how the Court could establish a default rule that both narrowly limits some uses of digitally efficient technologies without adversely affecting other non-invasive, legitimate uses. In this section, I evaluate the doctrinal basis for the traditional jurisprudential assumptions about police surveillance. I then spend considerable time analyzing the dicta in the Jones case to predict how the Court may respond to these technologies in the future. I conclude that, while the Court

will likely make some effort to rein in the digitally efficient investigative state in the future, any regulation will be limited in capacity. The regulation will almost certainly rely upon an often-ineffective enforcement tool like the exclusionary rule. Thus, **even if the judiciary is institutionally capable of controlling the digitally efficient investigative state, the legislature must also take a proactive role in any future regulation.**

Judicial oversight fails --- non enforceable, extremely high standards, and executive privilege

Dalal 14 --- JD Yale Law School, BS University of Pennsylvania (Anjali S, Michigan State Law Review, "SHADOW ADMINISTRATIVE CONSTITUTIONALISM AND THE CREATION OF SURVEILLANCE CULTURE", 2014 Mich. St. L. Rev. 59, Lexis)

1. Judicial Intervention

The Church Committee, reflecting on the Keith decision, emphasized the importance of judicial intervention in the national security arena when it reminded the public that warrantless wiretapping "had been permitted by successive presidents for more than a quarter of a century without 'guidance from the Congress or a definitive decision of the Courts.'" n308 Unfortunately, there are three barriers to judicial intervention that facilitate shadow administrative constitutionalism in the national security arena: the lack of judicially enforceable rights, the standing hurdle, and the growth of executive privilege.

a. Judicially Enforceable Rights

By the time the Civiletti Guidelines were issued in 1980, the DOJ made eminently clear that the Attorney General Guidelines were "solely for the purpose of internal Department of Justice guidance" n309 and would otherwise be legally binding. Specifically, the Guidelines made clear that "[t]hey are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal." n310 Such rights-limiting language prevents any injured party from using the governing document of the FBI to enforce the self-imposed limitations on the Bureau's power.

[*129] b. The Standing Hurdle

The lack of judicially enforceable rights is not, however, the only problem. Those who might bring a First Amendment claim based on the surveillance authorized by the Attorney General Guidelines face immense difficulty simply getting into court. n311 One of the primary problems with surveillance is that it has the power to coerce people into self-censorship--or chilled speech. This makes surveillance, fundamentally, a First Amendment issue and a prime subject for constitutional litigation. As our communications are increasingly subject to the prying eyes of the government, our ability to speak freely is directly curtailed. However, after the Supreme Court's decision in Laird v. Tatum, litigants suing under the First Amendment theory of chilled speech are subject to a high standing bar that, more often than not, prevents them from having their case heard at all.

The first mention of the term "chill" in Supreme Court jurisprudence occurred in 1952 in *Wieman v. Updegraff*, a case overturning an Oklahoma law that required all state employees to take a loyalty oath denying all affiliation, direct and indirect, with "any foreign political agency, party, organization or Government, or with any agency, party, organization, association, or group

whatever which has been officially determined by the United States Attorney General or other authorized agency of the United States to be a communist front or subversive organization." n312 In an important concurrence, Justice Frankfurter argued that the loyalty oath had "an unmistakable tendency to chill that free play of the spirit which all teachers ought especially to cultivate and practice." n313 From that time to when the term "chilling effect" was first used in *Dombrowski v. Pfister* n314 thirteen years later, Professor Frederick Schauer argues that [*130] the term evolved from an "emotive argument into a major substantive component of first amendment [sic] adjudication." n315

However, after *Laird v. Tatum*, litigating on the basis of chilling effects has become difficult. *Tatum* requires litigants to first prove that the surveillance in question led to a cognizable harm before they will be granted standing and further held that "the mere existence . . . of a governmental investigative and data-gathering activity that is alleged to be broader in scope than is reasonably necessary for the accomplishment of a valid governmental purpose" was simply not a cognizable harm. n316

As a result of *Tatum*, before an individual can bring a First Amendment claim against FBI based on the authorizations of the Attorney General Guidelines, she must first prove that she has been harmed by the often-secret surveillance. n317 Because of the difficulty of first affirmatively identifying that one is the subject of government surveillance in order to allege a cognizable harm under the law, such litigation has been made increasingly unlikely under *Tatum*.

For example, in 2005, *The New York Times* exposed the President's Surveillance Program (PSP), a program developed after 9/11 that secretly authorized the NSA to intercept "the international telephone calls and international e-mail messages of hundreds, perhaps thousands, of people inside the United States without warrants over the past three years in an effort to track possible 'dirty numbers' linked to Al Qaeda." n318 "Additionally, the NSA told Congress that privileged communications, such as those between an attorney and her client, would not be 'categorically excluded' from interception." n319

This discovery led prominent civil rights organizations, including the American Civil Liberties Union (ACLU), to file [*131] lawsuits against the government arguing that their speech was chilled because their communications were likely targets of the surveillance program. n320 The ACLU filed on behalf of itself and a group of journalists, scholars, and other organizations that regularly communicate with likely targets of the PSP. n321 Importantly, none of the plaintiffs had evidence that they were in fact the subject of NSA surveillance. n322 This was a fact that only the government knew and would not disclose. The Supreme Court held that, without this information, the plaintiffs lacked standing to pursue their case. n323

The standing barrier created by *Tatum* is especially problematic given the nature of surveillance today. Surveillance today no longer presents viable Fourth Amendment claims because so much of our most personal information is mediated through third parties, and the third-party doctrine limits the extent of Fourth Amendment protections. n324 While Justice Sotomayor's concurrence in *United States v. Jones* provides some indication that this doctrine may be up [*132] for reconsideration by the Supreme Court, n325 until that time, the Fourth Amendment no longer provides a powerful source of legal recourse against the growth of surveillance authority. As a result, now, more than ever, the chilling effects doctrine must be revived in order to provide a First Amendment backstop to the growing problem of government surveillance.

c. Executive Privilege

As Professor Heidi Kitrosser describes, "A claim of executive privilege is generally a claim by the President of a constitutional right to withhold information." n326 It is a claim whose authority lies not in the text of the Constitution or of any specific law, but rather in the "notion that some information requests effectively infringe on the President's Article II powers, threatening his ability to receive candid advice or to protect national security." n327

Executive privilege as a means of obfuscation facilitates shadow administrative constitutionalism by preventing judicial oversight. Professor Jack Balkin first made this claim nearly ten years ago when he argued that, increasingly we exclude more and more executive action from judicial review on the twin grounds of secrecy and efficiency. . . . [A]n independent judiciary plays an important role in making sure that zealous officials do not overreach. If the executive seeks greater efficiency, this requires a corresponding duty of greater disclosure before the fact and reporting after the fact to determine whether its surveillance programs are targeting the right people or are being abused. n328

The courts have not taken heed to his warning.

In the wake of the disclosure of the PSP, there was one case that survived the extremely high standing bar set in Tatum. In *Al-Haramain Islamic Foundation v. Bush*, an Islamic charity based in Oregon discovered that the government inadvertently sent them classified documents demonstrating that their communications were [*133] subject to warrantless surveillance. n329 With proof that they were in fact subject to surveillance, Al-Haramain proceeded to court. However, the government argued that the state-secrets privilege prevented the introduction of the classified documents and permitted the government to avoid acknowledging the existence of the surveillance program. n330 Despite the fact that the classified information had already been disclosed (and in seemingly direct conflict with the government's otherwise settled third-party doctrine), the Ninth Circuit agreed with the government's position. n331

The doctrinal barriers that prevent judicial intervention are significantly harder to overcome than the failures that stymie intrabranched checks and balances. This is in no small part due to the doctrine of stare decisis and the value of having binding precedent. Even judges who recognize the problems with the current system and wish to reassert their role in determining both small-"c" and ultimately large-"C" constitutional meaning cannot. Judge Colleen McMahon expressed her frustration with the state-secrets privilege in a court opinion, saying, "I can find no way around the thicket of laws and precedents that effectively allow the Executive Branch of our Government to proclaim as perfectly lawful certain actions that seem on their face incompatible with our Constitution and laws, while keeping the reasons for its conclusion a secret." n332 As a result, without a major shift in the doctrine, the judiciary will be limited in its ability to provide useful oversight.

Rushin admits that judicial action alone won't solve

Rushin, 11 --- PhD student at the University of California, Berkeley, Jurisprudence and Social Policy Program (Fall 2011, Stephen, University of Illinois Journal of Law, Technology & Policy, "THE JUDICIAL RESPONSE TO MASS POLICE SURVEILLANCE," 2011 U. Ill. J.L. Tech. & Pol'y 281, Lexis,)

VI. Conclusion Neither judicial responses nor "legislative rulemaking is ...a panacea." n376 Even if the judiciary successfully recognizes a remedy similar to that discussed in this Article, the legislatures must play a critical role in developing more nuanced and specific enactments to implement this constitutional floor. The potential harms of the digitally efficient investigative state are real. There is legitimate concern that the broad and integrated use of these technologies can create a mass surveillance state. Central to this debate is the proper role of the judiciary in regulating policy activity. Courts have previously relied upon an often fragile dichotomy between technologies that merely improve police efficiency and those that offer officers a new, extrasensory ability. For the first time, the judiciary may be forced to limit the efficiency of law enforcement technologies. Implicit in this action will be the recognition that sometimes improvements in efficiency can be, quite simply, so efficient as to be unconstitutionally harmful. Unregulated efficiency can facilitate police wrongdoing, discrimination, and calumniate political dissenters. Unregulated efficiency in policing technology undermines central protections and tenants of a democratic state. The relationship between efficiency of criminal investigations and privacy rights will be a new frontier for the courts in the coming decades. The courts should forcefully, but prudently, protect against the unregulated efficiency of emerging investigative and surveillance technologies. The judicial response offered in this Article would be but one more example of the courts exercising their proper role as a limited but effective policymakers.

SPOT (TSA Airports)

CX Questions

1AC Berry evidence:

When a Muslim like Azhar Usman gets onto the plane, faces fall. Danger is imminent. The anxiety ends only when the plane lands. People are almost thankful to the Muslim passenger for not doing what they feared he might. Flying-while-Muslim thus becomes an extremely public event

What does eliminating the SPOT program do about that instance of Islamophobia?

1AC Huus evidence:

Thousands of people have been barred altogether from commercial air travel without any opportunity to confront or rebut the basis for their inclusion, or apparent inclusion” on the no-fly list

What does the plan do to eliminate the no fly list?

How does the plan create a coalition between Muslims, blacks, and other races? So you're telling me that getting rid of SPOT will suddenly mean that Muslims go and talk to black and Latino/a people and try to solve racism?

Your Kumar card says that Islamophobia shapes US foreign policy—how does eliminating SPOT stop the US from invading countries in the Middle East?

1AC Dickerson evidence:

If we consider what behavioral science tells us (or can't tell us), it looks like we really need a new method for airport security checks.

If the 1AC gets rid of the SPOT system, what airport security is left?

(If they say we still have scanners—prove that patdowns from scanners are also Islamophobic)

Agencies will use Racial Profiling

TSA still racially profiles outside the SPOT program—patdowns and scanners

Bahrampour 10

(Tara, 12/23/10, Washington Post, "TSA scanners, pat-downs particularly vexing for Muslims, other religious groups," <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/22/AR2010122202919.html?sid=ST2010122202299>, 7/30/15, SM)

Ever since the terrorist attacks of Sept. 11, 2001, a trip to the airport has been fraught for Muslims, who sometimes feel they are being profiled as potential terrorists because of their religion. The addition of full-body scanners, which many say violate Islam's requirements of modesty, has increased the discomfort.

Muslims aren't alone in their antipathy toward the new security measures. Followers of other religions, including Sikhs and some Orthodox Jews and evangelical Christians, also say the scanners and pat-downs make them uncomfortable or breach the tenets of their faiths. But Muslim women have been particularly reluctant to subject themselves to the scanners, which reveal the contours of the human body in glaring detail.

In Islam, "a woman's body and a man's body are both pretty much private," said Ikramullah, 29, who wears a head scarf. "I choose to cover myself and dress in loose-fitting clothing so the shape of my body is not revealed to everyone in the street." The other choice, an "enhanced" pat-down in which security agents touch intimate body parts, was hardly more appealing, said the College Park resident. In recent years, Ikramullah said, she has been pulled aside for a milder version of the pat-downs almost every time she flies. The reason, she believes, is her head scarf.

"It can be humiliating when you're standing there and people are walking by, seeing you get the pat-down," she said. You just feel like you have a target on your head. About 440 advanced imaging technology machines are in use in the United States, and there are plans to increase that number to 1,000 - in roughly half the nation's security checkpoint lanes - by the end of 2011.

Opponents and civil libertarians have likened the scanning to a virtual strip search, and it has caused some to rethink their holiday travel. "I've had a lot of Muslims, and particularly Muslim women, say they're going to put off travel plans as much as is humanly possible because they just can't take the humiliation of it all," said Ibrahim Hooper, a spokesman for the Council on American-Islamic Relations (CAIR). "They're tired of being singled out for their attire. We have reports of Muslim women in tears." Earlier this year, the Fiqh Council of North America, a body of Muslim jurists who interpret Islamic law for Muslims in North America, issued a ruling calling the full-body scanners "a violation of clear Islamic teachings" that men and women not be seen naked, adding that the Koran requires believers to "cover their private parts." But the alternative - the enhanced pat-down - has also posed problems for some, including Sikhs, who wear turbans as part of their religious observance. Since 2007, people with "bulky" clothing, including Muslim women in head scarves and Sikh men in turbans, have been required to undergo secondary screenings involving pat-downs. Whether they are willing to go through the new scanners makes no difference, according to the Transportation Security Administration. "Removal of all head wear is recommended, but the rules accommodate those with religious, medical or other reasons for which the passenger wishes not to remove the item," said Greg Soule, a TSA spokesman. If an officer cannot "reasonably determine that the clothing or head covering is free of a threat item," passengers are referred for additional screening, he said. People interviewed for this article emphasized that they understand the importance of security for air travel, but some said the determination of what constitutes "bulky clothing" is made subjectively, with a bias against religious headgear. Somebody could pass through with a pair of loose pants that is definitely more bulky than a head covering, but the head covering gets secondary screenings, said Ameena Mirza Qazi, deputy executive director and staff attorney for CAIR in Los Angeles, adding that she has urged the TSA to revisit its policies. "The issue is whether it is being treated differently than other items of clothing and why it is being treated differently," she said.

Alt cause for Islamophobia—TSA performs “random searches” during security—targets Muslims
Khan 13

(Azeem, 5/19/13, Huffington Post, “Airport Profiling: A Familiar Story for Muslims,”
http://www.huffingtonpost.com/azeem-khan/racial-profiling-muslim_b_3303582.html, 7/30/15, SM)

I went to Puerto Rico last weekend to celebrate a bachelor party for a friend of mine. On my way to the airport I joked with my friend that I was going to be picked for a random search because that's what happens to you when you have a Muslim name like I do. As I went through security, making sure to take all of the items out of my pocket to go through the scanner, I decided I had gotten it all into those ugly plastic bins. The official running the bags through the machine commented on my Yankees hat because he is a fan himself. I was feeling like maybe I was going to get lucky today, and not be searched just because I'm brown. After he told me to have a nice day I walked through the metal detector. It began to beep. I started to think to myself "here we go again." So **I asked the TSA official in front of me if my glasses had set off the machine. He replied, "No, this is a random search."** What happened next was that I was brought over to an area in front of everyone. I was told that my bag would be checked. They proceeded to open my bag, and go through everything in it while asking me what each item was. It was hard not to give snarky responses when asked each question because it was just a duffel bag filled with a bag of dirty clothes and damp board shorts. I knew there was nothing in there they would find of interest, but it's not like voicing that to them would have been helpful at all. If anything, it would have just brought me to a back room where I would get interrogated and probed further just because I decided to stand up for myself. I have a huge issue with what happened that day. **And what happens to me every single time I go to an airport. This was supposedly a random search. But it wasn't a random search at all. It was a "you're a Muslim" search. I'm tired of being told that it's a random search every single time.** I have fewer rights when I walk into an airport because I'm brown. I always have to feel on edge because I know I'm being looked at suspiciously, and not being I've done anything wrong, but because I'm one of the two million Muslims living in this country in a post 9/11 era. I get it. **My name is Azeem Khan. It's not James Williams. That's why I got picked. It wasn't random.** I understand that. So does the person telling me it's random.

TSA conducts full body pat-downs and physical inspection of baggage for all passengers from 14 “terrorism-prone” countries

Allen 10

(Mike, 1/3/10, Politico, “US tightens international air security,”
<http://www.politico.com/news/stories/0110/31122.html>, 7/30/15, SM)

All travelers flying into the U.S. from foreign countries will receive tightened random screening, and **100 percent of passengers from 14 terrorism-prone countries will be patted down and have their carry-ons searched,** the Obama administration notified airlines on Sunday. **The** more stringent Transportation Security Administration **rules,** to take effect at midnight, **follow the attempted Christmas Day bombing of a U.S. airliner headed into Detroit from Amsterdam.** “These are changes that weren’t widely in place for all carriers or countries on 12/24,” a senior administration official told POLITICO. “These are sustainable measures that are a significant enhancement of our security posture. TSA will continuously review these measures with our global aviation partners to ensure the highest levels of security.” **All passengers from countries on the State Department’s “State Sponsors of Terrorism” list — plus all passengers from other "countries of interest" such as Nigeria, Pakistan and Yemen — will receive “full body pat-down and physical inspection of property.”** the official said. The countries on the State Department list are Cuba, Iran, Sudan and Syria. Other countries covered by the TSA directive are Afghanistan, Algeria, Iraq, Lebanon, Libya, Saudi Arabia and Somalia. A much higher percentage of all travelers from foreign countries will receive such screening than is currently the case, the official said. “The screening “could also include explosive detection technology or advanced imaging technology where it’s available,” the official said. Kristin Lee of the TSA, which is part of the Department of Homeland Security, announced: “Today the Transportation Security Administration issued new security directives to all United States and international air carriers with inbound flights to the U.S. effective January 4, 2010. The new directive includes long-term, sustainable security measures developed in consultation with law enforcement officials and our domestic and international partners.” In other words, there will be a new normal

for international travel into the U.S. The “enhanced security measures” apply to “all international flights to U.S. locations, including both U.S. and international carriers,” the official said. “All international passengers will be screened and the majority of passengers will be screened using threat-based or random measures,” the official said. “These are designed to be sustainable measures that are a significant increase in our security posture.” The measures apply to all “passengers with passports from or itineraries through State Sponsors of Terrorism and ‘countries of interest.’” “This goes beyond simply looking at passports and now looks at itineraries from and through countries of interest,” the official said. “This is a significant step forward.” Lee said in her statement: “Because effective aviation security must begin beyond our borders, and as a result of extraordinary cooperation from our global aviation partners, TSA is mandating that every individual flying into the U.S. from anywhere in the world traveling from or through nations that are State sponsors of terrorism or countries of interest will be required to go through enhanced screening. The directive also increases the use of enhanced screening technologies and mandates threat-based and random screening for passengers on U.S. bound international flights.”

The TSA has a no fly and a selectee list that targets Muslims—their evidence

Huus 11

(Kari, 9/13/11, Today, "Muslim Travelers Say They're Still Saddled with 9/11 Baggage", www.today.com/id/44334738/ns/today-today_news/t/muslim-travelers-say-theyre-still-saddled-baggage/#.VafqhnTWKF4, 7/31/15, SM)

The TSA is also required to conduct secondary screening according to two lists — the “no-fly” list and the “selectee” list, which are provided by the Terrorism Screening Center, a division of the FBI. The screening center says there are 16,000 individuals — including about 500 U.S. citizens — on the no-fly list, which bars the individuals on it from flying to, from or within the United States. Another 16,000 are on the selectee list, which triggers secondary screening. Both are subsets of a consolidated watch list called the Terrorism Screening Database of “known or appropriately suspected terrorists.” The number of names in the database fluctuates, but at present it names 420,000 individuals, about 2 percent of them Americans, the screening center says. The FBI distributes relevant subsets of the database to different frontline agencies such as TSA, CBP, financial watchdogs and law enforcers. Even people stopped for traffic violations can be quickly checked against the list. Each agency “must comply with the law, as well as its own policies and procedures to protect privacy rights and civil liberties,” the screening center said. The effectiveness of the lists came into question after an attempted bombing of an airliner on Christmas Day 2009, when Nigerian Umar Farouk Abdulmutallab, who was not on either watch list, tried to detonate plastic explosives on a flight from Amsterdam to Detroit. Ultimately he hurt only himself, but the scare prompted the screening center to expand the criteria it uses to populate the no-fly list. By design, none of the criteria that land an individual in the database or on the watch lists is made public. “People are put on the watch list based on a series of criteria,” said Sheldon Jacobson, a security expert and computer science professor at University of Illinois at Urbana-Champaign. “Nobody really knows them. They are very secret and they keep evolving. In many ways (the government) has to keep it private because if they give it out, people will game the system.” That secrecy presents a conundrum for many people who believe they are on a list and do not belong there. Some of the cases involve mistaken identity because a traveler possesses a common name like Mohammad — the Arabic equivalent of Smith. As a result, some civil rights lawyers believe that the lists affect two to three times as many fliers as are legitimately on them. Marooned One of the most chilling cases surrounding the no-fly list is that of Gulet Mohamed, a 19-year-old American citizen of Somali heritage. Mohamed had been visiting family in Yemen and Somalia — two countries with active Islamist terrorist groups. When he went to the Kuwait airport to extend his visa in December, he was arrested and taken to a detention facility, where he was blindfolded, questioned and beaten by unknown agents, according to his lawyer, Gadeir Abbas. The questioners were especially interested in information about Anwar al-Awlaki, a dual U.S. and Yemeni citizen turned Islamic extremist in Yemen, Abbas said. Mohamed insisted he had no information and, after a week, Kuwait ordered his deportation. But when he tried to board a flight to the United States, he was told he was on the no-fly list. Only after Abbas filed a lawsuit on his behalf in January was Mohamed allowed to return home to Virginia. Mohamed is pursuing a claim for damages and to be removed from the list. The federal government wants the case thrown out on the grounds that it is irrelevant now that he is back in the U.S. Meantime, it will not confirm if he is on the no-fly list. The lawsuit is pending, after a judge moved it to a circuit court on jurisdictional grounds. “It’s this very Kafkaesque world where no one has charged (people on the list) with any crime ... but they can see its effects,” said Abbas, an attorney with CAIR. “... His case is the most heinous example of what the no-fly list can do.” Other pending court cases allege that Muslim American travelers have encountered similar violations of their rights, including some who were forced to take thousand-mile circuitous land routes to get back into the U.S. or were stuck overseas for weeks or months until lawyers here took up their cases.

The aff does nothing –The CBP, TSA, and ICE will still be allowed to use racial profiling-

Horwitz 14

Sari Horwitz, covers the Justice Department and criminal justice issues nationwide for The Washington Post, where she has been a reporter for 30 years, 12-5-2014, "Racial profiling will still be allowed at airports, along border despite new policy," *Washington Post*,

http://www.washingtonpost.com/politics/racial-profiling-will-still-be-allowed-at-airports-along-border-despite-new-policy/2014/12/05/a4cda2f2-7ccc-11e4-84d4-7c896b90abdc_story.html//SRawal

In recent months, **DHS officials pushed** the White House and Justice Department **to allow major exclusions for prominent DHS agencies such as the TSA, Immigration and Customs Enforcement, and Customs and Border Protection, officials said. CBP, for instance, will still be allowed to use racial profiling when conducting inspections at the country’s “ports of entry” and interdictions of travelers at the border, officials said. Some DHS officials also questioned the Justice Department’s authority to set policies for a separate federal agency.** DHS **Secretary Jeh Johnson made the case in a series of high-level meetings, arguing that while his department did not condone profiling, immigration and customs agents and airport screeners needed to consider a variety of factors to keep the nation safe, according to officials familiar with his personal efforts. TSA officials,** meanwhile, **argued that they should not be covered by the new limits on the grounds that the TSA is not a law enforcement agency.** **“We tend to have a very specific clientele** that we look for,” said one federal official involved in immigration enforcement, who spoke on the condition of anonymity to discuss internal deliberations. “If you look at numbers, the vast majority of people we deal with are Hispanic. Is that profiling, or just the fact that most of the people who come into the country happen to be Hispanic?”

Racial profiling in these agencies is still legally allowed- Muslims will be targeted

Rhodan 14

Maya Rhodan, Web Reporter at Time Magazine, 12-8-2014, "New Federal Racial Profiling Guidelines Worry Civil Rights Groups," *TIME*, <http://time.com/3623851/justice-department-racial-profiling-muslims-sikhs-aclu//SRawal>

But some **carve-outs—such as screenings and inspections by the Transportation Security Administration and U.S. Customs and Border Protection—have raised eyebrows among groups including the American Civil Liberties Union, Muslim Advocates and the Sikh Coalition.** **It’s baffling that even as the government recognizes that bias-based policing is patently unacceptable, it gives a green light for the FBI, TSA, and CBP to profile racial, religious and other minorities at or in the vicinity of the border and in certain national security contexts,** and does not apply the Guidance to most state and local law enforcement,” said Laura Murphy, the director of ACLU’s Washington legislative office. **Muslim Advocates,** a faith-based legal and educational advocacy organization, **echoed those sentiments.** **“While these changes are welcome,”** a statement reads, **“it is difficult to see how the guidance will improve the lives of law-abiding American Muslims who are singled out and targeted based on their faith,** not evidence of wrongdoing, **by the FBI, Customs and Border Protection, and other law enforcement agencies.”** **The Department of Justice guidelines do not apply to activities conducted by military, intelligence or diplomatic personnel.** Border screening activities are also not covered, which has been of particular concern to civil rights groups. After 9/11, sweeping counterterrorism efforts were imposed that led Arab and Muslim Americans—and some perceived to be Muslim or Arabic such as South Asians and Sikhs—to feel singled out and profiled by the federal government. A 2009 ACLU and Rights Working Group report found that **Arabs, Muslims and South Asians “have been disproportionately victimized through various government initiatives” including FBI surveillance, questioning, airline profiling and no-fly lists.**

No Enforcement

TSA regulation enforcement is ineffective- Sikh turbans are still invasively searched despite better regulation

Leadership Conference 11

The Leadership Conference, coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, “The Reality of Racial Profiling”, <http://www.civilrights.org/publications/reports/racial-profiling2011/the-reality-of-racial.html?referrer=https://www.google.com/>, 2011//SRawal

Individuals wearing Sikh turbans or Muslim head coverings are also profiled for higher scrutiny at airports. In response to criticism from Sikh organizations, the Transportation Security Administration (TSA) recently revised its operating procedure for screening head coverings at airports. **The current procedure provides that: All members of the traveling public are permitted to wear head coverings (whether religious or not) through the security checkpoints.** The new standard procedures subject all persons wearing head coverings to the possibility of additional security screening, which may include a patdown search of the head covering. **Individuals may be referred for additional screening if the security officer cannot reasonably determine that the head area is free of a detectable threat item. If the issue cannot be resolved through a pat-down search, the individual will be offered the opportunity to remove the head covering in a private screening area.**⁶³ Despite this new procedure, and TSA's assurance that in implementing it "TSA does not conduct ethnic or religious profiling, and employs multiple checks and balances to ensure profiling does not happen,"⁶⁴ **Sikh travelers report that they continue to be profiled and subject to abuse at airports.**⁶⁵ Amardeep Singh, director of programs for the Sikh Coalition and a second-generation American, recounted the following experience in his June 2010 testimony before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Judiciary Committee: Two months ago, my family and I were coming back to the United States from a family vacation in Playa Del Carmen, Mexico. At Fort Lauderdale Airport, **not only was I subjected to extra screening, but so was [my 18 month-old son Azaad].** I was sadly forced to take my son, Azaad, into the infamous glass box so that he could [be] patted down. He cried while I held him. He did not know who that stranger was who was patting him down. His bag was also thoroughly searched. His Elmo book number one was searched. His Elmo book number two was searched. His minimail truck was searched. **The time spent waiting for me to grab him was wasted time. The time spent going through his baby books was wasted time.** I am not sure what I am going to tell him when he is old enough and asks why his father and grandfather and soon him—**Americans all three**—are **constantly stopped by the TSA 100% of the time at some airports.**

Program Not Racist, TSA Officers Are

The program is not inherently racist, the TSA officers are—that means that even if the plan passes, racist behavior will still continue

Rockler 12

(Harmen, 8/20/12, Daily Orange, “Report of TSA behavior shows racist tendencies,”
<http://dailyorange.com/2012/08/report-of-tsa-behavior-shows-racist-tendencies/>, 8/1/15, SM)

The Transportation Security Administration’s attempt to observe airline passengers’ behaviors while going through airport security was revealed to be a cause for racial profiling this week. TSA officers at Logan Airport in Boston told the New York Times the program has increasingly targeted minorities to search instead of actual passengers who pose a threat. Racial profiling is not a solution to the security threat the United States faces. A security officer at the airport told the Times, “They just pull aside anyone who they don’t like the way they look — if they are black and have expensive clothes or jewelry, or if they are Hispanic.”

This is not what the intended goal of the program was. The program was launched in 2011 as a trial, though behavior detection has been used at Logan since 2003. **TSA officers were supposed to have a “casual conversation” with passengers after providing a boarding pass and ID,** according to TSA spokesman Greg Soule in the Times article. At the start of the program, Soule said, **“Officers are specifically trained to keep questions purposeful and related to detecting a passenger’s intent. This program is in no way related to passengers’ race or ethnicity.”** What was found at Logan suggests the program has not been about passengers’ behavior but their race. Some think we need to profile. Supporters of racial profiling proclaim we shouldn’t sacrifice our security for political correctness. Because the 9/11 hijackers looked Middle Eastern, we need to heavily screen those who look similar. Law enforcement officers’ instincts should be pursued so we can be safer. Not all terrorists who attack the United States have been Muslim or even look Middle Eastern. White and nonwhite individuals have committed acts of terrorism on U.S. soil. All individuals should be equally, fairly scrutinized at airport security because anyone could pose a threat — no matter his or her race. Trying to more heavily screen people who look Arabic is not only a poor response to the actual threat posed, but it may do further damage to the ability of law enforcement to protect us from actual threats. We risk alienating the people we need to help us. There is already a culture of suspicion of Middle Easterners and Muslims caused by the way law enforcement behaves. Earlier this year, the New York Police Department was found to be spying on Muslim student associations in U.S. colleges (including Syracuse University) and cataloging mosques in New Jersey. This is one part of the law enforcement system that may not be treating all citizens as equals. Accounting for other individual characteristics like age may make more sense than racial profiling. A passenger’s age could be more useful than race. The elderly and young children are less likely to pose a threat than others. We should not have to resort to racial profiling at airports to make us safe. **The behavior detection program at Logan is one among more than 100 airports that now use the program. Officers should be trained to ensure race and behavior are not confused.** Classifying certain races as more prone to attacking the U.S. is not an answer to the threat we face.

The behavioral signs that TSA officers look for are not inherently racist—the TSA officers are the ones who are racist

Cohen 15

(Kelly, 3/27/15, Washington Examiner, “TSA: Ordinary passenger behavior a sign of terrorism,”
<http://www.washingtonexaminer.com/tsa-ordinary-passenger-behavior-a-sign-of-terrorism/article/2562165/section/elizabeth-warren>, 8/1/15, SM)

Regular people who call themselves “terrible travelers” may want to be careful. Many run-of-the-mill flyers may be raising red flags without knowing, according to the Transportation Security Administration’s controversial Screening of Passengers by Observation Techniques (SPOT) program. Under the program, which is designed to pick out travelers who could be potential terrorists, specially trained TSA officers are deployed to watch and interact with passengers going through security screening at airports, working off of a checklist of signs provided by the SPOT program. The checklist, which isn’t classified but strongly protected by the agency, was obtained by the Intercept — and the behavioral clues are, interesting. Signs You Might Be a Terrorist: Exaggerated yawning, Excessive complaints about the screening process, Excessive throat clearing, Widely open staring eyes, Wearing improper attire for location, Whistling as the individual approaches the screening process, Gazing down, Exaggerated or repetitive grooming gestures, Face pale from recent shaving of beard, Rubbing or wringing of hands

Topicality Specific

T- Curtail vs Strict Scrutiny

A. CURTAIL REQUIRES THAT THE PLAN, ON FACE, REDUCES SURVEILLANCE

Webster's 10 Webster's New World College Dictionary Copyright © 2010 by Wiley Publishing, Inc., Cleveland, Ohio. Used by arrangement with John Wiley & Sons, Inc. <http://www.yourdictionary.com/curtail#websters>

Curtail transitive verb
to cut short; reduce; abridge

B. THE PLAN DOES NOT CURTAIL ON FACE

"Restrictions" are direct governmental limitations

Viterbo 12 (Annamaria, Assistant Professor in International Law – University of Torino, PhD in International Economic Law – Bocconi University and Jean Monnet Fellow – European University Institute, International Economic Law and Monetary Measures: Limitations to States' Sovereignty and Dispute, p. 166, AX)

In order **to distinguish** an exchange **restriction** from a trade measure, the **Fund chose not to give relevance to the** purposes or the **effects** of the measure **and to adopt, instead, a technical criterion that focuses on the method** followed to design said measure. An interpretation that considered the economic effects and purposes of the measures (taking into account the fact that the measure was introduced for balance of payments reasons or to preserve foreign currency reserves) would have inevitably extended the Fund's jurisdiction to trade restrictions, blurring the boundaries between the IMF and the GATT. The result of such a choice would have been that a quantitative restriction on imports imposed for balance of payments reasons would have fallen within the competence of the Fund. After lengthy discussions, in 1960 the IMF Executive Board adopted Decision No. 1034-(60/27).⁴⁶ This Decision clarified that **the distinctive feature of a restriction** on payments and transfers for current international transactions **is "whether it involves a direct governmental limitation on** the availability or use of **exchange** as such*.⁴⁷ **This is a limitation imposed directly** on the use of currency in itself, for all purposes.

The plan does not curtail - Strict Scrutiny Standards may curtail surveillance AFTER judicial ruling but it does not have a direct effect of curtailing or restricting surveillance

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Permitting reduction by effect is unlimiting. All sorts of things affect surveillance. For example, the economy affects government spending and budgeting for surveillance, and just about everything affects the economy.

D. T IS A VOTER because the opportunity to prepare promotes better debating

T- Surveillance vs SPOT

A. Domestic surveillance is intelligence gathering on US persons

Small 8 MATTHEW L. SMALL. United States Air Force Academy 2008 Center for the Study of the Presidency and Congress, Presidential Fellows Program paper "His Eyes are

Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" <http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf>

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." **Domestic surveillance is a subset of intelligence gathering.** Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. **The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons** (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:
[T]he acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

B. The SPOT program takes people out of line to interrogate them; that is reactive, not proactive intelligence gathering, so it's not surveillance

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Including reactive profiling measures justifies every day police activity being topical and expands the topic too much

D. T IS A VOTER because the opportunity to prepare promotes better debating

T- Curtail vs Countergaze

A. CURTAIL REQUIRES THAT THE PLAN, ON FACE, REDUCES SURVEILLANCE

Webster's 10 Webster's New World College Dictionary Copyright © 2010 by Wiley Publishing, Inc., Cleveland, Ohio. Used by arrangement with John Wiley & Sons, Inc. <http://www.yourdictionary.com/curtail#websters>

Curtail transitive verb
to cut short; reduce; abridge

B. THE PLAN DOES NOT CURTAIL ON FACE

Countergaze increases surveillance- no scenario in which this aff results in decrease or curtailment of domestic surveillance

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Allowing any aff that discusses surveillance, even tangentially, is unlimiting because it justifies affs that are the opposite direction of the topic verb.

D. T IS A VOTER because the opportunity to prepare promotes better debating

T-Its vs no plan

1NC

T – Its

A. USFG is the government established in the constitution

US Legal 13 "Legal Terms, Definitions, and Dictionary"

<http://definitions.uslegal.com/u/united-states-federal-government/>

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United States with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and 'checks and balances' for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

Its means belonging to

Oxford English Dictionary, 2013

<http://www.oed.com/view/Entry/100354?redirectedFrom=its#eid>

its, adj. and pron. Pronunciation: /its/

A. adj. As genitive of the pronoun, now possessive adjective.

Of or belonging to it, or that thing (Latin ejus); also refl., Of or belonging to itself, its own (Latin suus). The reflexive is often more fully its own, for which in earlier times the own, it own, were used: see own adj. and pron.

B. pron. As possessive pronoun.

[Compare his pron.2] The absolute form of prec., used when no n. follows: Its one, its ones. rare.

B. Plan violates- not a criticism of USFG's surveillance

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. There are literally infinite actors of surveillance – state governments, foreign governments, schoolteachers, and security guards. They don't have to defend USFG action, but limiting critique to USFG surveillance is a necessary check on topic explosion.

D. T IS A VOTER because the opportunity to prepare promotes better debating

T- Substantial vs Mosque Outreach

A. Substantially refers to a full class or a broad range over different classes

O'Connor 2 Justice O'Connor delivered the opinion of the Court. SUPREME COURT OF THE UNITED STATES No. 00—1089 TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC., PETITIONER v. ELLA WILLIAMS ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT [January 8, 2002] <http://www.law.cornell.edu/supct/html/00-1089.ZO.html>

The Court of Appeals relied on our opinion in *Sutton v. United Air Lines, Inc.*, for the idea that a “class” of manual activities must be implicated for an impairment to substantially limit the major life activity of performing manual tasks. 224 F.3d, at 843. But *Sutton* said only that “[w]hen the major life activity under consideration is that of working, the statutory phrase ‘substantially limits’ requires ... that plaintiffs allege that they are unable to work in a broad class of jobs.” 527 U.S., at 491 (emphasis added). Because of the conceptual difficulties inherent in the argument that working could be a major life activity, we have been hesitant to hold as much, and we need not decide this difficult question today. In *Sutton*, we noted that even assuming that working is a major life activity, a claimant would be required to show an inability to work in a “broad range of jobs,” rather than a specific job. *Id.*, at 492. But *Sutton* did not suggest that a class-based analysis should be applied to any major life activity other than working. Nor do the EEOC regulations. In defining “substantially limits,” the EEOC regulations only mention the “class” concept in the context of the major life activity of working. 29 CFR § 1630.2(j)(3) (2001) (“With respect to the major life activity of working[,] [t]he term substantially limits means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities”). Nothing in the text of the Act, our previous opinions, or the regulations suggests that a class-based framework should apply outside the context of the major life activity of working.

B. Mosque outreach program violates- only cutting one small subset of a very large range of Anti-Muslim FBI practices is not substantial

Goldman et. al, 12

(Adam and Matt are editors for the Associated Press. “NYPD Defends Tactics Over Mosque Spying; Records Reveal New Details On Muslim Surveillance.”)

http://www.huffingtonpost.com/2012/02/24/nypd-defends-tactics-over_n_1298997.html. Date Accessed- 7/13/15. Anshul Nanda)

NEW YORK -- The New York Police Department targeted Muslim mosques with tactics normally reserved for criminal organizations, according to newly obtained police documents that showed police collecting the **license plates of worshippers, monitoring them on surveillance cameras and cataloging sermons** through a network of informants.¶ The documents, obtained by The Associated Press, have come to light as the **NYPD fends off criticism of its monitoring of Muslim student groups and its cataloging of mosques and Muslim businesses in nearby Newark, N.J.**The NYPD's spokesman, Paul Browne, forcefully defended the legality of those efforts Thursday, telling reporters that its officers may go wherever the public goes and collect intelligence, even outside city limits.¶ The new documents, prepared for Police Commissioner Raymond Kelly, show how the NYPD's roster of **paid informants monitored conversations and sermons inside mosques. The records offer the first glimpse of what those informants, known informally as "mosque crawlers," gleaned from inside the houses of** worship.¶ For instance, when a Danish newspaper published inflammatory cartoons of Prophet Muhammad in September 2005, **Muslim communities around the world erupted in outrage. Violent mobs took to the streets in the Middle East.** A Somali man even broke into the cartoonist's house in Denmark with an ax.¶ In New York, thousands of miles away, it was a different story. Muslim leaders preached peace and urged people to protest lawfully. Write letters to politicians, they said. Some **advocated boycotting Danish products, burning flags and holding rallies.**¶ All of that was permissible under law and protected by the First Amendment to the Constitution. All was reported to the **NYPD by its mosque crawlers and made its way into police files for Kelly.**¶ Imam Shamsi **Ali brought up the topic of the cartoon, condemning them.** He announced a rally that was to take place on Sunday (02/05/06) near the United Nations. He asked that everyone to attend if possible and reminded everyone to keep their poise if they can make it," one report read.¶ At the Muslim Center of New York in Queens, the report said, "Mohammad Tariq Sherwani led the prayer service and urged those in attendance to participate in a demonstration at the United Nations on Sunday."¶ **When one Muslim leader suggested planning a demonstration**, one of the people involved in the discussion about how to get a permit was, in fact, working for the NYPD.¶ **It seems horrible to me that the NYPD is treating an entire religious community as potential terrorists.**" said civil rights lawyer Jethro Eisenstein, who reviewed some of the documents and is involved in a decades-old class-action lawsuit against the police department for spying on protesters and political dissidents.¶ The **lawsuit is known as the Handschu case, and a court order in that case governs how the NYPD may collect intelligence.**¶ Eisenstein said the documents prove the NYPD has violated those rules.¶ "This is a flat-out violation," Eisenstein said. "This is a smoking gun."¶ Browne, the NYPD spokesman, did not discuss specific investigations Thursday but told reporters that, because of the Handschu case, the NYPD operates under stricter rules than any other department in the country. He said police do not violate those rules.¶ His statements were intended to calm a controversy over a 2007 operation in which the NYPD mapped and photographed all of Newark's mosques and eavesdropped on Muslim businesses. Newark Mayor Cory Booker said he was never told about the surveillance, which he said offended him.¶ Booker and his police director accused the NYPD of misleading them by not revealing exactly what they were doing. Had they known, they said it never would have been permitted. But Browne said Newark police were told before and after the operation and knew exactly what it entailed.¶ Kelly, **the police commissioner, and Mayor Michael Bloomberg have been emphatic that police only follow legitimate leads of criminal activity and do not conduct preventive surveillance in ethnic communities.**¶ Former and current law enforcement officials either involved in or with direct knowledge of these programs say they did not follow leads. The officials spoke on condition of anonymity because they were not authorized to discuss the secret programs. But the documents support their claims.¶ The effort highlights one of the most difficult aspects of policing in the age of terrorism. Solving crimes isn't enough; police are expected to identify would-be terrorists and move in before they can attack.¶ There are no universally agreed upon warning signs for terrorism. Terrorists have used Internet cafes, stayed in hostels, worked out at gyms, visited travel agencies, attended student groups and prayed at mosques. So the NYPD monitored those areas. In doing so, they monitored many innocent people as they went about their daily lives.¶ Using plainclothes officers from the squad known as the Demographics Unit, police swept Muslim neighborhoods and catalogued the location of mosques. The ethnic makeup of each congregation was logged as police fanned out across the city and outside their jurisdiction, into suburban Long Island and areas of New Jersey.¶ "African American, Arab, Pakistani," police wrote beneath the photo of one mosque in Newark.¶ Investigators looked at mosques as the center of Muslim life. All their connections had to be known.¶ David Cohen, the **NYPD's top intelligence officer, wanted a source inside every mosque within a 250-mile radius of New York,** current and former officials said. **Though the officials said they never managed to reach that goal, documents show the NYPD successfully placed informants or undercover** - sometimes both - **into mosques from Westchester County, N.Y.,** to New

Jersey.¶ The NYPD used these sources to get a sense of the sentiment of worshippers whenever an event generated headlines. The goal, former officials said, was **to alert police to potential problems before they bubbled up.**¶ Even when it was clear there were no links to terrorism, **the mosque informants gave the NYPD the ability to "take the pulse" of the community,** as Cohen and other managers put it.¶ When New York Yankees pitcher Cory Lidle and his flight instructor were killed on Oct. 11, 2006, when their small plane crashed into a Manhattan high-rise apartment, fighter planes were scrambled. Within hours the FBI and Homeland Security Department said it was an accident. Terrorism was ruled out.¶ Yet for days after the event, the NYPD's mosque crawlers reported to police about what they heard at sermons and among worshippers.¶ (View the PDF documents on Danish cartoons, mosque targeting and summaries of plane crash.)¶ At the Brooklyn Islamic Center, a confidential informant "noted chatter among the regulars expressing relief and thanks to God that the crash was only an accident and not an act of terrorism," one report reads.¶ "The worshippers made remarks to the effect that `it better be an accident; we don't need any more heat," an undercover officer reported from the Al-Tawheed Islamic Center in Jersey City, N.J.¶ In some instances, the **NYPD put cameras on light poles and trained them on mosques, documents show.** Because the **cameras were in public space, police didn't need a warrant to conduct the surveillance.**¶ **Police also wrote down the license plates of cars in mosque parking lots,** documents show. In some instances, **police in unmarked cars outfitted with electronic license plate readers would drive down the street and record the plates of everyone parked near the mosque,** former officials recalled.¶ "They're viewing Muslims like they're crazy.

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. There are literally infinite actors and programs of surveillance – state governments, foreign governments, schoolteachers, and security guards. Only creating minimal change in one subset of surveillance creates an infinite number of mechanisms to prepare for

D. T IS A VOTER because the opportunity to prepare promotes better debating

--Losing arguments

*Capitalization PIC.....(okay Richard)

1NC

Text: The United States federal government should _____

Counterplan competes- it doesn't capitalize the term "federal government"

Capitalizing the term "federal government" creates tacit acceptance of state power

Lock 02

[Neil, "State Your Terms!"]

In English, **capital letters are not normally used for nouns**, except for proper names and for the first word of a sentence. **However, it is conventional to use capital letters for the names of establishment institutions** and personages. **Examples of such** words **are government**, king, parliament, president, **state**, church, pope. **To dignify these words with capital letters** – Government, President, State, Church, for example – **gives to the reader** an almost **subliminal message of power**, respect, **and** even **reverence**. But, as historians and lovers of freedom know, many of **these organisations** and individuals **have shown**, by their actions, **that they are not worthy of** any **such** respect or reverence.

And capitalization empowers state bureaucracy

Parkinson 03

[Rob Parkinson has 35 years of experience in management communications — gained as a consultant, an instructor, a manager, an editor and a writer in both government and the private sector. He has specialized in briefings for senior executives for 15 years, including six years as the editor for the Deputy Minister of Natural Resources, Government of Canada. In that capacity, he designed departmental standards for executive documents that brought about dramatic improvements in the quality of briefing material prepared for the Minister and the Deputy Minister. M.B.A from the University of Ottawa. "Writing for Results"]

We often overuse capitals — sometimes out of fear of offending important people, sometimes to show that a certain word is important to us. However, overuse of capitals, particularly when addressing outside readers, can convey the image of a bureaucracy that is overawed by its own concepts and processes.

Strong state bureaucracy makes genocide and war inevitable

Martin 90

[Brian Martin, associate professor in Science, Technology and Society at the University of Wollongong, UPROOTING THE WAR SYSTEM,, <http://www.uow.edu.au/arts/sts/bmartin/pubs/90uw/uw07.html>]

Is the state system really so bad? War is the most obvious indictment of the system, and this alone should be enough to justify questioning the state. As wars have become more destructive, there is no sign that any steps to re-examine or transform the state system are being taken by state elites. This should not be surprising. **War is not simply a by-product of the state system, to be moderated and regulated when it becomes too dangerous to populations. Rather, war is part and parcel of the state system, so the destructiveness of war makes little difference. State elites** (and many others) **see the world as a state-structured world, and all action is premised on this perspective. War is the external manifestation of state violence. Political repression is its internal form. Political freedoms are not only at a premium under military dictatorships and state socialism, but are also precarious in the representative democracies, especially in relation to 'national security.'** One of the most telling indictments **of the state system** is found in Leo Kuper's book *Genocide*. Kuper **documents the most horrific exterminations in this century, including the killing of the Jews by the Nazis, the massacre of the Bangladeshis by the Pakistan army** in 1971 **and the extermination in Cambodia** beginning in 1975. What is damning of the state system is **the reluctance of governments** (and of that assemblage of state actors, the United Nations) **to intervene against** even the most well documented **genocidal killing. The reason** for this reluctance **is** the concern for the autonomy of the state. In short, **maintaining the 'integrity' of the state system is more important for state elites than intervening against genocide. There are many other social problems caused, sustained or aggravated by the state, including suppression of dissent, state support for corporate elites,** and the activities of spy agencies and secret police. **These problems stem essentially from the system of unequal power and privilege which the state both is part of and sustains. The state** is not the only way to embody and sustain unequal power and privilege: it **is a particular way involving bureaucracies for administration and military forces for defending against external and internal enemies.**

Islamophobia HSS

Case

1NC Frontline

Surveillance doesn't affect the majority of Muslim populations — poll data backs us up

Sidhu 7 — Dawinder S. Sidhu, Associate Professor of Law, B.A. 2000 from University of Pennsylvania, M.A. 2003 from Johns Hopkins University, J.D. 2004 from The George Washington University, Member of the Maryland Bar, served as a fellow at the Supreme Court of the United States, received a Distinguished Service Award, taught at the Georgetown University Law Center and University of Baltimore School of Law, held visiting research posts at the Oxford University Faculty of Law and Georgetown University Law Center, held fellowships at Harvard University and Stanford University research centers, presented at various law schools, including the University of Pennsylvania Law School and Stanford Law School, participated in programs at leading think tanks, such as the Aspen Institute and Council on Foreign Relations, served as a legal observer of the military commissions at Guantanamo, cited by the Solicitor General of the United States and U.S. Department of Justice, cited in briefs submitted to the Supreme Court of the United States, 2007 ("The Chilling Effect of Government Surveillance Programs on the Use of the Internet by Muslim-Americans," *7 U. Md. L.J. Race, Religion, Gender & Class*, Available online at <http://heinonline.org/HOL/Page?handle=hein.journals/margin7&collection=journals&page=375>, Accessed on 6/21/15)

Identity: Of the 311 respondents, all identified themselves as Muslims.⁸³

General Internet Usage: A vast majority of respondents (80.1%) used the Internet prior to 9/11, while the rest did not. **After 9/11, the Internet usage of the respondents increased 7.7%**, with 87.8% stating that they have used the Internet after the terrorist attacks, while only 11.9% reporting that they have not. The trend towards greater Internet usage continued, as 90.4% of respondents note that they "currently use" the Internet, and only 9.3% state that they do not.

Views Regarding Government Surveillance: 71.7% of respondents believe (48.9% strongly, 22.8% somewhat) that the government is currently monitoring the activities of Muslims in the United States. By contrast, only 4.2% (1.6% somewhat and 2.6% strongly) disbelieve that such monitoring is taking place. Similarly, 70.7% of respondents believe (45.0% strongly, 25.7% somewhat) that the government is currently monitoring the Internet activities of

Muslims in the United States. Only 4.8% disbelieve (2.9% somewhat, 1.9% strongly) that such monitoring is taking place.

Alterations in Behavior--Generally: **86.8% of respondents said they have not changed at all their general activities after 9/11 due to a concern that the government may be monitoring their activities**. Only 11.6% of respondents changed their general activities (6.1% made slight changes, 2.3% made moderate changes, 1.6% made many changes, 1.6% made significant changes) due to this concern.

65.9% of respondents stated that they were not personally aware of any other Muslims in the United States who changed, in any way, their general activities after 9/11, because of a concern that the government may be monitoring their activities. 25.4% of respondents stated they were personally aware of any other Muslims in the United States who changed, in any way, their general activities after 9/11, because of a concern that the government may be monitoring their activities.

Alterations in Behavior-Internet Usage: **89.1% of respondents said they have not changed their Internet usage at all-the sites they visit or the amount of time they spend on the Internet-after 9/11 due to a concern that the government may be monitoring their activities.** Only 8.4% of respondents changed their Internet usage (3.9% made slight changes, 1.6% made moderate changes, 1.9% made many changes, 1.0% made significant changes) due to this concern. Of those who stated that they have made changes in their Internet usage, 57.6% noted that they did not visit websites after 9/11, because of a concern that the government may be monitoring their online activities.

77.2% of respondents stated that they were not personally aware of any other Muslims in the United States who changed, in any way, their Internet usage after 9/11, because of a concern that the government may be monitoring their activities. 11.9% of respondents stated they were personally aware of any other Muslims in the United States who changed, in any way, their Internet usage after 9/11, because of a concern that the government may be monitoring their activities. Of these respondents, 45.6% stated that they are personally aware of other Muslim-Americans who have not visited certain web sites after 9/11, because of a concern that the government may be monitoring their online activities.

This card is probably takes out the aff

McMillen 06 [Lucas McMillen, University of St. Thomas, "Eye on Islam: Judicial Scrutiny Along the Religious Profiling/Suspect Description Reliance Spectrum", [\[http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj\]](http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj)]VIGNESH

Immediately after the September 11th terrorist attacks, Attorney General John Ashcroft converted the Federal Bureau of Investigation into a counterterrorism agency: "That day, in those early hours," said Ashcroft in a 2002 press conference announcing the Bureau's reorientation, "the prevention of terrorist acts became the central goal of the law enforcement and national security mission of the FBI."¹ But, while Ashcroft may have properly redirected the FBI toward confronting the primary threat to United States safety and security, his identification of our enemy was not as particular as it could have been. In 2004, the 9/11 Commission aimed for further clarity: [T]he enemy is not just "terrorism," some generic evil. This vagueness blurs the strategy. The catastrophic threat at this moment in history is more specific. It is the threat posed by **Islamist terrorism**-especially the al Qaeda network, its affiliates, and its ideology. ² Indeed, no characteristic unites the perpetrators of recent terrorist acts so much as their Muslim identity. Middle Eastern nationality may be thought to provide the link, but this trait proves to be underinclusive: to name just a few examples, Richard Reid, the "shoe bomber," is a Muslim who was born and educated in the United Kingdom,³ as were the four July 7th London Underground bombers.⁴ Zacarias Moussaoui, the only person to be charged and convicted by United States courts in connection with the September 11th terrorist attacks, is a French Muslim.⁵

Earnest James Ujaama, an indicted al-Qaeda associate, is a Muslim convert who was born in Denver and raised in Seattle.⁶ Furthermore, of the twenty-six terrorists currently on the FBI's Most Wanted List, three are from the Philippines; two are from Kenya; one, Abdul Rahman Yasin, is from Indiana—all are Muslims.⁷ Nor does Arab ethnicity serve as a reliably accurate terrorist-identifying characteristic: on December 5th, 2005, a white woman who was raised as a Catholic in Belgium became the first European Muslim suicide bomber when she detonated herself in Baquba.⁸ Indeed, the use of stereotype-defying terrorist operatives is entirely consistent with al-Qaeda's expressed intent to employ deceptive tactics in carrying out its attacks.⁹ Of course, the one characteristic that Islamist radicals cannot obscure by selective conscription is Islamic identity. Accordingly, Muslim identity should be considered the attribute that correlates most positively with terrorist involvement; or, in the words of Abdel Rahman al-Rashed, the general manager of Al-Arabiya, a top pan-Arab television station in the Middle East,¹⁰ "It is a certain fact that not all Muslims are terrorists. but it is equally certain, and exceptionally painful, that almost all terrorists are Muslims."¹¹ Our question then becomes, what is the proper role for Muslim identity in our law-enforcement officials' preventive counterterrorism efforts? It is a question that calls for a survey of our Constitution as well as our conscience, as the answer may compel us to contemplate taking permissible but regrettable measures against a particular religious group. In 1785, James Madison wrote: "[A just government] will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property."¹² But what shall be done when those two ideals are incompatible, when protecting persons and their property requires the government to take action that may infringe on others' religious enjoyment? We are faced with bad (ostracizing Muslims) and worse (suffering another terrorist attack) choices, a predicament expressed in the dour words of the reliably relevant Winston Churchill, who, speaking in a different context, said, "We seem to be very near the bleak choice between War and Shame. My feeling is that we shall choose Shame, and then have War thrown in a little later on even more adverse terms than at present."¹³ To assist legal and law enforcement authorities in avoiding both Shame and War, this Article will aim to provide a legal framework allowing law enforcement officials greater flexibility in targeting religious groups. In doing so, it will focus exclusively on religious-group targeting and will not address the related issues of racial and ethnic profiling, which have been adequately covered by other commentators. I will begin by discussing the difference between acts of religious profiling and acts of suspect description reliance, and then discuss how most acts of religious-group targeting can be plausibly characterized as either. Finally, I will recommend that courts adopt a view toward religious-group targeting that allows law-enforcement officials greater flexibility in countering the Islamist terrorist threat.

Solvency is impossible—Muslims will always be unsure of whether they are being surveyed and any policy will be circumvented

Kundani 14 [Arun Kundani, The Guardian, March 28, 2014, "No NSA Reform can fix the American Islamophobic Surveillance Complex", <http://www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex>] JMOV

Friday 28 March 2014 11.02 EDT Last modified on Friday 3 October 2014 09.03 EDT ¶ Share on Facebook ¶ Share on Twitter ¶ Share via Email ¶ Share on LinkedIn ¶ Share on Google+ ¶ Shares ¶ 1,972 ¶ Better oversight of the sprawling American national security apparatus may finally be coming: President Obama and the House Intelligence Committee unveiled plans this week to reduce bulk collection of

telephone records. The debate opened up by Edward Snowden's whistle-blowing is about to get even more legalistic than all the parsing of hops and stores and metadata.¶ These reforms may be reassuring, if sketchy. But for those living in so-called "suspect communities" – Muslim Americans, left-wing campaigners, "radical" journalists – the days of living on the receiving end of excessive spying won't end there.¶ How come when we talk about spying we don't talk about the lives of ordinary people being spied upon? While we have been rightly outraged at the government's warehousing of troves of data, we have been less interested in the consequences of mass surveillance for those most affected by it – such as Muslim Americans.¶ In writing my book on Islamophobia and the War on Terror, I spoke to dozens of Muslims, from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question every student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials.¶ There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions.¶ There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association.¶ And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government.¶ These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher.¶ A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?"¶ This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power. Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities.¶ Underpinning all the surveillance of Muslim Americans is an assumption that Islamic ideology is linked to terrorism. Yet, over the last 20 years, far more people have been killed in acts of violence by right-wing extremists than by Muslim American citizens or permanent residents. The huge numbers being spied upon are not would-be terrorists but law-abiding people, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one.¶ So let's reform the NSA and its countless collections. But let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.¶

Alt cause — local policies enforce racist surveillance, plan can't reform these

AP 12 — Samantha Henry, Matt Appuzzo, Wayne Perry, reporters for the Associated Press, American multinational nonprofit news agency, 2012 (“New Jersey Muslims Angry Over NYPD Surveillance Findings,” *The Huffington Post*, May 25, Available online at http://www.huffingtonpost.com/2012/05/25/new-jersey-muslims-cangry-nypd-surveillance_n_1545319.html, Accessed on 6/14/15)

TRENTON, N.J. -- Muslim leaders in New Jersey say they are angry but uncertain what their next step will be after the state's attorney general found that New York City police did not violate any laws in its surveillance of Muslim businesses, mosques and student groups in New Jersey. Several mosque leaders who attended a meeting Thursday with Attorney General Jeffrey S. Chiesa said they were shocked he found no violation of state criminal or civil laws by the NYPD in operations that many Muslims considered unjustified surveillance based solely on religion. "This is a big violation of our civil rights, and we need to go to our communities and explain it?" Imam Mohammad Qatanani, the spiritual leader of the Islamic Center of Passaic County said Thursday as he left the meeting. Qatanani said he would not tell his congregants to stop collaborating with law enforcement, but added, "We need from them to show us the same seriousness and honesty in building bridges with the Muslim community." Chiesa had been asked by Gov. Chris Christie, who appointed him, to look into operations in New Jersey that were part of a widespread NYPD program to collect intelligence on Muslim communities both inside New York and beyond. Undercover officers and informants eavesdropped in Muslim cafes and monitored sermons, even when there was no evidence of a crime. They infiltrated Muslim student groups, videotaped mosque-goers or collected their license plate numbers as they prayed. The result was that many innocent business owners, students and others were cataloged in police files. The interstate surveillance efforts, revealed by The Associated Press earlier this year, angered many Muslims and New Jersey officials. Some, like Newark Mayor Cory Booker and the state's top FBI official, criticized the tactics. Others, like Christie, focused more on the fact that the NYPD didn't tell New Jersey exactly what it was up to. In response, Chiesa launched what he described as a fact-finding review. Further, authorities found that New Jersey has no laws barring outside law enforcement agencies from secretly conducting operations in the state, representatives of the attorney general's office told the AP. However, New York police have agreed to meet with New Jersey law enforcement regularly to discuss counterterrorism intelligence and operations, the attorney general said.

NSA reforms can't solve racist targeting — too deeply ingrained to change

Kundnani 14 — Arun Kundnani, an Adjunct Professor of Media, Culture, and Communication at New York University, teaches terrorism studies at John Jay College, has been a Visiting Fellow at Leiden University, Netherlands, an Open Society Fellow, and the Editor of the journal *Race and Class*, author of *The End of Tolerance: Racism in 21st Century Britain*, 2014 (“No NSA reform can fix the American Islamophobic surveillance complex,” *The Guardian*, March 28, Available online at <http://www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex>, Accessed on 6/20/15)

In writing my book on Islamophobia and the War on Terror, I spoke to dozens of Muslims, from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question every student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials. There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department,

which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions. There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. **There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association.** And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government. These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher. A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?" This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power. Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities. Underpinning all the surveillance of Muslim Americans is an assumption that Islamic ideology is linked to terrorism. Yet, over the last 20 years, far more people have been killed in acts of violence by right-wing extremists than by Muslim American citizens or permanent residents. The huge numbers being spied upon are not would-be terrorists but law-abiding people, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one. So let's reform the NSA and its countless collections. But let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.

Aff can't solve — Anti-Arab sentiment is entrenched in mainstream media and history

Salaita 6 — Steven George Salaita, scholar, author and public speaker, received his B.A. in political science from Radford University in 1997, his M.A. in English from Radford in 1999, and completed his Ph.D. at the University of Oklahoma in Native American studies with a literature emphasis, became an assistant professor of English at University of Wisconsin in Whitewater, where he taught American and ethnic American literature until 2006, associate professor of English at Virginia Tech, won a 2007 Gustavus Myers Outstanding Book Award for writing the book *Anti-Arab Racism in the USA: Where It Comes from and What it Means for Politics Today*, 2006 ("9/11, Anti-Arab Racism, and the Mythos of National Pride,"

Beyond Orientalism and Islamophobia, Fall, Available online at https://muse.jhu.edu/journals/new_centennial_review/v006/6.2salaita.pdf, Accessed on 6/23/15)

My second observation that anti-Arab racism is not confined to the political right also is worth analysis. Racism, as writers from Elizabeth Cook-Lynn to bell hooks have illustrated, is never limited to particular social or discursive movements, nor is it ever rooted in consistent sites of cultural or linguistic production. Any comprehensive survey of popular opinion in the United States over the past decade (a time frame that purposely straddles 9/11) will demonstrate that the blatant anti-Arab racism of the political right is, using a vocabulary appropriate to specific political agendas, **reinscribed continually in the discourse, or at least the ethos, of mainstream and progressive media.** For instance, leftist liberal publications such as Dissent, Tikkun, and MoveOn.org have been guilty of expressing racist attitudes either in the form of support for Palestinian dispossession or by totalizing all Arabs and Muslims as potential terrorists; or the racism arrives subtly by precluding Arabs from speaking on their own behalf. A similar guilt is shared by mainstream (supposedly liberal) publications such as the New York Times, Newsweek, Los Angeles Times, and Slate.com, which, given their corporate obligations, cannot realistically be expected to attack anti-Arab racism when it is so fundamental to the interests of American capitalism (and to the survival of the publications). Of major concern to this essay is the recognition that, in keeping with the seminal work of Louis Althusser and Terry Eagleton, we cannot seriously interrogate racism by attributing it solely to one political ideology without analyzing how the racism is interpolated through a multitude of discourses at the benefit of various ideologies. Beyond this intercultural observation, we can say that anti-Arab racism has specific historical dimensions that render it unique even as it has been an inheritor of countless tensions and anxieties. Some of those dimensions—travel narratology, Orientalist scholarship, imperialism—have been discussed by others in some detail; the dimension I invariably find most interesting is the relationship of anti-Arab racism with settler colonization, both in the New World and Holy Land. This relationship indicates that a centuries-old Holy Land mania in the United States not only facilitated what Cook-Lynn (2001) calls “anti-Indianism,” but has allowed the anti-Indianism to evolve into support for a new Messianic conquest that positions today’s Arabs in a fascinating theological continuum. If Natives were the first victims of racism in North America, then **Arabs, the new schematic evildoers, are merely the latest to be the first.**

Security Good

Security endorsement is necessary to explore human becoming and open space for life possibilities

Booth 2005 (Ken – visiting researcher – US Naval War College, Critical Security Studies and World Politics, p. 22)

The best starting point for conceptualizing security lies in the real conditions of insecurity suffered by people and collectivities. Look around. What is immediately striking is that **some degree of insecurity**, as a life-determining condition, **is universal.**

To the extent an individual or group **is insecure, to the extent their life choices and changes are taken away**; this **is because of the resources and energy they need to invest in seeking safety from domineering threats**—whether these are the lack of food for one’s children, or organizing to resist a foreign aggressor. **The corollary of the relationship between insecurity and a determined life is that a degree of security creates life possibilities.** Security might therefore be conceived **as synonymous with opening up space in people’s lives. This allows for individual and collective human becoming**—the capacity to have some choice about living differently—**consistent with the same but different search by others.** Two interrelated conclusion follow from this. First, security can be understood as an instrumental value; it frees its possessors to a greater or lesser extent from life-determining constraints and so allows different life possibilities to be explored. Second, **security is not synonymous simply with survival.** One can survive without being secure (the experience of refugees in long-term camps in war-torn parts of the world, for example). **Security is therefore more than mere animal survival** (basic animal existence). **It is survival-plus, the plus being the possibility to explore human becoming. As an instrumental value, security is sought because it free people(s) to some degree to do other than deal with threats to their human being. The achievement** of a level **of security**—and security is always relative — **gives to individuals and groups some time, energy, and scope to choose to be** or become, **other than merely surviving** as human biological organisms. **Security is an important dimension of the process by which the human species can reinvent itself** beyond the merely biological.

Realism

Realism and securitization are inevitable

Thayer 2004 – Thayer has been a Fellow at the Belfer Center for Science and International Affairs at the Kennedy School of Government at Harvard University and has taught at Dartmouth College and the University of Minnesota (*Darwin and International Relations: On the Evolutionary Origins of War and Ethnic Conflict*, University of Kentucky Press, 2004, pg. 75-76)

The central issue here is what causes states to behave as offensive realists predict. Mearsheimer advances a powerful argument that anarchy is the fundamental cause of such behavior. **The fact that there is no world government compels the leaders of states to take steps to ensure their security, such as striving to have a powerful military, aggressing when forced to do so, and forging and maintaining alliances.** This is what neorealists call a self-help system: leaders of states are forced to take these steps because nothing else can guarantee their security in the anarchic world of international relations. I argue that **evolutionary theory also offers a fundamental cause for offensive realist behavior. Evolutionary theory explains why individuals are motivated to act as offensive realism expects**, whether an individual is a captain of industry or a conquistador. My argument is that anarchy is even more important than most scholars of international relations recognize. **The human environment of evolutionary adaptation was anarchic**; our ancestors lived in a state of nature in **which resources were poor and dangers from other humans and the environment were great**—so great that it is truly remarkable that a mammal standing three feet high—without claws or strong teeth, not particularly strong or swift—survived and evolved to become what we consider human. Humans endured because natural selection gave them the right behaviors to last in those conditions. **This environment produced the behaviors examined here: egoism, domination, and the in-group/out-group distinction. These specific traits are sufficient to explain why leaders will behave, in the proper circumstances, as offensive realists expect them to behave. That is, even if they must hurt other humans or risk injury to themselves, they will strive to maximize their power**, defined as either control over others (for example, through wealth or leadership) or control over ecological circumstances (such as meeting their own and their family’s or tribes need for food, shelter, or other resources).

AT: Threatcon -> War

Construction of threats does not cause wars

Kaufman 09 (Stuart J. Prof Poli Sci and IR – U Delaware, "Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case," *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs only if these factors are harnessed. Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. A virtue of this symbolist theory is that symbolist logic explains why ethnic peace is more common than ethnonationalist war. Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism. ¹⁷ War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

Terror Apoc good

Critical terror studies are garbage

Jones and Smith 9 – * University of Queensland, Queensland, Australia AND ** King's College, University of London, London, UK (David and M.L.R., "We're All Terrorists Now: Critical—or Hypocritical—Studies "on" Terrorism?," *Studies in Conflict & Terrorism*, Volume 32, Issue 4 April 2009 , pages 292 – 302, Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word "terror," its manipulation by ostensibly liberal democratic state actors, and the complicity of "orthodox" terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance?¶ Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard **Jackson, suggested** some uncertainty concerning the preferred title of the journal. *Critical Studies on Terrorism* appeared last on a list where the first choice was *Review of Terror Studies*. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve?¶ What it Means to be Critical¶ The editors and contributors explore what it means to be "critical" in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is "a growth industry," observing with a mixture of envy and disapproval that "literally thousands of new books and articles on terrorism are published every year" (pp. 1-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective.¶ Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation "terror" is, for the critical theorist, misplaced. As the symposium explains, "acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and

a few thousand casualties per year over the entire world (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.¹ At the same time, the more pervasive and repressive terror practiced by the state has been "silenced from public and ... academic discourse" (p. 1).¶ **The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption** and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution "Old Myths, New Fantasies and the Enduring Realities of Terrorism" (pp. 5-16), not only discovers ten "myths" informing the understanding of terrorism, but also finds that these myths reflect a "state centric security focus," where analysts rarely consider "the violence perpetrated by the state" (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is "central to terrorism and counter-terrorism as political action," that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be "the terrorist's best friend" (p. 7).¶ Stohl further compounds this incoherence, claiming that "the media are far more likely to focus on the destructive actions, rather than on ... grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories" (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The "media" is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misrepresented.¶ Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in "The End of Terrorism Studies" (pp. 37-49), asserts that established analysts like Bruce Hoffman "specifically exclude states as possible perpetrators" of terror. Consequently, the emergence of "critical terrorism studies" "may signal the end of a particular kind of traditionally state-focused and directed 'problem-solving' terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality" (p. 42).¶ Elsewhere, Adrian Guelke, in "Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror" (pp. 17-25), considers British government-induced media "scare-mongering" to have legitimated an "authoritarian approach" to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in "The Terrorist Subject: Terrorist Studies and the Absent Subjectivity" (pp. 27-36), find the War on Terror constitutes "*the single*," all embracing paradigm of analysis where the critical voice is "not allowed to ask: what is the reality itself?" (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract "desire" that demands terror as "an ever-present threat" (p. 31). In order to sustain this fabrication: "Terrorism experts and commentators" function as "realist policemen"; and not very smart ones at that, who while "gazing at the evidence" are "unable to read the paradoxical logic of the desire that fuels it, whereby *lack turns to excess*" (original italics) (p. 32). Finally, Ken Booth, in "The Human Faces of Terror: Reflections in a Cracked Looking Glass" (pp. 65-79), reiterates Richard Jackson's contention that state terrorism "is a much more serious problem than non-state terrorism" (p. 76).¶ **Yet, one searches in vain in these articles for evidence to support the ubiquitous assertion of state bias: assuming this bias in conventional terrorism analysis as a fact seemingly does not require a corresponding concern with evidence of this fact, merely its continual reiteration by conceptual fiat. A critical perspective dispenses not only with terrorism studies but also with the norms of accepted scholarship.** Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry.¶ Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. **The unproved "state centrality" of terrorism studies serves as a platform for further unsubstantiated accusations about the state of the discipline. Jackson and his fellow editors**, along with later claims by Zulaika and Douglass, and Booth, again assert that "orthodox" analysts rarely bother "to interview or engage with those involved in 'terrorist' activity" (p. 2) or spend any time "on the ground in the areas most affected by conflict" (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of "talking to terrorists" in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*.¶ A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with "the particular dynamics of the political world" (p. 70). Analogously, Stohl claims that "the US and English [sic] media" exhibit a tendency to psychologize terrorist acts, which reduces "structural and political problems" into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics.¶ By contrast, the critical approach is not only self-reflective, but

also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, "reflexivity" is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity "to challenge dominant knowledge and understandings, is sensitive to the politics of labelling ... is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation" (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications.¶ Reflexive or Defective? ¶ Firstly, to challenge dominant knowledge and understanding and retain sensitivity to labels leads inevitably to a fixation with language, discourse, the ambiguity of the noun, terror, and its political use and abuse. Terrorism, Booth enlightens the reader unremarkably, is "a politically loaded term" (p. 72). Meanwhile, Zulaika and Douglass consider terror "the dominant tropic [sic] space in contemporary political and journalistic discourse" (p. 30). Faced with the "serious challenge" (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is "one of the most powerful signifiers in contemporary discourse." There is, moreover, a "yawning gap between the 'terrorism' signifier and the actual acts signified" (p. 1). "[V]irtually all of this activity," the editors pronounce *ex cathedra*, "refers to the response to acts of political violence not the violence itself" (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security.¶ In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the "instability (and thoroughly politicized nature) of the unifying master-terms of our field: 'terror' and 'terrorism'" (p. 38). To address this he contends that a critical stance requires us to "keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis." Indeed, "without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all" (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke "*questions the question.*" This intellectual *potpourri* apparently enables the critical theorist to "question the ontological status of a 'problem' before any attempt to map out, study or resolve it" (p. 38).¶ Interestingly, Burke, Booth, and the symposistahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility.¶ The critical approach to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much confusion and inconsequentiality in the practice of the social sciences. It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and a real theory of language.¶ The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they are talked about in a certain way. More precisely, as J.L. Mackie explains, "if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there."² Indeed, in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves.¶ It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows.¶ What is To Be Done?¶ This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. "[C]ritical knowledge," Booth declares, "*involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions*" (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with "*big-picture navigation aids*" (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson's nineteen points, in a somewhat different context, "God Almighty only gave us ten"). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should "avoid exceptionalizing the study of terrorism," "recognize that states can be agents of terrorism," and "keep the long term in sight." Unexceptional advice to be sure and long recognized by more traditional students of terrorism.

The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth's concluding injunction to “stand outside” prevailing ideologies (p. 78).¶ In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists.¶ The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable.¶ On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”¶ The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an insipid moral confusion. This is paradoxical given that the editors make much in the journal's introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape.¶ Histrionically Speaking¶ Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such understanding is not serious or genuine but histrionic.”¶ It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact.¶ On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives ... or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33).¶ At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist. Further, the greater terrorist uses the greater violence: Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists.¶ In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “*terror has multiple forms*” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75).¶ Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living

conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46).¶ In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda under the guise of *soi-disant* cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) and no doubt bursts into spontaneous chanting of Kumbaya.¶ In analogous visionary terms, Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision.¶ Overall, the journal’s fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media.¶ It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.” However, in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear.¶ Critical Studies and Strategic Theory—A Missed Opportunity¶ Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against ‘Critical Terrorism Studies’” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors’ willingness to acknowledge deficiencies in some terrorism research shows that critical self-reflection is already present in existing terrorism studies. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position.¶ Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved.¶ Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author’s distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.”¶ Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for

the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism.¶ Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.⁷ The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun.¶ Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the flawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.¶ Conclusion¶ In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged.¶ At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama *Boston Legal* Judge Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of *Critical Studies on Terrorism* are its natural home.

Internal Link Defense

The aff is woefully inadequate the deep-rooted anti-Muslim bias is rooted in american psyche, discourse, and alternate policy—question the effectiveness of the affirmatives method
 Ali 12 [Yaser, Managing Attorney at Yaser Ali Law and J.D at University of California, Berkeley - School of Law, “Shariah and Citizenship—How Islamophobia Is Creating a Second-Class Citizenry in America”, CALIFORNIA LAW REVIEW, 8-1-2012, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=4176&context=californialawreview>] alla

One would assume that anti-Muslim sentiment reached its high water mark after 9/11. **To the contrary, however, it has increased dramatically in the third phase of Islamophobia, which began during President Obama's 2008 campaign.** If Volpp's contentions about Muslims' being relegated to second-class citizenship were true in 2002, then today that distinction has crystallized even further.¹³⁶ Whereas a vast majority of the incursions in the second phase occurred under the umbrella of national security, Islamophobia has now **evolved beyond** simply encouraging profiling and other surveillance techniques aimed at Muslims under the professed interests of national security. An institutionalized version of Islamophobia in this third phase now focuses on the "creeping threat of Shariah" and, in the process, more explicitly threatens the foundational conceptions of citizenship described by Professor Bosniak. Further, while citizens enjoy some fundamental level of respect for their individual beliefs and practices, this is no longer the case **with regard to Muslims, both in journalism and politics today.** Whereas it is widely recognized as socially unacceptable to be openly disparaging toward minority groups, the privilege reflected in that norm is **increasingly denied to Muslims.** In this **third phase of Islamophobia,** mainstream discourse now explicitly challenges the notion that American Muslims deserve the same liberal notions of rights that other citizens enjoy. One might surmise that since the contours of this phase cannot easily be demarcated, the third phase is in fact a difference in degree rather than in kind. It is true that unlike the transition from the first to the second phase, there is no single demonstrable event or tipping point that represents the transition from the second to third period; however, there was a **gradual progression that increased in intensity since the presidential campaign of 2008 when the term "Muslim" was actually converted into a slur,** as political opponents "accused" then-Senator Obama of secretly being a Muslim. The suggestion that a Muslim citizen would be less suited for office represents the **deep-seated fear and mistrust of Muslims in the American consciousness.** President Obama's opponents recognized this fact and knew that it would be a powerful tool for discrediting him. Yet what was perhaps most striking about the "allegations" was not the partisan claims themselves, but the responses that President Obama and other government leaders offered. Obama felt compelled to reject the "accusations," doing his best to distance himself from the Muslim community and choosing not to make any campaign stops in mosques or meet with any Muslim organizations during the campaign (despite making numerous stops at churches and synagogues). President Obama did not state, that although he was not a Muslim, there was nothing wrong with Muslims per se. Instead, **he reiterated the bias by referring to the accusations on his website as a "smear."** Further, during one campaign rally, his aides asked two young Muslim women dressed in headscarves to exit the stage area where he would be speaking. Arguably, the pervasiveness of such insidious discourse from the President helped **normalize the notion to the public that American Muslims are not "citizens," but indeed "others."**

Strict Scrutiny Standard Defense

Strict Scrutiny is arbitrary which undercuts solvency—status quo legal standards are better

Riccucci 7 [Norma Riccucci, Rutgers University, June 2007, "Moving Away From a Strict Scrutiny Standard for Affirmative Action Implications for Public Management", <http://arp.sagepub.com/content/37/2/123.short>] JMOV

This article addresses the concept of strict scrutiny, the burden of persuasion test used by the courts to determine the constitutionality of affirmative action. Through a systematic

analysis of U.S. Supreme Court decisions, it illustrates that strict scrutiny has been applied in an inconsistent, arbitrary manner and, therefore, **should not serve as the basis for judicial review of affirmative action programs.** It shows that the rule of law established under the Civil Rights Act provides an equally if not more compelling basis for judging the legality of affirmative action programs. Relying on the legal standards advanced by the courts under civil rights statutes provides managers with greater flexibility in developing and implementing affirmative action programs. In effect, the ability of governments to promote diversity of their workforces is greatly enhanced.

Seriously it sucks

Riccucci 7 [Norma Riccucci, Rutgers University, June 2007, “Moving Away From a Strict Scrutiny Standard for Affirmative Action Implications for Public Management”, <http://arp.sagepub.com/content/37/2/123.short>] JMOV

The constitutional litmus test for judging affirmative action is a failure—it gets an unequivocal “F.” It lacks reliability, validity, and hence legitimacy, characteristics that even the most basic civil service tests are required to demonstrate. More over, it becomes almost impossible for policymakers in educational or employment settings to develop affirmative action policies that will meet some rule of law, when those rules are hollow and inconstant. It must be questioned at this point in the history of affirmative action: why does the Court continue to wrestle with appropriate standards of review, when it will ultimately disregard those standards on a whim or apply them in an erratic, illogical manner? Perhaps strict scrutiny is simply one area where the Court will expressly continue to “legislate from the bench.” As argued here, the framework advanced under Title VII is much less cryptic, arcane, and mercurial, and therefore, could be applied more broadly to all questions of law concerning affirmative action programs and policies. This will greatly facilitate the work of managers and policymakers who are striving to create culturally diverse environments for public employees and students in public universities. As the composition of the Supreme Court has changed since the 2003 Grutter ruling, it becomes imperative for public administrators and policymakers to engage in a dialogue around the irrelevance of strict scrutiny.

Strict scrutiny fails—specifically in the context of Muslim Surveillance

Figueroa 12 (Tiffani B. Figueroa, associate in Morrison Foerster’s Litigation Department, J.D. magna cum laude from Hofstra University School of Law, “ALL MUSLIMS ARE LIKE THAT”: HOW ISLAMOPHOBIA IS DIMINISHING AMERICANS’ RIGHT TO RECEIVE INFORMATION, Hofstra Law Review, Winter 2012, SM)

As discussed above, the fear of Muslims or those perceived as Muslim has resulted in the government's failure to protect Americans' First Amendment right to receive information.
n332 The strict scrutiny test [*499] that courts normally employ when assessing the content-neutrality of a regulation on speech has not been effective in light of the increased development of Islamophobia. n333 Following the 9/11 attacks, Islamophobia has impacted the free speech rights of Muslims and the mobility of foreign scholars, as well as the right to receive information for all Americans. n334 "In an age of official insecurity and anxiety, the most difficult constitutional problem may not be

controlling arbitrariness in permitting, but **compensating for a chronic tendency to overestimate the likelihood of any damage to public security** from public exercises of freedom of speech." n335 **Given the current state of events and the vulnerability of the right to receive information, a new standard to deal with the right to receive information** in times of political controversy **is required**. In order to resolve this issue of dealing with national security and the right to receive information, **courts should adopt a specific test under First Amendment speech analysis where: (1) there is a political conflict and (2) there is a clear group that society and the government targets** because of the conflict. As discussed earlier, **the government may restrict the content of speech in certain situations; however, it cannot favor one viewpoint over another**. n336 The test will essentially focus on the effects of a regulation on speech when a specific group is targeted by the government action. n337 **Once the court determines there is a disparate impact on a certain group, the court will then resolve the issue as to whether the government has curtailed the right to receive information through this disproportionate treatment of the specified group**. By first looking at the effects of a government action, courts will provide a framework for which they can work through their First Amendment analysis. n338 **When dealing with political conflicts, such as [*500] the war on terror, there are often certain groups that are discriminated against through practices that seem constitutional. Such discrimination is not only overlooked, but it has a subsequent effect on all Americans who are willing to explore different ideas other than those the government makes readily available**. n339 The government's actions discussed above, such as **dealing with speech at a protest**, n340 **forcing a woman to remove her hijab** in prison, n341 **and revoking the visas of foreign scholars** n342 **serve as examples. These actions appear to be neutral; however, the effects of the actions unevenly target one particular group: Muslims and those perceived as Muslim**. n343 **It is important that the courts look beyond the language of the laws or government actions in order to gauge whether the government is in fact practicing viewpoint discrimination and violating the First Amendment right to receive information for Americans**. n344 When looking at the effects of government actions: **A law [may] not discriminate against a particular viewpoint on its face, and there [may be] no evidence of an improper legislative purpose in enacting the law**. Within that framework of facial neutrality, however, **we must examine restrictions on speech with particular care when their effects fall unevenly on different viewpoints and groups in society**. n345 Looking at the effects of regulation on speech is something that the Supreme Court itself has taken into consideration when **looking at the right to receive information**. n346 As determined in *Martin v. Struthers*, n347 the Court explained that, **"in considering legislation which thus limits the dissemination of knowledge, we must "be astute to examine the effect of the challenged legislation' and must "weigh the circumstances and appraise the substantiality of the reasons advanced in support of the regulation."** n348 Courts have taken a similar stance in other cases. n349 The [*501] bottom line is: **courts must look at the effects of government regulations because laws that have a disparate impact on one viewpoint run the risk of being viewpoint-based**. n350 **As in the case of Islamophobia, it is easy to target a specific group because some Americans automatically associated the 9/11 hijackers with all Muslims and those perceived as Muslim**. n351 Similarly, **in the interest of national security, the government at times partook in practices that people may view as discriminatory. The government failed to protect the free speech rights of Muslims** as a targeted group, **and these actions subsequently harmed the right to receive information for Americans. Although the government's purpose in enforcing the laws** discussed in this Note **was not to close off Muslim ideas, the effects may show otherwise**. n352 Justice Antonin Scalia stated, "the vice of content-based legislation - **what renders it deserving of the high**

standard of strict scrutiny - is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes." n353 "Unavoidable targeting" stemming from a government regulation is included within this "vice of content-based legislation." This phenomenon may shine light on what has occurred following the 9/11 attacks. By employing an effects test in the First Amendment analysis, courts will more efficiently investigate whether there is viewpoint discrimination affecting the right to receive information since the courts must first establish if a government action falls disproportionately on a specific group. n354 [*502] VI. Conclusion Surely, the government has a highly supported interest in protecting the United States at all times. However, protection should not ensue at the expense of severely limiting civil liberties and substantially restricting the marketplace of ideas. In times of political strife, such as facing terrorism today, the courts' current approach to dealing with First Amendment violations of the right to receive information fails to protect civil liberties. By looking at the discriminatory effects of regulations on speech, the court can protect a thriving marketplace of ideas.

Lack of specificity makes it harder for social justice—turns solvency

Bunker et al. 11 [MD Bunker, Clay Calvert, William C. Nevin, "Strict in Theory, But Feeble in Fact? First Amendment Strict Scrutiny and The Protection of Speech", <http://www.tandfonline.com/doi/abs/10.1080/10811680.2011.603624#.VZV-0-1Vikp>] JMOV

Professor Gerald Gunther famously declared strict scrutiny to be "strict' in theory and fatal in fact" in 1972. Although Professor Gunther's pithy and influential slogan may have been a reasonably accurate characterization at that time, strict scrutiny in the realm of the First Amendment is now much less fatal to government regulation of expression. This article explores the beginnings of the strict scrutiny test and the underpinnings of its subsequent dilution. The article examines the multiple ways courts can avoid applying strict scrutiny and argues that compelling state interests are proliferating in a manner that is harmful to robust speech protection. It also critiques the lack of precision in narrow tailoring analysis. The article concludes that First Amendment strict scrutiny has serious weaknesses that threaten to undermine vigorous protection for expression and offers suggestions for increasing the rigor and precision of the doctrine.

Profiling is distinct from description reliance—they conflate the two—its constitutional and logical to investigate suspects based on description

McMillen 06 [Lucas McMillen, University of St. Thomas, "Eye on Islam: Judicial Scrutiny Along the Religious Profiling/Suspect Description Reliance Spectrum", [\[http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj\]](http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj)] VIGNESH

"Religious profiling," in this Article, will be understood as the situation in which law-enforcement authorities act on the inference that a particular adherent of a certain religion is more likely to engage in criminal or terrorist behavior than any particular adherent of another religion.¹⁴ Put an-other way, acts of religious profiling stem from an unfair prejudice towards members of a religious group, a prejudice that attributes criminal or terroristic propensities to all members of the group. But discriminatory bias will not

account for all counterterrorist action based on the trait of Muslim identity. Muslim identity can simply be a part of a suspect description, and be as legitimate a trait for the police to rely upon in targeting potential suspects as height, weight, gender, or skin color. This Article's next section will discuss the **difference between religious profiling and suspect description reliance**, a difference that becomes crucial when determining the degree of judicial scrutiny to give police action that targets Muslims. A. Suspect Description Reliance, Religious Profiling, and the Question of Discrimination Profiling-understood as presuming a person's criminal propensity from their membership in a particular group-is located at the unconstitutional end of the investigative-technique gamut. The other end of this spectrum is maintained by the permissible and wholly logical law-enforcement technique of relying on suspect descriptions. Whether a court will consider law-enforcement targeting of Muslims to be unconstitutional will largely turn on which end of the suspect description reliance/religious profiling spectrum that the court locates the targeting, as religious profiling will trigger the nearly insurmountable strict scrutiny, while suspect description reliance triggers the deferential rational basis scrutiny. Suspect description reliance is the rather simple concept that police officers, in choosing whom to investigate, may take into account certain characteristics-e.g., race, gender, physical markings, visible religious manifestations-because those characteristics match the physical description of the suspect provided by a victim or witness. 15 Such a technique is neither invidious nor unconstitutional; it is, simply put, "police work." For example, if a white robbery suspect is seen running into a bar where only three of the bar's patrons are white, the sole fact that the three men are white undoubtedly provides the police with the reasonable suspicion needed to justify detaining those men (or even probable cause justifying their arrest).¹⁶ While this police action involves targeting persons based on race, it is not "profiling" -presuming criminality from group membership; it is seeking and arresting individuals who match the suspect's description, which in this case happens to be based on race.

Difference between strict scrutiny and rational basis—and explanation by Justice Kennedy

McMillen 06 [Lucas McMillen, University of St. Thomas, "Eye on Islam: Judicial Scrutiny Along the Religious Profiling/Suspect Description Reliance Spectrum", <http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj>] VIGNESH

For the issue of religious-group targeting, of course, one must address an issue that Oneonta did not. While Oneonta's issue of racial profiling is a Fourteenth Amendment question exclusively, the issue of religious-group targeting-involving a potentially discriminatory infringement of religious exercise-represents a point of convergence for the protections of the First and Fourteenth Amendments.²⁵ When these two constitutional claims are collapsed, a court's analysis of them collapses as well, such that a court will use the Fourteenth Amendment's analytical framework to evaluate the state's imposition on First Amendment free exercise rights. Put another way, in reviewing a potentially unconstitutional state infringement on free exercise, a court will evaluate the infringement with one of two levels of scrutiny²⁶: it will determine whether the infringement is either (1) rationally related to a legitimate government purpose ("rational basis scrutiny"),²⁷ or (2) whether it is necessary to achieve a compelling government purpose ("**strict scrutiny**").²⁸ The question of which level of scrutiny will be applied is, of course, the crux of the matter, as rational basis scrutiny is enormously deferential, while strict scrutiny has generally proven to be, to quote Professor Gunther, "**strict in theory and fatal in fact.**"²⁹ 1. Level of Scrutiny

In *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*,³⁰ the Court employed the converged First-and-Fourteenth-Amendment analysis and established that its critical question of scrutiny turns on whether government officials, in imposing upon religious exercise, have done so with intent to suppress the targeted religion-discriminatory intent. At issue in *Lukumi* was the constitutionality of the City of Hialeah's animal sacrifice prohibition, a prohibition contained in a series of ordinances that the city's Santeria practitioners challenged as being a thinly veiled effort to curtail their religious activities.³¹ Justice Kennedy, writing for the *Lukumi* majority, began describing the mechanics of the Court's merged First-and-Fourteenth-Amendment analysis by discussing *Employment Division v. Smith*.³² the case in which the Court gave a rational basis review to an Oregon peyote prohibition that frustrated Native American religious practice.³³ According to Kennedy, *Smith* establishes the first direction that a court can take in the merged analysis: when it finds that conditions similar to those in *Smith* are present-Le., when the state's action is neutrally postured towards religion-a court should review that action with light scrutiny. To this effect, Kennedy wrote, "A law that is neutral and of general applicability need not be justified by a compelling governmental interest even if the law has the incidental effect of burdening a particular religious practice."³⁴ Kennedy then continued, moving on to describe the second direction of the merged analysis, which he deemed to be the proper direction to take in *Lukumi*: when a court finds that the conditions of *Smith* are not met, such that **discriminatory intent is the state action's raison d'etre, the state's action will be subjected to strict scrutiny.** Kennedy worded the second direction this way: "If the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral; and it is invalid unless it is justified by a compelling interest and is narrowly tailored to advance that interest."³⁵ Ultimately, the Court determined that discriminatory intent lay behind *Lukumi*'s animal sacrifice prohibition-that it "had as [its] object the suppression of religion"-and struck it down as unconstitutional.

Strict scrutiny is not applied on prisons and prisoners religious practices

Nelson 09 [James D. Nelson, graduated from the University of Virginia School of Law, where he was Editor-in-Chief of the Virginia Law Review and received the Roger and Madeleine Traynor Prize and the Robert E. Goldsten Award for distinction in the classroom. After graduating, he clerked for Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit. Nelson then served as a trial attorney in the Civil Division of the U.S. Department of Justice, before joining Columbia Law School as an Associate in Law and Lecturer in 2012. He is also the Editor-at-Large of Columbia Law School's Blog on Corporations and the Capital Markets,

December 11, 2009, "INCARCERATION, ACCOMMODATION, AND STRICT SCRUTINY", <http://www.virginialawreview.org/sites/virginialawreview.org/files/2053.pdf>

VIGNESH

More specifically, **federal courts have divided over the question of how to apply strict scrutiny** under RLUIPA. According to the statute, government policies imposing a substantial burden on a prisoner's religious exercise must be justified as the least restrictive means of achieving a compelling state interest. But courts have not agreed on how this standard of review should be applied in the prison context. Some courts apply a deferential model of review, finding most religious burdens to be insubstantial and relying on the

judgment of prison administrators regarding the weight of state interests. Other courts, however, are applying a “hard look” model of review that takes more seriously claims that **prison policies burden religion** and requires prison officials to demonstrate the need for such policies. The rise of a hard look model under RLUIPA is surprising. First, in reviewing claims for religious accommodation outside the prison context, courts have often **applied strict scrutiny with far less stringency than the standard traditionally requires.** Courts have held that burdens on religious practice had to be unbearable in order to count as “substantial,” while accepting “less than compelling” government interests to satisfy the standard.⁶ Second, commentators predicted that courts would be even more deferential in the prison context. Of those who might bring claims for religious exemptions, incarcerated persons would be among the least likely to benefit from judicial review of governmental action.⁷ There are a number of reasons for such skepticism. First, courts may **doubt that prisoners are sincere** in the religious beliefs they claim and hold suspicion that such beliefs are feigned in an effort to obtain special treatment.⁸ Second, courts may generally lack sympathy for those convicted of criminal offenses.⁹ Finally, courts may doubt their own institutional competence to review decisions regarding the administration of a prison.¹⁰ In light of these considerations, few expected to see a change in the level of deference accorded to prison officials.

No Solvency/ Squo Solves

Some Profiled Surveillance has to be justified- the Aff is incredibly bias and the method is problematic--We cite 4 examples that their aff tries to spin as offense

Spencer 14 [Robert Spencer, July 13, 2014, “4 Muslims Who Deserve to Be Under Surveillance”, <http://pjmedia.com/blog/4-muslims-who-deserve-to-be-under-surveillance/5/>] JMOV

Leftists and Islamic supremacists are enraged this week over the revelation that the FBI and NSA, despite their officially politically correct See-No-Islam Hear-No-Islam Speak No-Islam stance, have had four prominent Muslim leaders in the U.S. under surveillance. They have appealed to Barack Obama to stop this surveillance and all related monitoring of Muslims immediately, which he almost certainly will, and have mounted a Twitter campaign based around the bitterly ironic hashtag #IAmATarget, which applies more to infidels in the line of jihad attacks than it ever will to Muslim leaders in the United States.¹¹ **The only problem with all the righteous indignation that Leftists and Islamic supremacist leaders have summoned about this surveillance is that it is entirely justified.** The uproar began with an exposé titled “Under Surveillance: Meet the Muslim-American Leaders the FBI and NSA Have Been Spying On,” written by none other than Glenn Greenwald, along with another far-Left journalist, Murtaza Hussain. Greenwald and Hussain purport to demonstrate that five Muslim leaders whom the NSA and FBI have been watching are undeserving of such scrutiny, as they’re honest, patriotic Americans whose

only misdeed is to oppose administration policies. ¶ **This is, of course, absurd.** Opposing U.S. government policies from the Left won't get you placed under surveillance; it'll get you media adulation, foundation grants, and awards from philanthropic groups. Obama's IRS persecutes conservative groups, not Leftists, and several military presentations in recent years have claimed that "right-wing extremists" are a terror threat, with nary a word about genuinely violent Left-wing extremist groups such as the Occupy movement and others. ¶ **Bizarrely, and perhaps because they couldn't find enough Muslims to fit their victim paradigm, Greenwald and Hussain include in their list of persecuted Muslims Hooshang Amirahmadi, an Iranian-American professor at Rutgers, who is a professing atheist; for the actual Muslims on their list, they gloss over the genuine reasons why the FBI and NSA have placed these men under surveillance.** ¶ **4. Faisal Gill** ¶ Faisal Gill is "a longtime Republican Party operative and one-time candidate for public office who held a top-secret security clearance and served in the Department of Homeland Security under President George W. Bush." Greenwald and Hussain note that he "worked as a consultant for the American Muslim Council, which was founded by the political activist Abdul Rahman al-Amoudi to encourage participation by American Muslims in the political process." Later he joined the Department of Homeland Security. ¶ **Gill's problems began, according to Greenwald and Hussain, in 2003, when "al-Amoudi was arrested for participating in a Libyan plot to assassinate Saudi Crown Prince Abdullah and for illegal financial transactions with the Libyan government, crimes for which he eventually pleaded guilty."** Gill was investigated, disclaimed any close relationship with Alamoudi, and returned to work at the DHS. But he was, we now learn, kept under surveillance. ¶ **They're outraged over this surveillance, but Greenwald and Hussain don't mention that, according to Discover the Networks, the plot to assassinate Abdullah involved "two U.K.-based al Qaeda operatives," and that he "ultimately pled guilty to, and was convicted of, being a senior al Qaeda financier who had funneled at least \$1 million into the coffers of that terrorist organization."** ¶ Faisal Gill worked as a consultant for Alamoudi's group – that is, a group founded and headed by a confessed senior al Qaeda financier. Would Greenwald and Hussain be this outraged that he was under surveillance if he had worked as a consultant for a group headed by a senior Ku Klux Klan financier? Somehow I doubt it. ¶ **3. Asim Ghafoor** ¶ Asim Ghafoor is "a prominent attorney who has represented clients in terrorism-related cases." He had some controversial clients, including the Al Haramain Islamic Foundation, which has been linked to Osama bin Laden, and Mohammed Jamal Khalifa, bin Laden's brother-in-law. But **everyone is entitled to representation, and representation does not require that an attorney endorse his client's actions.** ¶ However, here again Greenwald and Hussain leave out salient details. Discover the Networks reports that, ¶ **Asim Ghafoor was a political consultant, spokesman, and public relations director for the Global Relief Foundation (GRF), which the U.S. government shut down in December 2001 because of the organization's ties to terrorism....GRF is not the only organization with ties to terrorism with which Ghafoor has been involved.** While he was with GRF, **Ghafoor was also the spokesman for Care International.** The

December 6, 2002 *Wall Street Journal* reports: ‘Records indicate close ties between [Care International] and the Boston branch of Al Kifah Refugee Center, the Brooklyn branch of which was named by prosecutors as the locus of the 1993 conspiracy to bomb the World Trade Center.’ Reason enough to put Ghafoor under surveillance? How could it not be? 2.

Agha Saeed Agha Saeed is “a former political science professor at California State University who champions Muslim civil liberties and Palestinian rights” – including, say Greenwald and Hussain, “the right of Palestinians to armed resistance against occupation if peaceful means fail—a right affirmed in a series of resolutions by the United Nations General Assembly.” The fact that the corrupt and morally compromised UN endorsed the “Palestinian” jihad is hardly a ringing affirmation of its moral rectitude, and in any case, the groups that pursue “armed resistance against occupation” are jihad terror groups such as Hamas, Hizballah, and Islamic Jihad. Saeed supports this “armed resistance,” so he may be in contact with some of the leaders or members of such groups, and surveillance could reveal something that could be used to stop their jihad terror attacks against civilians. So here again, surveillance is warranted. 1. Nihad Awad Nihad Awad is “the executive director of the Council on American-Islamic Relations (CAIR), the largest Muslim civil rights organization in the country.” (Greenwald, the article fastidiously notes, “has given paid speeches before CAIR’s regional affiliates.”) “Despite its political moderation and relationship to federal law enforcement agencies,” say Greenwald and Hussain, “CAIR became a primary target of hardline neoconservatives after 9/11.” This apparently resulted in the fact that “in 2007, the Justice Department named the group as one of more than 300 ‘unindicted co-conspirators’ in its controversial prosecution of the Holy Land Foundation, then the largest Muslim charity in the U.S., which was eventually convicted of providing material support to Hamas.” Greenwald and Hussain notes that “in 1994, Awad voiced public support for Hamas—before the group’s campaign of suicide attacks against civilians and subsequent placement on the State Department’s terrorist list in 1997.”

But it adds: “I do not support Hamas,” Awad says today, pointing out that the group was not involved in terrorist activities at the time he made the statement. “It was not on the list of organizations that sponsor or conduct terrorism by the State Department. And when the organization took those acts, CAIR has condemned it, repeatedly.” ... So we are to understand that Awad supported Hamas in 1994, but in 1997, when it was placed on the State Department’s terrorist list, he stopped supporting it. Here is part of the old Hamas website’s “Glory Record” of attacks against Israelis – the terrorist organization’s own record of its murderous actions. On a page that remained on its website well after 9/11, it celebrated the pre-1994 murders of Israeli civilian Ya’coub Berey; civilians on a bus to Tel Aviv attacked by Hamas jihadi Ahmed Hussein Shukry; civilians in a crowd in Jaffa who were murdered by another Hamas jihadi in 1992; and a civilian at Beit Lahya who was murdered by a member of Hamas’s al Qassam Brigades. The site also celebrated the stabbings by Hamas members of an Israeli bus driver, a group of Israelis at a bus station in

Keryat Youval, a group of Israeli citrus packers, and a group of Israelis who were run down by jihadist cab driver Jameel Ismail al-Baz. All these acts were committed and publicly celebrated before 1994, when Awad professed his support for Hamas. That they give Awad a platform for his dissembling is typical of the dishonesty of the entire Greenwald/Hussain piece. **But it will accomplish its purpose: the ending of surveillance of these and other Muslim leaders and the further weakening of counter-terror operations in general. And Americans will be in even greater danger than they were before.**

Indiscriminate Surveillance inevitable and harms are only felt after surveillance activity is reported

Serwer 14 [Adam Serwer, Reporter at MSNBC, Feb 20, 2014, "Judge throws out lawsuit challenging NYPD's spying on Muslims", <http://www.msnbc.com/msnbc/nypd-allowed-spy-muslim-americans>] JMOV

Religious profiling is okay, as long as you have a really good reason. That's the logic behind a decision reached by federal judge William Martini Thursday, in dismissing a lawsuit against New York Police Department over the NYPD's surveillance of Muslim American communities in the region. **"The police could not have monitored New Jersey for Muslim terrorist activities without monitoring the Muslim community itself."** Martini wrote. "The motive for the program was not solely to discriminate against Muslims, but rather to find Muslim terrorists hiding among ordinary, law-abiding Muslims." **Any harm suffered by Muslims who were spied on, was not the fault of the NYPD, but of the Associated Press reporters who first revealed the existence of the surveillance effort.** MELISSA HARRIS-PERRY, 1/19/14, 1:09 PM ET The downside to living in an electronic age "Nowhere in the Complaint do Plaintiffs allege that they suffered harm prior to the unauthorized release of the documents by the Associated Press. This confirms that Plaintiffs' alleged injuries flow from the Associated Press's unauthorized disclosure of the documents," Martini wrote. **"The harms are not 'fairly traceable' to any act of surveillance."** The Associated Press declined to comment on the ruling.

National Data collection and Local Police reform are uniquely key to preventing oppression toward minorities

Natarajan 14 Ranjana Natarajan ("Racial profiling has destroyed public trust in police. Cops are exploiting our weak laws against it", December 15, <http://www.washingtonpost.com/posteverything/wp/2014/12/15/racial-profiling-has-destroyed-public-trust-in-police-cops-are-exploiting-our-weak-laws-against-it/>, Accessed 6/21/15)

The #BlackLivesMatter movement has sparked nationwide protests and has raised awareness worldwide about the unequal treatment of black people by police in the United States. Listening to the voices from the movement — and learning from the death of Eric Garner and the series of other deaths of unarmed black men — **it's clear that two issues need to be addressed: racial profiling and police use of excessive force** Both run afoul of the U.S. Constitution, but remain common practices in law

enforcement, too often with tragic results. In Garner's case, for example, police targeted him for the petty crime of selling loose cigarettes — the types of crimes black people are targeted for at higher rates — and then attempted to arrest him with a chokehold, banned by the department. Whatever else we have learned from the recent tragedies of police violence, it is clear that we need comprehensive federal, state and local policies that outlaw racial profiling and rein in police excessive force. Racial profiling — as well as profiling based on religion, ethnicity and national origin — continues to plague our nation despite the constitutional guarantee of equal treatment under the law. In a 2011 report, the Leadership Conference on Civil Rights found evidence of widespread racial profiling, showing that African Americans and Hispanics are disproportionately likely to be stopped and searched by police, even though they're less likely to be found possessing contraband or committing a criminal act. In Illinois, for example, black and Hispanic drivers were twice as likely to be searched after a traffic stop compared to white drivers, but white drivers were twice as likely to have contraband. The NYPD's controversial stop-and-frisk program shows similar evidence of racial profiling, with police targeting blacks and Latinos about 85 percent of the time. In nearly nine out of 10 searches, police find nothing. Likewise, excessive force by police persists despite the Constitution's prohibition on unreasonable searches and seizures. In lawsuits and investigations, the U.S. Department of Justice has concluded that a number of major police departments have engaged in a pattern or practice of excessive force. The Cleveland Police Department was most recently found to be an offender, but it follows a long line of other wayward law enforcement agencies: Seattle, New Orleans, Portland, Newark and Albuquerque among them. Clearly, cases like Eric Garner's are not isolated — police use of excessive force is a systemic, national problem. The DOJ has recommended revising and clarifying local policies regarding appropriate uses of force, improving officer training and supervision, and implementing rigorous internal accountability systems, among other things. But recommendations are not enough. Conquering this systemic issue demands a national mandate. Profiling undermines public safety and strains police-community trust. When law enforcement officers target residents based on race, religion or national origin rather than behavior, crime-fighting is less effective and community distrust of police grows. A study of the Los Angeles Police Department showed that minority communities that had been unfairly targeted in the past continue to experience greater mistrust and fear of police officers. To root out this ineffective tactic that undermines public confidence, we need stronger policies against racial profiling at all levels — from local to federal — as well as more effective training and oversight of police officers, and systems of accountability. Twenty states have no laws prohibiting racial profiling by law enforcement, according to an NAACP report released in September. Among states that do, the policies vary widely in implementation and effectiveness. Only 17 of those states require data collection on all police stops and searches, and only 15 require analysis and publication of other racial profiling data. Limited and inconsistent data collection makes it impossible to devise effective remedies for racial profiling. Last week, the U.S. Department of Justice unveiled a newly revised guide on use of profiling by law enforcement, distinguishing between legitimate uses (such as using race and other characteristics in a suspect description) and illegitimate uses (such as criminal stereotypes). Among other things, the guide explains that uses of race and other characteristics should be based on particularized and trustworthy information relevant to the specific investigation, rather than generalized stereotypes. The policy also provides general provisions on training, data collection and accountability, and it was expanded to include national origin, religion, gender, sexual orientation and gender identity. Civil rights groups have been calling for this updated guide for years. However, the Department of Justice did not address all concerns. Civil rights advocates had also called for the elimination of loopholes for national security and border enforcement, which the DOJ did not adopt. The document states: This Guidance does not apply to Federal non-law enforcement personnel, including U.S. military, intelligence, or diplomatic personnel, and their activities. In addition, this Guidance does not apply to interdiction activities in the vicinity of the border, or to protective, inspection, or screening activities. The DOJ policy, however, is far clearer and stronger than policies held by many states and localities. As the NAACP found, some states and localities ban the use of

pretextual traffic stops, others explicitly prohibit racial profiling, and still others require mandatory data collection — but few contain all of the elements of an effective racial profiling ban, and many states lack profiling laws altogether. Since Americans encounter local police in far greater numbers than any federal law enforcement officers, the adoption of state and local laws and policies banning profiling is critical. Excessive force and racial profiling are two destructive modes of police misconduct that require concerted, vigilant action to reduce and eliminate. While racial profiling can end in tragic police killings of unarmed individuals, such as with Eric Garner or Michael Brown, it also results in many unnecessary stops and searches, harassment and intimidation, and even confiscation of property without due process. The steps to curb this are clear: At all levels of government, we need definitive anti-profiling laws and policies, training of officers on the elimination of explicit and implicit bias, data collection on traffic stops and other police-community contacts, and development of internal and external accountability systems. With these efforts, police departments across the country can rebuild public trust and ensure that policing methods reinforce rather than undermine our democratic values.

Squo solves, Federal gov't already expanding rules, but local law enforcement is not

Apuzzo 14, Matt Apuzzo("U.S. to Expand Rules Limiting Use of Profiling by Federal Agents", January 16, http://www.nytimes.com/2014/01/16/us/politics/us-to-expand-rules-limiting-use-of-profiling-by-federal-agents.html?_r=0, Accessed 6/21/15)

The Justice Department will significantly expand its definition of racial profiling to prohibit federal agents from considering religion, national origin, gender and sexual orientation in their investigations, a government official said Wednesday. The move addresses a decade of criticism from civil rights groups that say federal authorities have in particular singled out Muslims in counterterrorism investigations and Latinos for immigration investigations. The Bush administration banned profiling in 2003, but with two caveats: It did not apply to national security cases, and it covered only race, not religion, ancestry or other factors. Since taking office, Attorney General Eric H. Holder Jr. has been under pressure from Democrats in Congress to eliminate those provisions. "These exceptions are a license to profile American Muslims and Hispanic-Americans," Senator Richard J. Durbin, Democrat of Illinois, said in 2012. President George W. Bush said in 2001 that racial profiling was wrong and promised "to end it in America." But that was before the terrorist attacks of Sept. 11. After those attacks, federal agents arrested and detained dozens of Muslim men who had no ties to terrorism. The government also began a program known as special registration, which required tens of thousands of Arab and Muslim men to register with the authorities because of their nationalities. "Putting an end to this practice not only comports with the Constitution, it would put real teeth to the F.B.I.'s claims that it wants better relationships with religious minorities," said Hina Shamsi, a national security lawyer with the American Civil Liberties Union. It is not clear whether Mr. Holder also intends to make the rules apply to national security investigations, which would further respond to complaints from Muslim groups. "Adding religion and national origin is huge," said Linda Sarsour, advocacy director for the National Network for Arab American Communities. "But if they don't close the national security loophole, then it's really irrelevant." Ms. Sarsour said she also hoped that Mr. Holder would declare that surveillance, not just traffic stops and arrests, was prohibited based on religion. The Justice Department has been reviewing the rules for several years and has not publicly signaled how it might change them. Mr. Holder disclosed his plans in a meeting on Wednesday with Mayor Bill de Blasio of New York, according to an official briefed on the meeting who spoke on the condition of anonymity because the conversation was private. Mr. de Blasio was elected in November after running a campaign in which he heavily criticized the Police Department's stop-and-frisk tactic, which overwhelmingly targets minorities and which a federal judge declared unconstitutional. The mayor and attorney general did not discuss when the rule change would be announced, the official said. A senior Democratic congressional aide, however, said the Obama administration had indicated an announcement was "imminent." The Justice Department would not confirm the new rules on Wednesday night but released a

short statement saying that the mayor and the attorney general discussed “preventing crime while protecting civil rights and civil liberties.” In the past, Mr. Holder has spoken out forcefully against profiling. “Racial profiling is wrong,” he said in a 2010 speech. “It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing — whatever city, whatever state.” Officials in the Bush administration made similar statements, however, which is why civil rights groups have eagerly waited to hear not just Mr. Holder’s opinion, but also the rules he plans to enact. As written, the Justice Department’s rules prohibit federal agents from using race as a factor in their investigations unless there is specific, credible information that makes race relevant to a case. For example, narcotics investigators may not increase traffic stops in minority neighborhoods on the belief that some minorities are more likely to sell drugs. They can, however, rely on information from witnesses who use race in their descriptions of suspects. The rules cover federal law enforcement agencies such as the F.B.I. They do not cover local or state police departments. That is significant because Muslim groups have sued the New York Police Department over surveillance programs that mapped Muslim neighborhoods, photographed their businesses and built files on where they eat, shop and pray. Mr. Holder’s comments about the new racial profiling rules came up in a conversation about that topic, the official said. William J. Bratton, the city’s new police commissioner, has said he will review those practices. While the rules directly control only federal law enforcement activities, their indirect effect is much broader, said Fahd Ahmed, the legal director of the Queens-based South Asian immigrant advocacy group Desis Rising Up and Moving. For instance, he said, immigration bills in Congress have copied the Justice Department profiling language. And civil rights groups can use the rules to pressure state and local agencies to change their policies. “Federal guidelines definitely have an impact,” Mr. Ahmed said. “Local organizers can say, ‘These policies are not in line with what’s coming from the federal level.’”

Status quo solves – Sensitive Operations Review Committee checks discrimination practices
Bullard ’13 (Ben Bullard; June 14, 2013; Personal Liberty; “The FBI Can Pull Back Your Curtain, But Mosques Are Off-Limits”; <http://personalliberty.com/the-fbi-can-pull-back-your-curtain-but-mosques-are-off-limits/>)/CC

Ever since Islamic groups cried out against the FBI’s semi-successful surveillance into terrorist plots that emanated from mosques, the agency has been forced to turn its attention elsewhere in the ongoing campaign to uncover domestic terrorism. In February 2011, the American Civil Liberties Union (ACLU) joined the Council for American-Islamic Relations of Greater Los Angeles in filing a Federal class-action lawsuit against the FBI for infiltrating mosques in Southern California and allegedly gathering general information without probable cause. Regardless of the merits of that suit, the backlash over the Southern California case had a subversive effect on Federal domestic surveillance policy. Later that same year, the Administration of President Barack Obama established a review panel within the Department of Justice called the Sensitive Operations Review Committee, effectively carving out special treatment for the religious, political, journalistic and academic spheres: A sensitive investigative matter (SIM) is defined as an investigative matter involving the activities of a domestic public official or domestic political candidate (involving corruption or a threat to the national security), a religious or domestic political organization or individual prominent in such an organization, or the news media; an investigative matter having an academic nexus; or any other matter which, in the judgment of the official authorizing the investigation, should be brought to the attention of FBI Headquarters (FBIHQ) and other DOJ officials. (Attorney General’s Guidelines for Domestic FBI Operations

(AGG-I Dom), Part VILN.) As a matter of FBI policy, “judgment” means that the decision of the authorizing official is discretionary. Whether the FBI should be indiscriminately watching any individual or affiliated group is a matter for a separate article (indeed, we’ve written several of them), and recent scandals showing that the Nation’s vast enforcement empire is doing just that are both loathsome and alarming. But if Obama is going to watch most of us, it’s only fair (and makes a fair amount of sense) that he watch all of us.

The aff doesn’t solve racist local police tactics like stop and frisk, fusion centers, biometric scanning—comparatively more invasive

Cyril 15 [Malkia Amala, founder and executive director of the Center for Media Justice (CMJ) and co-founder of the Media Action Grassroots Network, a national network of 175 organizations working to ensure media access, rights, and representation for marginalized communities, March 30, 2015, “Black America's State of Surveillance”, <http://www.progressive.org/news/2015/03/188074/black-americas-state-surveillance>] alla

This model is deceptive, however, because it presumes data inputs to be neutral. They aren’t. In a racially discriminatory criminal justice system, surveillance technologies reproduce injustice. Instead of reducing discrimination, predictive policing is a face of what author Michelle Alexander calls the “New Jim Crow”—a de facto system of separate and unequal application of laws, police practices, conviction rates, sentencing terms, and conditions of confinement that operate more as a system of social control by racial hierarchy than as crime prevention or punishment. In **New York City, the predictive policing approach in use is “Broken Windows.” This approach to policing places an undue focus on quality of life crimes—like selling loose cigarettes, the kind of offense for which Eric Garner was choked to death.** Without oversight, accountability, transparency, or rights, predictive policing is just high-tech racial profiling—**indiscriminate data collection that drives discriminatory policing practices. As local law enforcement agencies increasingly adopt surveillance technologies, they use them in three primary ways: to listen in on specific conversations on and offline; to observe daily movements of individuals and groups; and to observe data trends.** Police departments like Bratton’s aim to use sophisticated technologies to do all three. They will use **technologies like license plate readers**, which the Electronic Frontier Foundation found to be **disproportionately used in communities of color and communities in the process of being gentrified.** They will use **facial recognition, biometric scanning software**, which the FBI has now rolled out as a national system, **to be adopted by local police departments for any criminal justice purpose.** They intend to use body and dashboard cameras, which have been touted as an effective step toward accountability based on the results of one study, yet storage and archiving procedures, among many other issues, remain unclear. They will use Stingray cellphone interceptors. According to the ACLU, Stingray technology is an invasive cellphone surveillance device that mimics cellphone towers and sends out signals to trick cellphones in the area into transmitting their locations and identifying information. When used to track a suspect’s cellphone, they also gather information about the phones of countless bystanders who happen to be nearby. The same is true of domestic drones, which are in increasing use by U.S. law enforcement to conduct routine aerial surveillance. While drones are currently unarmed, drone manufacturers are considering arming these remote-controlled aircraft with weapons like rubber bullets, tasers, and tear gas. **They will use fusion centers.** Originally **designed to increase interagency collaboration for the purposes of counterterrorism, these have instead become the local arm of the intelligence community.** According to Electronic Frontier Foundation, there are currently seventy-eight on record. They are the clearinghouse for increasingly used “suspicious activity reports”—described as “official documentation of

observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.” These reports and other collected data are often stored in massive databases like e-Verify and Prism. As anybody who’s ever dealt with gang databases knows, it’s almost impossible to get off a federal or state database, even when the data collected is incorrect or no longer true. Predictive policing doesn’t just lead to racial and religious profiling—it relies on it. Just as stop and frisk legitimized an initial, unwarranted contact between police and people of color, almost 90 percent of whom turn out to be innocent of any crime, suspicious activities reporting and the dragnet approach of fusion centers target communities of color. One review of such reports collected in Los Angeles shows approximately 75 percent were of people of color.

Fusions centers are the only way that Federal and Local law enforcement data is shared—those fail—means federal changes don’t affect local communities

PSI 12 [PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, the oldest subcommittee of the U.S. Senate Committee on Homeland Security and Governmental Affairs, “FEDERAL SUPPORT FOR AND INVOLVEMENT IN STATE AND LOCAL FUSION CENTERS”, October 3, 2012, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.hsgac.senate.gov%2Fdownload%2Freport_federal-support-for-and-involvement-in-state-and-local-fusions-centers&ei=jqeFVa_FE8Te-QHf2oLIDg&usg=AFQjCNEY5sKmzFYKts_5F0R5KDR-3QwwZg&sig2=VTn5HU2_sLH1AfWAJEsjBg&bvm=bv.96339352,d.cWw] alla

Sharing terrorism-related information between state, local and Federal officials is crucial to protecting the United States from another terrorist attack. Achieving this objective was the motivation for Congress and the White House to invest hundreds of millions of taxpayer dollars over the last nine years in support of dozens of state and local fusion centers across the United States. 1 Congress directed the Department of Homeland Security (DHS) to lead this initiative. A bipartisan investigation by the Permanent Subcommittee on Investigations has found, however, that DHS’s work with those state and local fusion centers has not produced useful intelligence to support Federal counterterrorism efforts. **The Subcommittee investigation found that DHS-assigned detailees to the fusion centers forwarded “intelligence” of uneven quality – oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.** The Subcommittee investigation also found that DHS officials’ public claims about fusion centers were not always accurate. For instance, DHS officials asserted that some fusion centers existed when they did not. At times, DHS officials overstated fusion centers’ “success stories.” At other times, DHS officials failed to disclose or acknowledge non-public evaluations highlighting a host of problems at fusion centers and in DHS’s own operations.

Modeling args are wrong—no correlation between grants and modeling—only our studies include the broader law enforcement environment—other things are more important than federal influence

Burruss et al 12 [George W. Burruss has a Ph.D. in Criminology & Criminal Justice at Southern Illinois University Carbondale, Joseph A. Schafer has a Ph.D from Michigan State in Social Science (Criminal Justice), Matthew J. Giblin, an associate professor and undergraduate program director in the Department of Criminology and Criminal Justice at Southern Illinois University Carbondale, Melissa R. Haynes, Member of the Department of Criminology and Criminal Justice, “Homeland Security in Small Law Enforcement Jurisdictions: Preparedness, Efficacy, and Proximity to Big-City Peers”, September 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/239466.pdf>] alla

Second, much of the literature implicitly or explicitly assumes that homeland security preparedness can be improved through funding allocations (e.g., grants), particularly from state and local governments (Davis et al., 2006; Gerber et al., 2005). Alternatively, other writings have assumed that preparedness is simply a byproduct of, or rational response to, the potential for a terrorist attack in a jurisdiction (Davis, 2004; Henry, 2002). What **these studies tend to ignore is the larger environment**. The efficacy of efforts to enhance homeland security may not be just a function of perceived/actual risk or funding, but both of those forces and others. For example, enhanced preparedness and innovative practices may also flow from written products such as books and journals, as well as conferences, training, and other professional networks and channels. These sources, as shown in a study of Illinois law enforcement agencies, play a significant role in determining preparedness levels, independent of risk and resource allocation (Burruss, Giblin, & Schafer, 2010). To date, however, **researchers have largely ignored these sources** (termed institutional pressures) as determinants of homeland security practices. Moreover, if these channels are salient, **the proximity of small agencies to big-city peers might be irrelevant as learning and modeling is indirect rather than direct. This omission is glaring** considering that research verifying the significance of these factors could be used to shape the diffusion of a range of innovations across the law enforcement industry.

No federal modeling internal link—local law enforcement models regional agencies—our ev is comparative

Burruss et al 12 [George W. Burruss has a Ph.D. in Criminology & Criminal Justice at Southern Illinois University Carbondale, Joseph A. Schafer has a Ph.D from Michigan State in Social Science (Criminal Justice), Matthew J. Giblin, an associate professor and undergraduate program director in the Department of Criminology and Criminal Justice at Southern Illinois University Carbondale, Melissa R. Haynes, Member of the Department of Criminology and Criminal Justice, “Homeland Security in Small Law Enforcement Jurisdictions: Preparedness, Efficacy, and Proximity to Big-City Peers”, September 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/239466.pdf>] alla

Respondents were asked a range of questions designed to assess the extent to which institutional pressures influenced their approaches to homeland security. The **measures address factors that are independent of any one person in the organization; that is, they focus on the influence of other agencies, professional associations, and publications without addressing who within the organization was specifically**

affected by these factors.¹⁰ Table 8 reports **the results of a number of questions measuring whether agency practices were influenced by the actions of their peers. In evaluating their own homeland security performance, 25.8 percent of respondents indicated they paid significant attention to other agencies like their own.** An additional 59.8 percent of agencies paid some attention to similar agencies. Less than one percent of responding agencies reported that they paid no attention to similar agencies in evaluating their homeland security performance. Participating agencies were asked to what extent their agency modeled homeland security policies and practices after other agencies that they viewed as successful. The majority of agencies indicated they did engage in such modeling often (35.3 percent) or occasionally (54.9 percent). Other sources of institutional pressure are professional associations and relevant publications. In **defining homeland security practices and approaches agencies might be influenced by the resources offered by these other entities. Respondents were asked to rate the influence of four sources of influence on a three-point scale from not at all influential (0.0) to very influential (2.0). Peer agencies were reported to be the most influential.** Strong influence was also indicated for professional associations and government publications. Journal articles and books were the least influential, with an average rating between somewhat influential and not at all influential. Grant programs and other funding opportunities were generally less influential. In relative terms, federal and state grant funding for equipment and training were most influential. Private or community funding sources were least influential in formulating homeland security approaches and practices.

Massive alt cause—local police bigotry and racism disproportionately impacts black people—(exposure to local police is more common and direct than exposure to federal law enforcement--so the alt cause outweighs the aff's internal link)

Lee 14 [Jaeah, Jaeah reports, writes, codes, and charts at Mother Jones. Her writings have appeared in The Atlantic, the Guardian, Wired, Christian Science Monitor, Global Post, Huffington Post, Talking Points Memo, and Grist, "Exactly How Often Do Police Shoot Unarmed Black Men?", Aug. 15, 2014, <http://www.motherjones.com/politics/2014/08/police-shootings-michael-brown-ferguson-black-men>] alla

The **killings of Michael Brown by police in Ferguson, Missouri, was no anomaly**: As we reported yesterday, **Brown is one of at least four unarmed black men who died at the hands of police in the last month alone.** There are many more cases from years past. As Jeffrey Mittman, executive director of the American Civil Liberties Union's Missouri chapter put it in a statement of condolence to Brown's family, "**Unarmed African-American men are shot and killed by police at an alarming rate. This pattern must stop.**" But quantifying that pattern is difficult. **Federal databases that track police use of force or arrest-related deaths paint only a partial picture. Police department data is scattered and fragmented. No agency appears to track the number of police shootings or killings of unarmed victims in a systematic, comprehensive way.** Here's some of what we do know: **Previous attempts to analyze racial bias in police shootings have arrived at similar conclusions. In 2007, ColorLines and the Chicago Reporter investigated fatal police shootings in 10 major cities, and found that there were a disproportionately high number of African Americans among police shooting victims in every one,** particularly in New York, San Diego, and Las Vegas. "We need not look for individual racists to say that we have a culture of policing that is really rubbing salt into longstanding racial wounds," NAACP president Cornell Williams Brooks told Mother Jones. It's a culture in which people suspected of minor crimes are met with "overwhelmingly major, often lethal, use of force," he says. In Oakland, California, **the NAACP reported that out of 45 officer-involved shootings in the city between 2004 and 2008, 37 of those shot were black. None were white.** One-third of the shootings resulted in fatalities. Although weapons were not found in 40 percent of cases, the NAACP found, no officers were charged. (These numbers don't include 22-year-old Oscar Grant, who was shot and killed by a transit authority officer at the Fruitvale BART station on New Year's Day of 2009.) **The New York City Police Department has reported similar trends in its firearms discharge report, which shows that more black people have been shot by NYPD**

officers between 2000 and 2011 than have Hispanics or whites. When you look at the racial breakdown of New Yorkers, black people are disproportionately represented among those targeted as criminal shooting suspects, firearms arrestees, and those fired upon or struck by police gunfire. Often, the police officers do not get convicted or sentenced. Delores Jones-Brown, a law professor and director of the Center on Race, Crime, and Statistics at the John Jay College of Criminal Justice in New York City, has identified dozens of black men and women who have died at the hands of police going back as far as 1994. She notes that while these incidents happen regularly, it often takes a high-profile case, such as Brown's, to bring other recent incidents to national attention. "Unfortunately, the patterns that we've been seeing recently are consistent: The police don't show as much care when they are handling incidents that involve young black men and women, and so they do shoot and kill," says Jones-Brown, a former assistant prosecutor in Monmouth County, New Jersey. "And then for whatever reason, juries and prosecutor's offices are much less likely to indict or convict." Between 2003 and 2009, the DOJ reported that 4,813 people died while in the process of arrest or in the custody of law enforcement. These include people who died before an officer physically placed him or her under custody or arrest. This data, known as arrest-related deaths, doesn't reveal a significant discrepancy between whites, blacks, or hispanics. It also doesn't specify how many victims were unarmed. According to the FBI, which has tracked justifiable homicides up to 2012, 410 felons died at the hands of a law enforcement officer in the line of duty.* But black people are more likely than whites or Hispanics to experience a police officer's threat or use of force, according to the Department of Justice's Police Public Contact Survey in 2008, the latest year for which data is available. Of those who felt that police had used or threatened them with force that year, about 74 percent felt those actions were excessive. In another DOJ survey of police behavior during traffic and street stops in 2011, blacks and Hispanics were less likely than whites to believe that the reason for the stop was legitimate. The Justice Department has investigated possible systemic abuse of power by police in at least 16 cities. Police shootings of unarmed black people aren't limited to poor or predominantly black communities. Jones-Brown points to examples where police officers have shot unarmed black men and women in Hollywood, Riverside (California), and Prince Georges County—a Maryland suburb known as the most affluent US county with an African-American majority. "Part of the problem is that black people realize that you don't have to be poor, you don't have to be in your own community...and this can happen to you." she says. These killings occur against black people of varying socioeconomic backgrounds: "Actors, professional football players, college students, high school grads. They happen to black cops, too." Yet, the lack of comprehensive data means that we can't know if there's been an upsurge in such cases, says Samuel Walker, a criminal justice scholar at the University of Nebraska in Omaha and author of *The Color of Justice: Race, Ethnicity, and Crime in America*. "It's impossible to make any definitive statement on whether there were more incidents in the last 5 to 10 years than in the past," he says. "We just don't have that kind of data." But what is certain, Walker says, is that the fatal shooting in Ferguson "was just the tip of the iceberg."

Local-federal police data distribution fails—it's too unorganized—local law enforcement cellphone data collection is another alt cause

Ackerman 13 [Spencer, national security editor for Guardian US and won the 2012 National Magazine Award for Digital Reporting, "Data-sharing among US law agencies amounts to 'organised chaos' – report", December 10, 2013, <http://www.theguardian.com/world/2013/dec/10/data-sharing-law-enforcement-organised-chaos>] alla

The sharing of crucial intelligence about counter-terrorism between the FBI, the Department of Homeland Security and local police departments takes place through a patchwork process that amounts to "organized chaos", according to a new report. The report, released Tuesday by the Brennan Center for Justice, a public-policy institute at New York University law school that has a track record of being skeptical of government surveillance, found inconsistent rules, inadequate oversight, apparent

wastefulness and insufficient regard for civil liberties nationwide. “This poorly organized system not only wastes time and resources; it also risks masking reliable intelligence that could be crucial to an investigation,” the report says, warning that a “din of data” is overwhelming law enforcement. “There’s a lot of irrelevant information being collected,” said Michael Price, a counsel with the Brennan Center and the author of the report. “As a result of that, it seems pretty easy for information to slip through the cracks.” A Department of Homeland Security spokesman took vigorous exception to the report’s factual presentation and its conclusions, saying that much of the responsibility for the patchwork rules should properly be attributed to discrepancies in laws across the 50 states and arguing that the fusion centers contribute strongly to national security while protecting civil liberties. Scrutiny of the wide-reaching intelligence apparatus in federal, state and local law enforcement since 9/11 has largely taken a backseat during the past six months’ worth of revelations from whistleblower Edward Snowden about the National Security Agency’s surveillance activities. But this week, several reports pointed to an enormous amount of data collected by police departments – particularly from cellular towers. The Brennan Center report examined 16 major police departments across the US, along with 19 affiliated “fusion centers” – controversial data-sharing pools between federal, state and local agencies – and 14 of the FBI’s joint terrorism task force partnerships with police. It found, among other problems, inconsistent quality control, which permitted a flood of local tips – some as innocuous as “ordering food at a restaurant and leav[ing] before the food arrives” (an example from California, according to a Fusion Center training document obtained by the report’s authors) – into fusion centers. Data like that does not meet the legal standard for “reasonable suspicion” normally required to pursue surveillance, let alone the requirements of probable cause. Yet it can be stored within fusion centers and accessed by a variety of law enforcement and homeland security agencies for up to a year, the report said. Despite efforts by the Department of Homeland Security, most of the fusion centers operate with “minimal oversight, or no oversight whatsoever”, the report found. Out of 19 centers reviewed, only five require independent audits of retained data. “We’re calling for clear, consistent processes and stronger standards for collecting and sharing information to reduce some of the noise coming from this din of data,” Price said. A Department of Homeland Security spokesman contended Tuesday that the report misrepresented the complexities of data-sharing across local, state and federal agencies, and strongly defended the relevance and performance of fusion centers. “This report fundamentally misunderstands the role of fusion centers within our national security structure and their value to state and local law enforcement,” said DHS press secretary Peter Boogaard. “As pointed out by congressional leaders and major law enforcement organizations across the country, fusion centers greatly improve information sharing and co-ordination between federal, state and local law enforcement. By receiving classified and unclassified information from the federal government and assessing its local implications, fusion centers help law enforcement on the front lines better protect their communities from all threats, whether it is terrorism or other criminal activities.” The FBI did not respond to a request for comment made after a media embargo on the Brennan Center report lifted. Fusion centers have been the subject of criticism from both civil libertarians and powerful elected officials. A 2012 investigation by the bipartisan Senate permanent subcommittee on investigations of more than 80,000 fusion center documents could not find any contribution the centers had made to “disrupt[ing] an active terrorist plot”. DHS disputes the results of that investigation, as do several legislators on committees overseeing the department. Senator Tom Coburn, an Oklahoman who serves as the top Republican on the Senate government reform and homeland security committee, has emerged as a leading legislative critic of fusion centers and joint terrorism task forces, for many of the same reasons detailed in the Brennan Center report. After a government inquiry indicated many federal data-sharing efforts were duplicative, Coburn issued a statement in April calling them “a vital component of national security”, but adding, “that is not an excuse to waste taxpayer funds”. The Brennan Center’s report comes as police departments’ widespread use of cellphone data is attracting new scrutiny. On Monday, the Washington Post revealed that police departments around the country relied 9,000 times last year on so-called “tower dumps”, or data collected from cellphone signals that went to a given cellphone tower during a certain period of time. That data necessarily includes call information from cellphone subscribers who are never

suspected of any crime. “There are **serious questions about how law enforcement handles the information of innocent people swept up in these digital dragnets.**” congressman Ed Markey, a Massachusetts Democrat who plans to introduce legislation limiting tower dumps, told the Post. Also on Monday, USA Today reported that approximately a quarter of police departments in the US have employed tower dumps, and at least 25 departments around the country employ a portable piece of spoofing hardware, called a Stingray, that tricks cellphones into thinking it is a cell tower, allowing it siphon data and send it directly to police. And all that information is on top of the fruits of the NSA’s vast data collection efforts, which are not entirely off limits to federal law enforcement. The controversial bulk collection of Americans’ phone data has been repeatedly described by the NSA as a tool to aid the FBI in detecting domestic terrorism activity. NSA deputy director John C Inglis recently stated that the FBI cannot search directly through the NSA’s data troves, but the agency shares telephone metadata with the bureau following searches through its databases based on “reasonable articulable suspicion” of connections to specific terrorist organizations. The Brennan Center report did not specifically analyze law enforcement tower dumps, but Price called the reports of them alarming. “This is another indication of the vast trove of information that state and local police are collecting about law abiding Americans,” Price said. “To date, that information does not appear to be particularly useful in preventing terror attacks.”

Fusion centers fail—local law enforcement doesn’t have oversight

Price 13 [Michael, serves as counsel for the Brennan Center’s Liberty and National Security Program, “NATIONAL SECURITY AND LOCAL POLICE, December 10, 2013, https://www.brennancenter.org/sites/default/files/publications/NationalSecurity_LocalPolice_web.pdf] alla

Since the attacks of September 11, 2001, many state and local law enforcement agencies have assumed a critical but unfamiliar role at the front lines of the domestic fight against terrorism. The federal government has encouraged their participation, viewing them as a tremendous “force multiplier”² with approximately 800,000 officers nationwide.³ Indeed, by collecting and sharing information about the communities they serve, police departments have been able to significantly increase the data accessible to members of the federal intelligence community.⁴ At the same time, **however, the headlong rush into counterterrorism intelligence has created risks for state and local agencies, with too little attention paid to how to manage them.** Although prevention of terrorist attacks is often described as a new, post-9/11 paradigm for law enforcement, the prevention of all crime has been a central tenet of modern policing since its debut nearly 200 years ago.⁵ Intelligence activities, including the use of surveillance, undercover officers, and informants, have helped fulfill this mandate. But due to the potential for abuse that came to light during the 1960s and 70s, many courts and legislatures placed checks on police intelligence operations. Most importantly, they required officers engaged in intelligence activities to have reasonable suspicion that a person or group is involved in criminal activity before collecting, maintaining, or sharing information about them. Of course, this rule does not apply to most other police activities. Officers responding to an emergency, for example, may record a victim’s statement or document an eyewitness account without suspecting either individual of wrongdoing. But for many police departments, reasonable suspicion became a prerequisite for creating intelligence files.⁶ Since 9/11, some police departments have established counterterrorism programs to collect and share intelligence information about the everyday activities of law-abiding Americans, even in the absence of reasonable suspicion.⁷ This information is fed into an array of federal information sharing networks, creating mountains of data.⁸ Whether these practices have made us safer is debatable.⁹ What is clear is that they raise issues of accountability and oversight in ways that have not been given sufficient attention. The centerpiece of this new counterterrorism architecture is a national information sharing network connecting police departments and federal agencies, known as the Information Sharing Environment (ISE). **But there is little consistency regarding the types of information that local law enforcement agencies collect and share with their federal counterparts. The policies and procedures governing such activities are often opaque or unavailable to the public, while a deliberately decentralized system produces rules that vary considerably across the country. Inconsistent rules jeopardize the quality of shared intelligence and raise serious civil liberties concerns.** In some jurisdictions, for example, police have

used aggressive information gathering tactics to target American Muslim communities without any suspicion of wrongdoing. Such practices have not generated investigative leads or proven especially useful in preventing potential terrorist attacks.¹⁰ But they have strained community relations with law enforcement, thereby jeopardizing the very terrorism prevention mission they are intended to accomplish.¹¹ Many state and local intelligence programs lack adequate oversight. While federal agencies operate under the watch of independent inspectors general, there is often no equivalent for state and local information sharing ventures. Very few local governments have built the kind of oversight structures that should accompany such a significant expansion of police functions.

Multitude of barriers to data-sharing—localized law enforcement cannot effectively model/cooperate with federal agencies

AFCEA International 7 [The Armed Forces Communications and Electronics Association (AFCEA) established in 1946, is a non-profit membership association serving the military, government, industry, and academia as an ethical forum for advancing professional knowledge and relationships in the fields of communications, information technology, intelligence, and security, “The Need to Share: The U.S. Intelligence Community and Law Enforcement”, April 2007, [The committee believes certain steps can help the intelligence and law enforcement communities move forward in their ability to share information and intelligence better. Communicate and Reinforce the Need for Sharing: People have a natural tendency to resist change. For this reason, leaders throughout the intelligence and law enforcement communities must consistently and repeatedly deliver the message of change and ensure that everyone understands the importance of sharing information. Analysts who have been told for years that releasing certain types of information violates the law must now be strongly encouraged to exchange the information with others. The new Director of National Intelligence, Mike McConnell, has made a strong statement to all intelligence professionals with his direction that it is not enough to share intelligence: There is a responsibility to provide it. Earn Public Trust: Abuses of the past have made the public skeptical about the government’s role in personal lives. Yet, the public wants and deserves a collaborative intelligence and law enforcement community effectively working together to prevent another terrorist attack. A Markle Foundation task force⁷ noted, “For information sharing to succeed, there must be trust.... Building trust requires strong leadership, clear laws and guidelines, and advanced technologies to ensure that information sharing serves important purposes and operates consistently with American values.” The communities must ensure compliance with the law and make the commitment visible to the public. Manage Risk: The intelligence and law enforcement communities have been risk averse in the past regarding sharing information—often for good reasons. Today’s environment calls for a different approach. The risk of sharing information must be balanced against the risk of not “connecting the dots.” What is the true value of having important information—even if it comes from a tenuous source in some cases—if the information is never shared with others who may need it and who may add value to the information? As a first step, local law enforcement should have a formal role and presence within the NCTC. This would give law enforcement officials early warning about terrorist tactics used overseas before the terrorists try to apply them in the United States, and it would help law enforcement plan and train better. Create Clear, Understandable, and Consistent Guidelines: Many current guidelines and policies are complex, confusing, inconsistent, and make sharing information difficult to achieve. This complexity causes delays in sharing data and undermines its utility. People are more apt to give up if the rules are too hard to follow. Eliminate the Construct of “Data Ownership:” The “owners” do not](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.afcea.org%2Fmission%2Fintel%2Fdocuments%2FSpringIntel07whitepaper_000.pdf&ei=5LSEVarfJeq1sATX0YGQAQ&usg=AFQjCNFXOVotodHFFBsKU6WKdjvU_u5slw&sig2=KthG2NXEpzngYQ_75f9lLQ&bvm=bv.96339352,d.cWc] alla</p></div><div data-bbox=)

always appreciate why information they control could be significant to others. For sharing to be effective, those who have a broader picture may be the best advocates regarding what needs to be shared. For example, local and state law enforcement, fire, and public health organizations can make a critical contribution in terms of detection, prevention, and response. The federal intelligence or law enforcement communities may not be taking full advantage of these capabilities and skills because they do not have a clear understanding of what they can contribute. These individuals on the “front lines” may hold key pieces of the puzzle. The fact that some of their information comes from an unclassified source does not automatically mean it is not useful or important. Use Technology in a Meaningful Way: Most of the obstacles to meaningful change in this arena are cultural, but technology still can play an important role. Most, if not all, of the technological impediments to protecting sources and methods while enabling effective information sharing have been solved. Technology should be embraced as a key in easing the administrative burdens of sharing information. Emphasize Training: Effective and focused training can improve the confidence of community members and the public’s perception that information is being handled appropriately. The right training, coupled with intelligence policies, will better enable sharing and ultimately will help change the cultures. Share Good Ideas and Lessons Learned: The District of Columbia, among others, has taken first and useful steps. It has initiated discussions in the law enforcement and intelligence communities to broaden understanding of what types of information are needed and why. Once state or local law enforcement organizations articulate and justify specific needs, and it becomes clear the contribution they can make to mission success, the willingness to share information will improve significantly. Other steps are possible. In the early 1980s the Drug Enforcement Agency (DEA) partnered with local law enforcement to educate U.S. police officers on the trends, tactics, and patterns of the South American drug cartels. As a result, local law enforcement officers knew what behavior, precursor chemicals, and modes of transportation were associated with major trafficking and violent crimes of the international cartels. Such partnerships work. Leaders in both communities should look to the partnership model within the Joint Terrorism Task Force as an approach to enabling information sharing. The Director of National Intelligence has recently created an Information Sharing Steering Committee (ISSC) and declared the ISSC will “move the Intelligence Community beyond the ‘need to share’ philosophy and more to a ‘responsibility to provide.’”⁸ This commitment can steer the federal, state, and local communities closer to the goal of a shared information environment. Conclusion Since September 11, 2001, the intelligence and law enforcement communities have struggled to adapt to new challenges and to refocus and reorder priorities. **Nonetheless, the seam between federal, state, and local communities has inhibited the United States’ ability to fight terrorism. Although Congress has removed many of the existing barriers to cooperation, and limited examples of progress exist, implementation is lagging. The key to change is strong leadership in both communities. Leaders must understand and nurture cultural change that emphasizes a responsibility for providing information—not just for sharing it.** They must also communicate to their subordinates a willingness to accept risk in sharing data and must deemphasize data ownership. These steps, along with clear guidelines, inter-community training, the exchange of lessons learned, and the effective use of technology, can open doors of cooperation that have been closed for too long.

Alt Causes

Local Police Departments are oppressive – federal data and Maple Heights proves

Dewan 14, Shaila Dewan, Reporter for the New York Times, 2014 (Mostly White Forces in Mostly Black Towns: Police Struggle for Racial Diversity, New York Times, September 9,

<http://www.nytimes.com/2014/09/10/us/for-small-police-departments-increasing-diversity-is-a-struggle.html>, Accessed on 6/20/15)

Maple Heights police officers with a driver stopped for a traffic violation. The department has only two black officers out of 35. Credit Michael F. McElroy for The New York Times MAPLE HEIGHTS, Ohio — The population of this working-class Cleveland suburb has gone from nearly all white to two-thirds black since its mayor declared more than 35 years ago that he did not know “what a minority is.” But its police and fire departments have not kept pace: The Maple Heights police force today still has only two black officers out of 35; the fire department is 100 percent white. Maple Heights is far from unique. Across the country, police departments still struggle to hire and retain minority candidates — in some cases despite great efforts, in others because of a lack of initiative. But now, the problem has taken on new relevance since the fatal shooting of a young black man last month in Ferguson, Mo., where just four of the 53 police officers are black, according to the police chief.

Nationwide, the total number of minority police officers has risen, but they remain heavily concentrated in larger cities, with the numbers falling off sharply in smaller ones, like Ferguson and Maple Heights. In 1977, Maple Heights agreed to increase minorities in its police and fire departments. But officials did not follow through. Credit Michael F. McElroy for The New York Times Data from a federal survey of police departments in 2007, analyzed for The New York Times by Andrew A. Beveridge, a sociologist at Queens College, found that nearly 400 departments, most with fewer than a hundred officers, were substantially whiter than the populations they served. In these departments, the share of white officers was greater than the share of white residents by more than 50 percentage points. Ferguson and Maple Heights are about the same size, just over 20,000 people, and in both, the black population has surged in recent decades. Both cities have white mayors and largely white political leaderships. And both police departments have fallen far short of reflecting the communities they serve — even as some of Maple Heights’s neighboring police departments have achieved much higher levels of diversity. Critics point to the lack of racial balance in police departments as evidence of systemic racism. But experts say the experiences of the two towns illustrate the obstacles to achieving diversity in law enforcement, even for departments that have made it a priority. “I see all these pundits come on the Sunday talk shows and say: ‘Of course you can hire more black people. Of course they’re not trying.’” said Nelson Lim, a senior sociologist at the RAND Corporation’s Center on Quality Policing who has consulted with departments in Los Angeles and San Diego. “But it’s very, very, very difficult.” There is little hard evidence that diversity correlates with better performance, in part because it is difficult to control for complex variables and to know which outcomes, from crime rates to brutality cases, to measure. In fact, one study of a Florida police department found that black officers were more likely than white to use force against black suspects. A review of court cases going back to the early 1990s revealed only a handful of civil rights or excessive-force cases against the Maple Heights police, two of which involved a white officer who is no longer with the department, and none that involved a fatality like the shooting in Ferguson. Still, it is an accepted tenet of community policing that when departments reflect the communities they serve, they have an easier time building trust and defusing, rather than escalating, tense situations.

In Maple Heights, some residents said they would like to see more black officers, while others said that it was the attitude, experience and training of the officer, not race, that mattered. Chris Turney, a home renovator who lives with his wife and two daughters, said it was more important for officers to live in the city. All but one do not. “The police come here, they do their jobs, they don’t try to get to know anybody,” said Mr. Turney, who is black. “The police don’t wave.” Hundreds of police departments across the nation have forces with a white percentage that is more than 30 percentage points higher than the communities they serve. Other residents drew a contrast between police attitudes in Maple Heights and neighboring Bedford Heights, where three-quarters of the residents, and nine of 28 police officers, are black. “Bedford’s not going to do you like Maple,” said Carlos Walker, 41, who is black. “You have to do something real stupid for Bedford. Maple, soon as they get behind you, you sweating.” In her 11 years as an officer in Bedford Heights, Detective Ericka Payne, who is black, has often provided backup on calls in Maple Heights. There are definitely differences in the ways the departments interact with the outside community,” Detective Payne said. “We try to be a little bit more community oriented. Because we are a little bit more diverse, we understand those dynamics and maybe have a little bit more ease dealing with that.” Several Maple Heights officials said the diversity of the police and fire departments had never been a major issue. It is hard to find qualified candidates of any race, said John C. Popielarczyk, who has been with the Maple Heights Police Department since 1990 and the acting police chief since May. Maple Heights, devastated by the foreclosure crisis, has fallen on hard times, and the police force has shrunk. And with most officers staying on the job for 25 years, Chief Popielarczyk said, the opportunity to hire is scarce. Of eight recent hires, two were black. One, the chief said, was fired for cause before his probationary period ended. The department has advertised in minority newspapers and changed the private company that administers its Civil Service exam in hopes that more minority candidates would pass, he said. But he added: “The real goal of the department is to provide qualified officers who are competent and can provide quality service regardless of race. I don’t think people really care about the color of the officer that responds; they care

that the officer responds quickly, is effective, treats them well and is respectful.” The acting fire chief, James Castelucci, said much the same, adding that one promising black candidate withdrew when his current employer offered him more money. The obstacles to diversity are many, Dr. Lim, the sociologist, said. Candidates usually must pass written tests, physical agility tests, psychological tests, polygraphs and background checks, some of which can have a disparate impact on minority candidates. Qualified black candidates are sought after not just by competing police departments, but also by employers in other industries. And some police chiefs have cited a negative attitude toward law enforcement among blacks that hinders recruiting. Police departments have tried all kinds of remedies, from personal trainers to help with physical fitness tests to tailored recruiting. (A RAND survey found that women were attracted to the good salaries in policing, blacks to the profession’s prestige and Asians to the excitement of the job.) But many small departments lack the resources, or the will, to conduct an exhaustive review of their hiring practices. In Maple Heights, job candidates are ranked by how well they score on the written exam, earning bonus points for factors like previous training, military experience and city residency. For each opening, the candidates are considered one by one, in order of their score. Frank Ross said he did not accept the city’s explanations for having few minority police officers. Credit Michael F. McElroy for The New York Times Some nearby suburbs like Bedford Heights and Cleveland Heights — where about 40 percent of the residents and 22 of 102 officers are black — do things differently. The chiefs of both departments said officials were allowed to consider the top 10 candidates on the list, which helps them hire more minority candidates. Both chiefs said their cities took an aggressive approach to diversity as early as the 1970s. Cleveland Heights has two types of officer positions, one that requires a Civil Service exam and a college degree, and a lower tier, called basic patrol, that does not. Once a basic patrol officer is hired, the city will reimburse tuition costs, and many eventually earn a degree and work their way to the upper tier. The diversity of neighboring police departments poses a challenge to cities like Maple Heights, Dr. Lim said: “If the leadership, if the police chief, is dedicated to getting more diversity in the work force, how hard is it to figure out how the other department is doing such a good job?” Asked why Maple Heights considered only one candidate at a time, Chief Popielarczyk said: “We’ve always done it that way. My understanding is that that’s how we’re supposed to do it.” Some Maple Heights residents have tried to persuade the city to hire more blacks, forming a committee called the Maple Heights Citizens for Change. In 2012, Elaine Stone, a committee member who runs a blog called the Maple Heights African American Gazette, was digging around and discovered a long-forgotten affirmative action agreement, signed by the mayor, a citizens’ committee and a representative from the federal Justice Department in 1977. In that deal, Maple Heights, at the time about 96 percent white, agreed that within three years minorities would make up at least 4 percent of its police and fire departments. But it soon became clear that the city was less than fully committed to this goal. “I figure we’re all minorities,” the mayor at the time, Emil J. Lisy Jr., told reporters when he was criticized for failing to live up to the agreement. “The first thing is to find out what a minority is, and I haven’t figured that out.” Federal officials threatened to withhold \$500,000 in funds, but backed down after the mayor submitted a 65-page response. When Ms. Stone learned about the agreement, she contacted Frank Ross, the only surviving signer of the document. Mr. Ross was a teacher in his 20s when he came to Maple Heights, at a time when real estate brokers steered black customers to a part of town called Presidential Row. He now lives 12 miles away, but agreed to go to meetings of the committee, where he suggested that the group call the Community Relations Service of the Justice Department, the same office that helped broker the earlier deal. Though new discussions were opened between the city and the service, which provides mediation and training to governments, residents feel the talks have stalled. Neither the mayor nor the Maple Heights legal director returned calls for comment for this article, and the service does not publicly discuss its work. Participation by local governments is strictly voluntary. Ms. Stone said economics, not overt racism, had kept the police and fire departments largely white. “There was white flight, but people were trying to hold on to their jobs,” she said. “I can understand you don’t want to give up that job.” Mr. ROSS said apathy among black voters was partly to blame for the situation. But he does not accept the city’s excuses. “They’re telling me in 40 years they can’t find any African-American policemen?” he said. “Forty years later — it’s very emotional for me. Forty years later, I’m still dealing with the same thing.”

Alt cause – Local police is the problem—community oriented policing is failing

Jrank Law Library, No Date, (No Date,<http://law.jrank.org/pages/2228/Urban-Police-Policing-minority-citizens.html>, Accessed 6/19/2015)

Historically, cooperation and communication between police and minorities has been troubled. Williams and Murphy described a history of policing shaped by the enforcement of laws that have discriminated against minority groups, particularly African Americans. Slavery, segregation, and discrimination are historical realities that shaped the current distrustful, strained, and often hostile relationship between police and minority citizens. This poor relationship reached its pinnacle during the police-citizen crisis of the 1960s. The civil rights movement had gained momentum and become more militant. Protesters gathered to demonstrate against race discrimination and injustice within the criminal justice system. Police officers responded to protesters with physical brutality, which increased the tension between minorities and the police. This tension exploded in the form of riots and civil disobedience, often sparked by incidents involving the police (Walker, 1999). As a result of several crime commission reports and research findings questioning the effectiveness of "professional" police organizations, police organizational strategies evolved to focus on strengthening relationships and creating partnerships between the police and citizens. Police departments attempted to improve community relations through the creation of police-community relations units, race relations training for officers, and the hiring of more minorities and women. Some of these techniques were relatively successful. As reported by Walker (1999), African American officers represented a majority of the force in departments such as Detroit, Washington, and Atlanta in 1993. In addition, African Americans were selected as police chiefs in several large departments, including New York City, Los Angeles, Atlanta, Chicago, Houston, and others. Furthermore, by the mid-1990s, women represented 13 percent of all officers in large police departments. Despite these advances, police still struggle with minority community relations. In 1993, the acquittal of four officers accused of beating Rodney King, an African American motorist in Los Angeles, sparked race riots across the country. Other major cases of police abuse of force in the 1990s (e.g., the Louima and Diallo cases in New York City) further increased tension between the police and minorities. In 1996, 26 percent of African American citizens surveyed reported they had very little or no confidence in the police, compared to only 9 percent of white respondents (Bureau of Justice Statistics, 1996). Furthermore, when asked about attitudes toward use of force, 60 percent of whites had favorable attitudes compared to 33 percent of African Americans and 42 percent of Hispanics (Huang and Vaughn). Serious questions regarding police discrimination remain. Studies routinely show that minorities are overrepresented as suspects who have force used against them, and who are shot and killed by officers. Worden's analysis of 1977 data showed that police were more likely to use both reasonable and unreasonable force against black male suspects. This is also true of the use of deadly force. However, changes in police departments' administrative policies led to decreases in the use of deadly force by officers. In a study of the New York City Police Department, Fyfe found that changes in the department's formal policies governing police shootings in 1972 reduced the average numbers of shots fired by officers by 30 percent. The total number of uses of deadly force decreased by nearly 50 percent from 1970 to 1984. In that same time period, the ratio of African Americans to whites who had deadly force used against them decreased from six-to-one to three-to-one (Walker, 1999). Reductions in police use of deadly force toward minorities were also noted after the fleeing-felon standard guiding police use of deadly force was ruled unconstitutional by the Supreme Court in *Tennessee v. Garner*, 105 S. Ct. 1694 (1985). African Americans are also disproportionately arrested more often than whites. It is unclear whether these disparities in arrest statistics represent actual discrimination (i.e., disparity based on extra legal factors, such as race). When other factors are taken into consideration (e.g., seriousness of the offense, the evidence available, demeanor of the suspect, etc.), it appears that arrest decisions are influenced more by situational and legal factors than strictly race (Riksheim and Chermak). However, police are more likely to police inner-city neighborhoods, which are predominantly minority areas. In this sense, police may be showing a form of contextual discrimination by heavily policing particular neighborhoods or particular types of crimes. A concern is that police officers are profiling citizens based on race and ethnicity. The term DWB or driving while black is a vivid descriptor of this phenomenon. Minority groups claim that police are more likely to pull over motorists simply because of their race. In fact, studies of New Jersey State Police have shown that minorities are pulled over disproportionately. This same argument is made in urban areas, where minorities believe they have become the targets of police harassment through tactics of aggressive enforcement of minor crimes. Studies of police have shown that African Americans and Hispanics are disproportionately stopped, questioned, and frisked by police (Browning et al.). Surveys of citizens also indicated that African Americans and Hispanics are more likely to be stopped and interrogated by police (One survey

of African American high school students revealed that 80 percent had been stopped by police and 62 percent of those stopped said the police treated them disrespectfully (Walker, Spohn, and DeLone).

At the same time, however, minority citizens complain that police are not responding to their needs in these areas. Citizens allege that police are not providing adequate protection or attention in their neighborhoods.

According to Walker, this apparent contradiction can be explained by "the diversity within racial and ethnic minority communities Complaints about police harassment generally come from young males who have a high level of contact with the police. Most members of racial minority communities, however, are law-abiding adults with jobs and families. Like their white counterparts, they want more not less police protection" (1999, p. 222). In the 1980s, new strategies of community oriented policing have encouraged the partnership between citizens and the police. Research has shown, however, that strategies of community policing tend to have the strongest impact on neighborhoods where they are least needed. Satisfaction with community policing techniques is highest in homogeneous, higher socioeconomic status communities, and lowest in heterogeneous, lower socioeconomic status communities (Bayley, 1988). It is clear that new approaches to improve police-minority relations are needed.

Alt Cause—Underrepresentation of local minorities in the police force is a larger problem

Badger, Keating, and Elliot 14 Emily Badger, Dan Keating, and Kennedy Elliot, ("Where minority communities still have overwhelmingly white police", August 14, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/14/where-minority-communities-still-have-overwhelmingly-white-police/>, Accessed on 6/21/15)

There is something unsettling about the scenes this week out of Ferguson, Mo., that goes beyond the rare sight of military equipment on city streets or the disproportionate deployment of it. In so many of these images, the unarmed residents are black. But almost all of the officers facing them are white. The fatal police shooting Saturday of an unarmed black teen that set off these confrontations in a St. Louis suburb has raised questions not just about the conduct of one officer, but the makeup of an entire police force. How could a community that's two-thirds black have a police force that's almost entirely white? How could such divisions ubiquitous in the 1960s persist in 2014? Across the country, this racial imbalance is not rare. Fifty years after the Civil Rights movement called attention to the underrepresentation of minorities in police departments, the pattern is still widespread. More than three quarters of cities on which the Census Bureau has collected data have a police presence that's disproportionately white relative to the local population. Meanwhile, in more than 40 percent of cities, blacks are under-represented among police officers, a Washington Post analysis of Census data revealed. While the pattern is widespread, broad variations exist. The charts below show which cities have the greatest and smallest disparities between population and police. These numbers are more encompassing than a mere count of officers in a municipal police department. From the point of view of residents in each community, they reflect the larger police presence one might encounter. The center line in each chart represents equality — or how we might expect a police force to look if it perfectly reflected the demographics of the city it serves. Non-Hispanic white representation in most cities is above this line; in other words, the share of white police officers in Memphis or Charlotte is higher than the share of whites living in those cities. If we count cities within five percentage points of that line as having relative equality, just one in 10 cities and towns in America meets that standard. If we look at the data from the perspective of black officers, about 45 percent of cities and towns meet this definition of equality. That number, though, is largely driven by cities with few or no black officers but also very small black populations. Remove cities where less than 5 percent of the population is black, and 72 percent of all such places — 446 in total — have police forces where blacks are under-represented. In the 609 communities where Hispanics make up at least 5 percent of the population, they are under-represented among police as well in 66 percent of places. Even the best intentions by police departments won't automatically create perfect equality because city demographics shift over time — in some

places more rapidly than others. The Department of Justice, which has filed hundreds of lawsuits against discriminatory local agencies since the 1970s, has historically looked at demographic data like this, along with hiring and recruiting practices. It is striking on the above charts, however, that many of America's biggest cities are hovering more closely around equality than others. These are the same cities where fierce battles were fought and federal lawsuits waged over unequal hiring practices after 1972, when amendments to the Civil Rights Act extended protection from discrimination to state and local government employers. "Politicians realized that they couldn't have an all-white police force in a city with a substantial minority population," says Richard Ugelow, who worked on such lawsuits in the Civil Rights Division of the DOJ for 29 years. "That changed the culture of the police departments and the willingness of law enforcement, police and fire departments to become more diverse. You see that in Chicago, New York, Atlanta, in these large cities. They want to have a diverse workforce. You don't have those same pressures in these smaller communities." The public outcry and federal pressure that made such inequality so visible in Chicago — prompting dramatic change there — hasn't historically extended to places like Ferguson, a suburb of 21,000 with 53 commissioned police officers. "It's hard for the government to bring a lawsuit," Ugelow says, "against a police force of 100 people." The above charts show many places with either all-white or no-black police forces. Many of them are smaller cities, such as Niagara Falls, N.Y., where 20 percent of the population is black but all 250 police are white, according to the data. In Florissant, Mo., a quarter of the population is black, but none of the 25 police are. Some seemingly unequal communities have also experienced demographic shifts that have exacerbated the imbalance between the police presence and the population. Ferguson is an example of such a place: In 1990, the city was almost three-quarters white. By 2010, it was two-thirds black. Its police force today may in some ways be a legacy of the makeup and policies of an earlier moment of time. Ugelow doubts that the picture above is the result of intentional discrimination today — "blacks need not apply." But some of the same historic practices and applicant tests that effectively excluded minorities may still exist in departments that never updated their policies. During the recession, small-town police agencies that have had to cut resources may have trimmed the HR staffs and recruitment programs that address this issue. Ugelow also worries that, since the Bush Administration, the DOJ has eased up on its civil rights litigation. Historically, the issue of inequality in police departments has focused on the relationship between blacks and whites. But as the country's Hispanic population continues to grow, communities have to take into account demographic patterns that encompass more than white and black. In San Antonio, for instance, blacks and whites only account for one-third of the local population, and a slightly higher proportion of the police; Hispanics make up 63 percent of the population, and 58 percent of the police. As a note, the data above draws from a special 2010 Census count of workers in 755 cities and towns, including every place with a population of at least 50,000 at that time. Once a decade, the Census creates this employment file for federal agencies that monitor employment practices and enforce civil rights laws. The data include the number and demographics of police officers — counting police and sheriff's patrol officers, and transit and railroad police — working in each city. The data do not include detectives, security guards or parking enforcement officers.

MASSIVE alt cause—they can't solve racial profiling by local law enforcement agencies—comparatively more exposure to them than federal law enforcement

Harris 99 [David A., Distinguished Faculty Scholar and Professor of Law at University of Pittsburgh, "DRIVING WHILE BLACK: RACIAL PROFILING ON OUR NATION'S HIGHWAYS", June 1999, <https://www.aclu.org/report/driving-while-black-racial-profiling-our-nations-highways>] alla

On a hot summer afternoon in August 1998, 37-year-old U.S. Army Sergeant First Class Rossano V. Gerald and his young son Gregory drove across the Oklahoma border into a nightmare. A career soldier and a highly decorated veteran of Desert Storm and Operation

United Shield in Somalia, SFC Gerald, a black man of Panamanian descent, found that he could not travel more than 30 minutes through the state without being stopped twice: **first by the Roland City Police Department, and then by the Oklahoma Highway Patrol.**

During the second stop, which lasted two-and-half hours, the troopers terrorized SFC Gerald's 12-year-old son with a police dog, placed both father and son in a closed car with the air conditioning off and fans blowing hot air, and warned that the dog would attack if they attempted to escape. Halfway through the episode – perhaps realizing the extent of their lawlessness – the troopers shut off the patrol car's video evidence camera. Perhaps, too, the officers understood the power of an image to stir people to action. SFC Gerald was only an infant in 1963 when a stunned nation watched on television as Birmingham Police Commissioner "Bull" Connor used powerful fire hoses and vicious police attack dogs against nonviolent black civil rights protesters. That incident, and Martin Luther King, Jr.'s stirring I Have a Dream speech at the historic march on Washington in August of that year, were the low and high points, respectively, of the great era of civil rights legislation: the 1964 Civil Rights Act and the 1965 Voting Rights Act. How did it come to be, then, that 35 years later SFC Gerald found himself standing on the side of a dusty road next to a barking police dog, listening to his son weep while officers rummaged through his belongings simply because he was black? I feel like I'm a guy who's pretty much walked the straight line and that's respecting people and everything. We just constantly get harassed. So we just feel like we can't go anywhere without being bothered... I'm not trying to bother anybody. But yet a cop pulls me over and says I'm weaving in the road. And I just came from a friend's house, no alcohol, nothing. It just makes you wonder – was it just because I'm black?" – James, 28, advertising account executive Rossano and Gregory Gerald were victims of discriminatory racial profiling by police. There is nothing new about this problem. Police abuse against people of color is a legacy of African American enslavement, repression, and legal inequality. Indeed, during hearings of the National Advisory Commission on Civil Disorders ("The Kerner Commission") in the fall of 1967 where more than 130 witnesses testified about the events leading up to the urban riots that had taken place in 150 cities the previous summer, one of the complaints that came up repeatedly was "the stopping of Negroes on foot or in cars without obvious basis." Significant blame for this rampant abuse of power also can be laid at the feet of the government's "war on drugs," a fundamentally misguided crusade enthusiastically embraced by lawmakers and administrations of both parties at every level of government. From the outset, the war on drugs has in fact been a war on people and their constitutional rights, with African Americans, Latinos and other minorities bearing the brunt of the damage. It is a war that has, among other depredations, spawned racist profiles of supposed drug couriers. On our nation's highways today, police ostensibly looking for drug criminals routinely stop drivers based on the color of their skin. This practice is so common that the minority community has given it the derisive term, "driving while black or brown" – a play on the real offense of "driving while intoxicated." One of the core principles of the Fourth Amendment is that the police cannot stop and detain an individual without some reason – probable cause, or at least reasonable suspicion – to believe that he or she is involved in criminal activity. But recent Supreme Court decisions allow the police to use traffic stops as a pretext in order to "fish" for evidence. Both anecdotal and quantitative data show that nationwide, the police exercise this discretionary power primarily against African Americans and Latinos. No person of color is safe from this treatment anywhere, regardless of their obedience to the law, their age, the type of car they drive, or their station in life. In short, skin color has become evidence of the propensity to commit crime, and police use this "evidence" against minority drivers on the road all the time.

NYPD is an example of local, racist policies that the plan can't reform

AP 12 — Samantha Henry, Matt Appuzzo, Wayne Perry, reporters for the Associated Press, American multinational nonprofit news agency, 2012 ("New Jersey Muslims Angry Over NYPD Surveillance Findings," *The Huffington Post*, May 25, Available online at http://www.huffingtonpost.com/2012/05/25/new-jersey-muslims-cangry-nypd-surveillance_n_1545319.html, Accessed on 6/15/15)

Muslim leaders said they were told that every instance of NYPD activity in New Jersey had been justified by a lead, but that the attorney general would not provide any details on the nature of any of those leads, saying the fact-finding was ongoing. Imam Mustafa El-Amin of the Newark-based Masjid Ibrahim said he was concerned that Chiesa refused to explain what leads had been received. With the NYPD compiling a map of every mosque in Newark – including his – he said he wanted to know about any problems or potential dangers in his mosque he might be unaware of. "We understand the need for surveillance and security," said El-Amin, "We just don't appreciate how this was done. **We as Muslims feel we were violated, simply because we are Muslims.**" Several Muslim leaders at Thursday's meeting said that they did not find the assertion that the NYPD had leads for all their operations in New Jersey credible, adding that efforts to maintain communication between the community and law enforcement would be hurt by the findings that the NYPD had done nothing wrong – and could keep doing what they have been doing. "It was basically an, 'FYI, good Thursday afternoon, let it die in the media before the Memorial Day weekend,'" said Mohamed El-Filali, executive director of the Islamic Center of Passaic County, across the Hudson River from New York. If the surveillance of every mosque, burger joint and barbershop targeted was justified, he asked, why were no arrests made? Aref Assaf of the American Arab Forum said the attorney general made them feel like second-class citizens. "I said to him **it's not only insulting, it's offensive to our sense of justice**, that you bring us to Trenton to tell us that you accept as legal and valid the actions of the NYPD, and I will not be surprised if you're issuing an order informing your law enforcement officials that they too can spy on American Muslims because if it's legal for NYPD, than it must be legal for NJ to do the same." The Muslim leaders said they would consider all legal options, including renewed appeals for action by the U.S. Justice Department. A federal civil rights lawsuit has also been considered.

Local police surveillance targeted at Muslims is unchangeable

Friedersdorf 13 — Conor Friedersdorf, staff writer at The Atlantic, where he focuses on politics and national affairs, has a Masters degree in Journalism from New York University and a BA in Politics, Philosophy, and Economics from Pomona college, 2013 ("The Horrifying Effects of NYPD Ethnic Profiling on Innocent Muslim Americans," *The Atlantic*, March 28, Available online at <http://www.theatlantic.com/politics/archive/2013/03/the-horrifying-effects-of-nypd-ethnic-profiling-on-innocent-muslim-americans/274434/>, Accessed on 6/16/15)

The Associated Press brought the NYPD's clandestine spying on Muslims to the public's attention in a series of vital stories. Starting shortly after the September 11 terrorist attacks, officers infiltrated Muslim communities and spied on hundreds or perhaps thousands of totally innocent Americans at mosques, colleges, and elsewhere. These officers "put American citizens under surveillance and scrutinized where they ate, prayed and worked, not because of charges of wrongdoing but because of their ethnicity," the news agency reported, citing NYPD documents. Informants were paid to bait Muslims into making inflammatory statements. The NYPD even conducted surveillance on Muslim Americans outside its jurisdiction, drawing a

rebuke from an FBI field office, where a top official charged that "the department's surveillance of Muslims in the state has **hindered** investigations and created 'additional risks' in counterterrorism." NYPD brass and Mayor Michael Bloomberg defend these policies as counterterrorism efforts that are necessary to keep New Yorkers safe. As you ponder the specific costs of these policies, as evocatively described below, keep in mind one thing about the ostensible benefits: "In more than six years of spying on Muslim neighborhoods, eavesdropping on conversations and cataloguing mosques," the Associated Press reported, **"the New York Police Department's secret Demographics Unit never generated a lead or triggered a terrorism investigation."** They acknowledged, in court testimony, having generated zero leads.

Offense

DA Links

Terror Links

Muslim surveillance is key to stop terrorism – France proves

Kamisar 1/7 (Ben; January 7, 2015; *The Hill*; “GOP rep: French attack shows need for more Muslim surveillance”; [//CC">http://thehill.com/blogs/blog-briefing-room/news/228756-gop-rep-french-attack-shows-need-for-muslim-surveillance\)//CC](http://thehill.com/blogs/blog-briefing-room/news/228756-gop-rep-french-attack-shows-need-for-muslim-surveillance)

Rep. Pete King (R-N.Y.) said Wednesday that the terrorist attack on a French satirical newspaper underscores the need for increased surveillance in Muslim communities. “We should put political correctness aside and realize that it is important to have police in the communities, using sources, using informants,” he said on Fox News’s “America’s Newsroom.” “Let’s face it: The threat is coming for the most part out of the Muslim community. It’s a small percentage, but that’s where it’s coming from,” King said. King added that that it’s not clear that increased surveillance “would have stopped the attack” but said the French attack “shows the absolute necessity of having” those programs. He’s called for these policies after previous terrorist attacks and defended of the now-defunct New York Police Department program that assigned undercover officers to Muslim communities. King noted that police similarly targeted the Italian community while working to stamp out mob organizations, among other examples. The New York Republican also said Wednesday’s attack in France should serve as a “wake-up call” for Congress to iron out differences on Department of Homeland Security (DHS) funding. King warned that Congress’s fight over immigration and DHS funding shouldn’t also jeopardize the nation’s counterterrorism programs. “We have not funded the Department of Homeland Security, and that’s because of this [fight] over immigration,” he said. “Whatever we do on that as far as immigration cannot in any way be allowed to interfere with our counterterrorism methods.” As retribution for President Obama’s recent executive order that granted work permits and deferred deportation for millions of immigrants living in the U.S. illegally, Republicans led a charge to only authorize DHS funding until the end of February. That way, GOP leaders will be able to negotiate the agency’s funding with more leverage, since the party now controls both houses of Congress. But King said that negotiators should not put U.S. security at risk and also keep optics in mind. “The juxtaposition would be terrible: a terrorist slaughter in Paris and the U.S. cuts back on Homeland Security funding,” he said. “We cannot in any way allow the funding or the programs that stop terrorism in this country to be impeded in any way whatsoever.”

The US is experiencing a spike in Islamic terrorist strikes – surveillance is necessary to prevent attacks

Inserra 6/25 (David - a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy; June 25, 2015; The Heritage Foundation; "Terrorist Plot No. 71: Rise in Terrorism Calls for Increased Vigilance"; <http://www.heritage.org/research/reports/2015/06/terrorist-plot-no-71-rise-in-terrorism-calls-for-increased-vigilance>)/CC

On Monday, the FBI charged Justin Sullivan with attempting to provide material support to a terrorist group as well as two weapons charges. Sullivan was planning to attack a public venue, such as a bar or a concert, with a rifle in support of the Islamic State (ISIS). This is the 71st Islamist terrorist plot or attack against the U.S. homeland since 9/11 according to publicly available information. It is the third plot foiled this month alone and part of an ongoing spike in terrorist activity within the U.S. The U.S. must recognize that terrorists have not stopped trying to strike us and, indeed, have only grown bolder in the past few months. While the U.S. should not give in to fearmongering, it cannot naively ignore the threat that confronts it. The U.S. must use all the tools of its national power to prevent terrorists from striking. In April 2015, Sullivan's father called 9-1-1 after Sullivan began to destroy various household items, particularly religious items, seemingly in support of ISIS. Sullivan's father said that they were "scared to leave the house." Following this incident, the FBI assigned an undercover agent (UC) to communicate with Sullivan. Sullivan praised ISIS and swore his allegiance to it, describing himself as a "mujahid," a guerilla fighter engaging in violent jihad. Sullivan told the UC that the two of them should remain in the U.S. to support ISIS since they would likely be captured if they tried to travel. Instead, Sullivan had settled on attacking a U.S. target with a gun, saying that "[yo]u only need 600 dollars... for the gun and bullets." [1] Sullivan said that he would be purchasing an AR-15 rifle "in about two weeks" at a nearby gun show, promising that "I'll kill people this month." Sullivan estimated that he and the UC could kill 1,000 people with AR-15s. [2] Sullivan then began to talk about firearm silencers and poisons that could be used on the bullets or in a bomb. He asked if the UC could make the silencers for use in June or possibly July. In addition to seeking out a silencer and poisons, Sullivan also sought 100-round drum magazines for the AR-15 as well. [3] After gaining as much information as possible from Sullivan, the FBI then provided him with a silencer that Sullivan believed was homemade on June 19. The FBI then raided the Sullivans' house, finding the silencer and arresting Sullivan. Sullivan admitted that he was planning to use the silencer during an attack on a bar or a concert between June 21 and June 23. He intended to buy a rifle from a gun show on June 20. [4] This 71st plot is the ninth Islamist terrorist plot in this calendar year and the third in June alone. As was the case with all the other plots this year, Sullivan was inspired by ISIS. Sullivan's was also the 60th plot or attack involving a homegrown terrorist, meaning one who was radicalized here in the U.S. In targeting a bar or a concert, Sullivan was also going after the third most common terrorist target: different types of mass gatherings (plots against the U.S. military and New York City are the most and second most common targets, respectively). Together with the recent release of State Department research showing a spike in global terrorism in 2014, the U.S. must come to grips with the true nature of the terrorist threat, both at home and abroad. [5] To combat the real and growing threat of terrorism, Congress should: Ensure that the FBI shares information more readily and regularly with state and local law enforcement and treats state and local partners as critical actors in the fight against terrorism. In this case, a local 9-1-1 call seems to have triggered FBI involvement. While using state and local partners as important sources of information is half the battle, local partners must also receive timely information from the FBI. The Department of Homeland Security (DHS) should play a role in supporting these partners' efforts by acting as a source or conduit for information and coordinating information sharing between the FBI and its partners. Designate an office in DHS to coordinate countering violent extremism (CVE) efforts. CVE efforts are spread across all levels of government and society. DHS is uniquely situated to lead the federal government's efforts to empower local partners. Currently, DHS's CVE working group coordinates efforts across DHS components, but a more substantial office will be necessary to manage this broader task. Support state, local, and civil society partners. Congress and the Administration should not lose sight of the fact that all of the federal government's efforts must be focused on empowering local partners. The federal government is not the tip of the spear for CVE efforts; it exists to support local partners who are in the best position to recognize and counter radicalization in their own communities. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations, however, does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. As the U.S. experiences the highest level of terrorist activity since 9/11, Congress must remember that this is not a short-term skirmish but a long war. Failure to

recognize the nature of this conflict, our enemy, or the reality of the threat will leave the U.S. unprepared. Instead, the U.S. must remain vigilant and provide U.S. counterterrorism officials with additional legal tools to confront the growing threat.

Targeted surveillance is necessary – Boston bombing proves

Careccia '13 (John; June 17, 2013; Western Journalism; "Islamic Mosques: Excluded From Surveillance By Feds"; <http://www.westernjournalism.com/islamic-mosques-excluded-from-surveillance-by-feds/>)/CC

Homeland Insecurity: The White House assures us that tracking our every phone call and keystroke is necessary to stop terrorists, and yet it won't snoop in mosques, where the terrorists emanate from. Fact – Many of the terrorists have been radicalized in Mosques and Muslim agencies right here in America. According to the NSA the government's sweeping surveillance of our most private communications excludes Mosques and Muslim affiliated facilities. Supposedly this is done to protect the sensibilities of innocent Muslims who worship in Mosques. Since October 2011, mosques have been off-limits to FBI agents. Surveillance or undercover sting operations are not allowed without high-level approval from a special oversight body at the Justice Department dubbed the Sensitive Operations Review Committee (SORC). Who makes up this body, and under what methodology do they review requests – nobody knows. The names of the chairman, members and staff are kept secret. Why is it necessary to keep the names and titles of the people who decide whether or not to protect the rest of the country from radical Muslims, secret? We do know the panel was set up under pressure from Islamist groups who complained about FBI stings at mosques. Just months before the panel's formation, the Council on American-Islamic Relations (CAIR) teamed up with the ACLU to sue the FBI for allegedly violating the civil rights of Muslims in Los Angeles by hiring an undercover agent to infiltrate and monitor mosques in America's second largest city. Another defeat for the politically correct imbeciles in our government. Before mosques were excluded from the otherwise wide domestic spy net the administration has cast, the FBI launched dozens of successful sting operations against homegrown radicals inside mosques, and disrupted dozens of plots against innocent American citizens across the United States. If only they were allowed to continue, perhaps the many innocent victims of the Boston Marathon bombings would not have lost their lives and limbs. The FBI never canvassed Boston mosques until four days after the April 15 attacks, and it did not check out the radical Boston mosque where the Muslim bombers worshiped even though they were supposedly on the government's watch list. The bureau didn't even contact mosque leaders for help in identifying their images after those images were captured on closed-circuit TV cameras and cellphones. As I have repeatedly pointed out, the Politically Correct attitude of the Obama administration is dangerous to the well being of the average hard working American citizen. There are many religious communities in the United States. How can the government attack one of the oldest and most established religions in the United States and choose to defend the actions of another belief system that espouses violence and murder of Westerners who they classify as infidels. Even though the FBI was tipped by Russia more than a year before about the leanings of the two Boston bombers, they apparently chose to ignore it. Now after the fact we learn that one of the Muslim bombers made extremist outbursts during worship, yet

because the mosque wasn't monitored, red flags didn't go off inside the FBI about his increasing radicalization before the attacks.

Arab Americans won't give up their radicals – surveillance is key

Careccia '13 (John; June 17, 2013; Western Journalism; "Islamic Mosques: Excluded From Surveillance By Feds"; <http://www.westernjournalism.com/islamic-mosques-excluded-from-surveillance-by-feds/>)/CC

Why didn't the Imam contact the FBI? Why don't these people of peace speak up when they hear people in their congregation espousing hate of the country they have adopted. Maybe it's because they see us as an opportunity to expand their Caliphate and don't really care what happens to the infidels in their way who don't deserve to live. This is particularly disturbing in light of recent independent surveys of American mosques, which reveal some 80% of them preach violent jihad and distribute violent literature to worshipers. Even though Islam is not a religion in the strict sense (it is more of a socio-economic way of life), if Church doors are open to anyone or anything then Mosques should be too. If Muslims have nothing to hide then they should not object to being treated the same or equal to other religious organizations. If our Federal agencies are going to protect us from attack, they have to adopt strong measures to root out these radicals and a plan to counter those who would commit atrocities against citizens of the the United States.

Muslim Surveillance is essential to stop terrorism

Moore and Lemire '12 (Tina and Jonathon; March 3, 2012; Daily News; "Ray Kelly defends spying on students, calling it an essential safety strategy for city"; <http://www.nydailynews.com/news/crime/raymond-kelly-defends-spying-calling-essential-safety-strategy-city-article-1.1032607/>)/CC

Police Commissioner Raymond Kelly gave an impassioned defense of the NYPD's controversial Muslim surveillance program Saturday — declaring it essential for the city's safety. The tactics, which allegedly include spying on mosques, cafes and shops, have come under fire from Muslim and civil rights groups, but Kelly said the Police Department's strategy has been "misrepresented." "For some, the very act of intelligence gathering seems illegitimate when applied to the crime of terrorism," Kelly said in his most wide-ranging remarks to date on the hot-button topic. "In fact, the Police Department uses many of the same methods to find and stop terrorists that we use to arrest drug dealers, human traffickers and gang leaders," the commissioner told a Fordham Law School alumni group. Even as more than 100 protesters demonstrated outside his speech, Kelly did not back down, declaring that the surveillance program was not just legal, but a vital part of the successful takedowns of more than a dozen terror plots since Sept. 11, 2001. "A broad base of knowledge is critically important to our ability to investigate terrorism," said Kelly, who suggested that the NYPD did not do enough after the first World Trade Center attack. "It was precisely our failure to understand the context in 1993 that left us vulnerable in 2001," he

said. "We won't make that mistake again — on Mayor Bloomberg's watch or mine." Claiming reconnaissance was necessary to gather intelligence needed to penetrate dangerous groups, Kelly defended the NYPD's focus on Muslim neighborhoods and student groups. "We know that while the vast majority of Muslim student associations and their members are law-abiding," Kelly said, "we have seen too many cases in which such groups were exploited."

Terror Rollback

French Attacks prove rollback—Numerous foreign governments strengthen surveillance too—that's devastating for the aff

Business Insider 1/11/15 [Business Insider, January 11, 2015, "**The Paris Attacks Could Be Used As Justification For Tighter Borders And More Internet Surveillance**", <http://www.businessinsider.com/afp-internet-and-border-monitoring-needed-to-thwart-further-attacks-2015-1#ixzz3dv0f3114>] JMOV

Paris (AFP) - **Increased Internet surveillance and tighter border checks are "urgently" needed to foil jihadist attacks of the sort that rocked Paris this week, European, US and Canadian security ministers agreed** Sunday.¶ The gathering of interior and justice ministers at the French interior ministry was held before a massive anti-terror march in Paris that included dozens of foreign leaders.¶ A joint statement by the ministers -- representing 11 EU nations including France, Britain, Germany, Sweden and Poland, as well as the European commissioner for migration and home affairs, and **US Attorney General Eric Holder -- emphasized** their "**determination to fight together against terrorism**".¶ They said it was "essential" that major Internet providers **cooperate with governments** in closely monitoring and, if necessary, removing online content "that aims to incite hatred and terror".¶ **They also want to "step up the detection and screening of travel movements of European nationals"** leaving or entering the EU's external borders, and modify Europe's internal Schengen freedom-of-movement rules to widen information sharing and subject suspect passengers to greater checks. ¶ They saw a "crucial and urgent need" to establish an EU-wide database of passenger information for travel inside Europe and for flights leaving or entering the 28-nation bloc.¶ The proposed measures are to be discussed further at a February 12 EU summit focused on reinforcing security.¶ Holder announced a broader February 18 summit in Washington to be hosted by US President Barack Obama.¶ The steps were unveiled after three days of carnage in Paris by three gunmen who claimed allegiance to Al-Qaeda in Yemen and the rival Islamic State group.¶ The violence began with a bloody attack on the satirical newspaper Charlie Hebdo on Wednesday, when two of the gunmen killed 12 people.¶ Twin assaults by French commandos on the gunmen holed up in two separate locations -- in a town outside Paris and in a Jewish supermarket in the capital -- ended with the Islamists' deaths on Friday.¶¶ **Civil liberty concerns**
REUTERS¶ **Holder said Sunday that the announced US summit would "discuss ways in which we can counteract this violent extremism that exists around the world".**¶ **"Only if we work together, through sharing of information, by pooling our resources, will we ultimately be able to defeat those who are in a struggle with us about our fundamental values,"** he told reporters.¶ The interior and justice ministers stressed in their joint statement that the enhanced monitoring of the Internet should be done with respect to it remaining "a forum for free expression".¶ **But there are fears by some civil liberty groups that such state pressure on private Internet companies could erode citizens'**

rights and freedom of expression online, especially in the wake of the scandal over electronic snooping by the United States' NSA.¶ The increased checks on travel by Europeans was also of concern. ¶ The European parliament and others want to ensure limits are imposed on the sharing of passenger data with the US to prevent Europeans being exposed to unwarranted prying.¶ Undermining Schengen freedoms that have opened up most of the EU's internal borders are also seen as a slapdown of one of the bloc's most cherished principles.¶ European-born jihadists ¶Interior Minister Bernard Cazeneuve speaks to the press at the offices of the French satirical newspaper Charlie Hebdo on January 7, 2015 in Paris, France.¶ In the wake of the Paris attacks, though, voices demanding reinforced domestic security against jihadists were louder than those championing personal freedoms.¶ The EU commissioner for migration and home affairs, Dimitris Avramopoulos, said authorities are "determined to move ahead in coordinating our efforts within Europe and with our international friends in order to give an end to this drama and this phenomenon".¶ French Interior Minister Bernard Cazeneuve emphasised the problem of "foreign jihadist fighters in Syria and Iraq" many of whom come from EU countries -- particularly those with sizeable Muslim populations such as France, Britain and Germany.¶ Information on them and on "terrorist networks" must be shared between the allied countries, he said.¶ **We are resolved to fight against terrorism.**" Cazeneuve told a news conference.¶

Politics

Plan links to politics the house and the senate don't like Islamic sensitivity bills

CAIR '13 (Council on American Islamic Relations Chicago; March 19, 2013; "THE INFLUENCE OF ISLAMOPHOBIA IN CONGRESSIONAL POLITICS"; <http://www.cairchicago.org/blog/2013/03/the-influence-of-islamophobic-propagandists-in-congressional-politics/>) //CC

A select group of expert propagandists wield considerable influence in congressional politics. These so-called scholars and activists compile misinformation that is widely discredited and peddle it to sympathetic right-leaning politicians who regurgitate its resulting hateful rhetoric on the national stage. The most odious of these "misinformation experts" include Brigitte Gabriel, Frank Gaffney, Daniel Pipes, Walid Phares, Zuhdi Jasser and David Yerushalmi, just to name a few. Their rhetoric is bigoted and incorrect, yet insidiously shapes our national discourse through their political allies who hold influential positions in House Committees. The most influential political allies include: Rep. Peter King, Rep. Allen West, Rep. Sue Myrick, Rep. Michele Bauchman, and Rep. Paul Broun among others. Through their various think tanks and advocacy organizations, misinformation experts fear-monger and propagate baseless and inflammatory rhetoric that shapes state and national discourse and policy.

Detention CP

Detention CP

Text: The United States federal government should end Islamophobic indefinite detention policies.

Counterplan solves Islamophobic detention policies shape the War on Terror

Ralph 6 (Diana Ralph, PhD in Psychology and a Master of Social Work. She is an Associate Professor of Social Work at Carleton University, "ISLAMOPHOBIA AND THE "WAR ON TERROR": THE CONTINUING PRETEXT FOR U.S. IMPERIAL CONQUEST", The Hidden History of 9-11-2001 Research in Political Economy, Volume 23, Emerald Group Publishing Limited, pp.261-298, 911blogger.com/node/16381)

Standing with Muslims against the "War on Terror" In this chapter, I have demonstrated that: The overriding motive for Bush's "war on terror" is to secure control over the Middle East and Central Asia for U.S. oil, military, and corporate interests. Bush's handlers have been planning imperial conquest of the world since the Soviet Union collapsed in 1989. From the evidence here and elsewhere, it is difficult to draw another conclusion than that Bush's associates organized the 9-11 attacks to kick start popular support for this war. They have continued to justify the "war on terror" by claiming that Muslim terrorists pose an imminent danger to Americans. In fact, however, terrorism actually poses minimal risk to Americans. The "war on terror" is a concept modeled on Israel's assaults on Palestinians to provide a cover for campaigns of territorial conquest. Far from being "under attack," America has pre-emptively attacked and conquered two sovereign states, and is threatening military domination of the entire world. In other words, Bush's "war on terror" is a massive con job, perpetrated by a few oil and military elites, at the expense of Muslims particularly, but threatening the security and well-being of virtually everyone on the planet. An immensely wealthy and powerful republic has been hijacked by a small cabal of individuals...The American people have...been deliberately lied to, their interests cynically misrepresented and misreported, the real aims and intentions of this private war of Bush the son and his junta concealed with complete arrogance." (Said, 2003) Thomas Donnelly, author of the RAD blueprint for Bush's "war on terror," recently reaffirmed the neo-conservative commitment, not to protect Americans from "terrorism," but to conquer the world. This war, properly understood, is a struggle to build a [new] ... order throughout the "greater Middle East," that giant swath of the planet that extends from West Africa to Southeast Asia. ...Operation Iraqi Freedom represented the first step in a generational commitment to Iraq, but also the commitment of many generations to transforming the greater Middle East....The vision of the Bush Doctrine is hugely ambitious; in embracing this great vision, the United States must obligate the resources and create the institutions necessary to realize it." (Donnelly, 2004, pp. ix, 111)

4.1. "Either you are with us, or you are with the Terrorists" Fear and hatred of a scapegoated "enemy" are powerful tools by which despots confuse people into believing that their oppressors are their salvation. Just as anti-Semitism served to divide and silence progressive German movements in the early Nazi era, Islamophobia is dividing and silencing us now. No one wants to associate with "terrorists", much less be labelled and persecuted as one. Many progressive Western people fear and despise "fundamentalist" Muslims, and thereby fall into the trap of allying themselves with, or at least not opposing, Islamophobic laws and practices in the name of opposing "terrorism". They thereby collude in undercutting the fabric of rights, due process, and equality on which they too depend. The Bush Doctrine rhetoric has succeeded in convincing most white Americans that "terrorists" pose a serious threat to their personal safety, and that the "war on terror" is necessary to protect them. Islamophobic language and values have seeped into the fiber of our daily lives. Bookstores now have "terrorism" sections, displaying some of the 5,036 mostly new books on the topic.¹⁵ Several U.S. colleges and universities now offer degrees in "homeland security." Media images of "Arab extremists" have become routine. Most Americans now believe that "terrorism" is such a big problem, that they should pay with their taxes, their freedoms, their decimated public services, and their children's lives. In the summer of 2005, polls found that 79 percent of Americans believed that "the threat of terrorism against the U.S." has increased or stayed about the same (Polling Report.com, 2005). Seventy-six percent thought "Osama bin Laden himself is currently planning a significant terrorist attack against the United States," and 64 percent supported the Patriot Act. Sixty-four percent would be "willing to give up some of [their] personal freedom in order to reduce the threat of terrorism" (PollingReport.com, 2005). Almost half of all Americans "believe the U.S. government should restrict the civil liberties of Muslim-Americans" (Dean, 2005). In the wake of Hurricane Katrina and shocking revelations of torture at Abu Ghraib prison, however, popular support for the "war on terror" plummeted. In November, 2005, 55 percent of Americans disapproved of the way Bush is "dealing with the war on terrorism"

(PollingReport.com, 2005). 4.2. **Which Side are you on?** Before 9-11, the anti-globalization movement had been rapidly gaining influence and unity worldwide. Opposition to U.S.-dominated institutions like the World Bank, the International Monetary Fund, the G-8, NATO and APEC, had succeeded in disrupting and exposing several of their gatherings. And in their place, the World Social Forum and other progressive people's movements were demonstrating that indeed there are excellent alternatives to globalization and corporate rule. The 9-11 "attacks" and **the "war on terror" derailed these hopeful movements and imposed crippling constraints on dissent, democracy, and national sovereignty. Under cover of Islamophobic targeting of Muslims, the U.S. is waging war on all movements for social justice** both domestically and internationally, **using its new post 9-11 legislative powers and bloated military and policing budgets.** Domestically, the Bush administration is attacking democracy, abortion rights, the judiciary, environmental protections, social security, public education, women's rights, union rights, and civil rights (Dorhn, 2003). Internationally, it pressures other nations to enact similar "anti-terror" laws and policies, as well as demanding that they open their economies to full U.S. corporate rule. As Bernadette Dorhn points out: **"The result is a chilling effect.** That is to say, people around the targets back away, get silent, don't stand up when they see the cost of simply expressing your opinion or even making a joke, let alone publicly objecting to what's going on" (2003). Many progressive groups oppose Islamophobia and support Muslim victims of U.S. and Israeli assaults. These include civil liberties associations, Amnesty International, Human Rights Watch, anti-Zionist Jewish and Christian groups, unions, peace groups, and student organizations like the Canadian Federation of Students. Secular, Jewish, and Christian groups have formed alliances with Palestinians and Iraqis in opposition to the Israeli occupation of the West Bank. **In the U.S. the Center for Constitutional Rights works to end arbitrary detention of Muslim detainees in Guantanamo Bay and elsewhere.** In Canada, the Campaign to Stop Secret Trials in **Canada has mobilized broad support for Muslim detainees and their rights. However, even these groups have not dared to challenge the Islamophobic base of the "anti-terror" legislation, for fear of being called pro-terrorist. They are** thereby left arguing that the particular individuals for whom they advocate aren't terrorists, while **implicitly condoning the myth that "real" terrorists are lurking** in the shadows. But under the Bush Doctrine, all Muslims are presumed to be either current or potential terrorists, and their civil liberties have been sacrificed in the name of "national security". **To defeat the Bush plot for world control, we will need to challenge Islamophobic fear of "terrorists", to assert clearly that there is little substantive terrorist threat.** What terrorism there is could better be addressed through criminal justice systems and international law. More importantly we need to insist that the U.S. desist from both overt preemptive wars and covert state-financed terrorism. **The actual security of both Americans and all other people will be best served by ending the occupations** of the West Bank, Iraq, and Afghanistan, **and recognizing the right of all nations to self-determination** (including oil policies). **We need to stand in solidarity with all Muslims,** regardless of their religious beliefs. At this juncture, **Islamophobia is the key barrier to effective mobilization** against the Bush regime.

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No aff can "solve" islamophobia but the counterplans challenge to indefinite detention policies is sufficient to challenge islamophobia.

Butler 06 (Judith Butler, Professor at UC Berkeley, "Precarious Life: The Powers of Mourning and Violence" Ch. 3: Indefinite Detention, p. 50, 2006)

If a person is simply deemed dangerous, then it is no longer a matter of deciding whether criminal acts occurred. Indeed, "deeming" someone dangerous is an unsubstantiated judgment that in these cases works to preempt determinations for which evidence is required. **The license to brand and categorize and detain on the basis of suspicion alone,** expressed in this operation of "deeming," **is potentially enormous. We have already seen it at work in racial profiling, in the detention of thousands of Arab residents or Arab-American citizens, sometimes on the basis of last names alone; the harassment** of any number of US and non-US citizens **at the immigration borders** because some official "perceives" a potential difficulty; **the attacks on individuals of Middle Eastern descent on US streets, and the targeting of Arab-American professors on campuses.** When Rumsfeld has sent the US into periodic panics or "alerts," he has not told the

population what to look out for, but only to have a heightened awareness of suspicious activity. **This objectless panic translates too quickly into suspicion of all dark-skinned peoples, especially those who are Arab, or appear to look so to a population not always well versed in making visual distinctions**, say, **between Sikhs and Muslims or, indeed, Sephardic or Arab Jews and Pakistani-Americans.** Although **"deeming" someone dangerous** is considered a state prerogative in these discussions, **it is also a potential license for prejudicial perception and a virtual mandate to heighten racialized ways of looking and judging in the name of national security.** A population of **Islamic peoples, or those taken to be Islamic, has become targeted by this government mandate to be on heightened alert,** with the effect that the Arab population in the US becomes visually rounded up, stared down, watched, hounded and monitored by a group of citizens who understand themselves as **foot soldiers in the war against terrorism.** What kind of public culture is being created when a certain "indefinite containment" takes place outside the prison walls, on the subway, in the airports, on the street, in the workplace? A falafel restaurant run by Lebanese Christians that does not exhibit the American flag becomes immediately suspect, as if the failure to fly the flag in the months following September 11, were a sign of sympathy with al-Qaeda, a deduction that has no justification, but which nevertheless ruled public culture-and business interests, at that time. If it is the person, or the people, who are deemed dangerous, and no dangerous acts need to be proven to establish this as true, then **the state constitutes the detained population unilaterally, taking them out of the jurisdiction of the law, depriving them of the legal protections to which subjects under national and international law are entitled. These are surely populations that are not regarded as subjects,** humans who are not conceptualized within the frame of a political culture in which human lives are underwritten by legal entitlements, law, and so humans who are not humans. We saw evidence for this derealization of the human in the photos of the shackled bodies in Guantanamo released by the Department of Defense. The DOD did not hide these photos, but published them openly. My speculation is that they published these photographs to make known that a certain vanquishing had taken place, the reversal of national humiliation, a sign of a successful vindication. These were not photographs leaked to the press by some human rights agency or concerned media enterprise. So the international response was no doubt disconcerting, since instead of moral triumph, many people, British parliamentarians and European human rights activists among them, saw serious moral failure. Instead of vindication, many saw instead revenge, cruelty, and a nationalist and self-satisfied flouting of international convention. So that several countries asked that their citizens be returned home for trial. But **there is something more in this degradation that calls to be read. There is a reduction of these human beings to animal status, where the animal is** figured as out of control, **in need of total restraint.** It is important to remember that **the bestialization of the human in this way has little, if anything, to do with actual animals, since it is a figure of the animal against which the human is defined.** Even if, as seems most probable, some or all of these people have violent intentions, have been engaged in violent acts, and murderous ones, there are ways to deal with murderers under both criminal and international law. **The language with which they are described by the US, however, suggests that these individuals are exceptional,** that **they may not be individuals at all, that they must be constrained in order not to kill, that they are effectively reducible to a desire to kill, and that regular criminal and international codes cannot apply to beings such as these.** **The treatment of these prisoners is considered as an extension of war itself, not as a postwar question of appropriate trial and punishment. Their detention stops the killing. If they were not detained, and forcibly so when any movement is required, they would apparently start killing on the spot; they are beings who are in a permanent and perpetual war.** It may be that al-Qaeda representatives speak this way-some clearly do-but that does not mean that every individual detained embodies that position, or that those detained are centrally concerned with the continuation of war. Indeed, recent reports, even from the investigative team in Guantanamo, suggest that some of the detainees were only tangentially or transiently involved in the war effort." Other reports in the spring of 2003 made clear that some detainees are minors, ranging from ages thirteen to sixteen. Even General Dunlavey, who admitted that not all the detainees were killers, still claimed that the risk is too high to release such detainees. Rumsfeld cited in support of forcible detention the prison uprisings in Afghanistan in which prisoners managed to get hold of weapons and stage a battle inside the prison. **In this sense, the war is not, and cannot be, over:** there is a chance of battle in the prison, and there is a warrant for physical restraint, such that **the postwar prison becomes the continuing site of war.** It would seem that **the rules that govern combat are in place, but not the rules that govern the proper treatment of prisoners separated from the war itself.** When General Counsel Haynes was asked, "So you could in fact hold these people for years without charging them, simply to

keep them off the street, even if you don't charge them?" he replied, "We are within our rights, and I don't think anyone disputes it that we may hold enemy combatants for the duration of the conflict. And the conflict is still going and we don't see an end in sight right now" (my emphasis). | 1 If the war is against terrorism, and the definition of terrorism expands to include every questionable instance of global difficulty, how can the war end? Is it, by definition, a war without end, given the lability of the terms "terrorism" and "war"? Although the pictures were published as a sign of US triumph, and so apparently indicating a conclusion to the war effort, it was clear at the time that bombing and armed conflict were continuing in Afghanistan, the war was not over, and even the photographs, the degradation, and the indefinite detention were continuing acts of war. Indeed, war seems to have established a more or less permanent condition of national emergency, and the sovereign right to self-protection outflanks any and all recourse to law.

Chow K

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The aff is engaged in a war of words when in reality they do nothing for the Muslims being surveilled by the NSA- the starting point for advocacy should be to confront our own privilege

Chow '93. Rey Chow, Professor of English and Comp Lit, *Writing Diaspora: tactics of intervention in contemporary cultural studies*, pg. 17

While the struggle for hegemony remains necessary for many reasons – especially in cases where underprivileged groups seek privilege – I remain skeptical of the validity of hegemony over time, especially if it is hegemony formed through intellectual power. The question for me is not how intellectuals can obtain hegemony (a question that positions them in an oppositional light against dominant power and neglects their share of that power through literacy, through the culture of words), but how they can resist, as Michel Foucault said, the forms of power that transform them into its objects and instrument in the sphere of knowledge, truth, consciousness and discourse. Putting it another way, how do intellectuals struggle against a hegemony which already includes them and which can no longer be divided into the state and civil society in Gramsci's terms, nor be clearly demarcated into national and transnational space? Because borders have so clearly meandered into so many intellectual issues that the more stable and conventional relation between borders and the field no longer holds, intervention cannot simply be thought as the creation of new fields. Instead, it is necessary to think primarily in terms of borders – of borders, that is, as para-sites that never take over a field in its entirety but erode it slowly and tactically. The work of Michel de Certeau is helpful for the formulation of this parasitical intervention. De Certeau distinguished between strategy and another practice – tactic – in the following terms. A strategy has the ability to transform the uncertainties of history into readable spaces. Strategy therefore belongs to an economy of the proper place and to those who are committed to the building, growth, and fortification of a field. A text, for instance, would become in this economy? a cultural weapon, a private hunting preserve, or? a means of social stratification? in the order of the Great Wall of China (de Certeau, p. 171). A tactic, by contrast, is a calculated action determined by the absence of a proper locus (de Certeau, p. 37). Betting on time instead of space, a tactic concerns an operational logic whose models may go as far back as the age-old rules of fishes and insects that disguise or transform themselves in order to survive, and which has in any case been concealed by the form of rationality currently dominant in Western culture (de Certeau, p. xi). Why are tactics useful at this moment? As discussions about multiculturalism, interdisciplinarity, the third world intellectual, and other companion issues develop in the American academy and society today, and as rhetorical claims to political change and difference are being put forth, many deep-rooted, politically reactionary forces return to haunt us. Essentialist notions of culture and history; conservative notions of territorial and linguistic propriety, and the otherness

ensuring from them; unattested claims of oppression and victimization that are used merely to guilt-trip and to control; sexist and racist reaffirmations of sexual and racial diversities that are made merely in the name of righteousness – all these forces creates new solidarities whose ideological premises remain unquestioned. These new solidarities are often informed by a strategic attitude which repeats what they seek to overthrow. The weight of old ideologies being reinforced over and over again is immense. We need to remember as intellectuals that the battles we fight are battles of words. Those who argue the oppositional standpoint are not doing anything different from their enemies and are most certainly not directly changing the downtrodden lives of those who seek their survival in metropolitan and nonmetropolitan space alike. What academic intellectuals must confront is thus not their victimization by society at large (or their victimization-in-solidarity-with-the-oppressed), but the power, wealth, and privilege that ironically accumulate from their oppositional viewpoint and the widening gap between the professed contents of their words and the upward mobility they gain from such words. (When Foucault said intellectuals need to struggle against becoming the object and instrument of power, he spoke precisely to this kind of situation.) The predicament we face in the West, where intellectual freedom shares a history with economic enterprise, is that if a professor wishes to denounce aspects of big business, . . . he will be wise to locate in a school whose trustees are big businessmen.²⁸ Why should we believe in those who continue to speak a language of alterity-as-lack while their salaries and honoraria keep rising? How do we resist the turning-into-propriety of oppositional discourses, when the intention of such discourses has been that of displacing and disowning the proper? How do we prevent what begin as tactics – that which is without any base where it could stockpile its winnings? (deCerteau, p.37)–from turning into a solidly fenced-off field, in the military no less than in the academic sense?

The aff's victimization of Arab Americans projects more surveillance onto these communities
Spivak and Barlow '04. GayatriChakravortySpivak, Avalon Foundation Professor in the Human- ities and Director of the Center for Comparative Literature and Society at Columbia University, Tani E. Barlow, T.T. and W.F. Chao Professor of History and director of the Chao Center for Asian Studies at Rice University, “Not Really a Properly Intellectual Response: An Interview with GayatriSpivak,” positions: east asia cultures critique, Volume 12, Number 1, Spring 2004, pg. 140

GayatriChakravortySpivak: My problem is that I am unable to give a general response. It is a pity in all of this postnational talk that this cruel nationalism—taking pleasure in the death of others—begins with the shock of the death of one's own. It is a cause for great sorrow that this event brings out the worst kind of “herd mentality”—to quote Nietzsche—in human beings, and it falls under nationalism. Bush's spin doctors have told him to say that Islam is a wonderful religion and the hijackers hijacked it. There- fore one must now endlessly be nice to Arab Americans even as there is relentless racial profiling and

undercover incarceration. Feminism is showing its problems too. Why are members of the Revolutionary Association of Women of Afghanistan suddenly taken to be prophets? We don't know much about their values. They are a good group. They haven't appeared all of a sudden, but they have only now been picked up because the Taliban hate their women. But people know little about their specific problems. They also cannot give them real informed sympathy because they are taken as a kind of fetish that will justify support for the war, although they themselves oppose it. On the other side, you have the picture that CNN showed of U.S. women on aircraft carriers who are actually chief programmers, wielding sextants and so on. And the guy even said that there can be no more sexist jokes about women drivers. There is this wonderful blond girl. Midwestern-looking, freckled cheeks, saying, "If I can drive an aircraft carrier, I can drive a truck." These are issues I wrote about in "Can the Subaltern Speak?" twenty years ago. Who could question that these are terrible things? You would be foolish to say there was any justification for burning widows or stoning adulteresses. On the other hand, this sudden exposure of visible violence by people, justifying war, killing Afghans, does nothing to guarantee that the subaltern women's epistemic production will be one iota altered. I am interested not only in the fact that men do harm to women, but the fact that when it comes to the subaltern woman, nobody is interested in the patience that is required, in order to make her not acquiesce when they arrive at the point of visible violence.

The aff acts as the maoist – criticizing civil society while also benefiting from their own privilege

Chow '93. Rey, Andrew W. Mellon Professor of the Humanities at Brown Writing Diaspora: Tactics of Intervention in Contemporary Cultural Studies, pg. 10-11

The Orientalist has a special sibling whom I will, in order to highlight her significance as a kind of representational agency, call the Maoist. ArifDirlik, who has written extensively on the history of political movements in twentieth-century China, sums up the interpretation of Mao Zedong commonly found in Western Marxist analyses in terms of a "Third Worldist fantasy"—"a fantasy of Mao as a Chinese reincarnation of Marx who fulfilled the Marxist premise that had been betrayed in the West."¹⁶ The Maoist was the phoenix which arose from the ashes of the great disillusionment with Western culture in the 1960s and which found hope in the Chinese Communist Revolution.¹⁷ In the 1970s, when it became possible for Westerners to visit China as guided and pampered guests of the Beijing establishment, Maoists came back with reports of Chinese society's absolute, positive difference from Western society and of the Cultural Revolution as "the most important and innovative example of Mao's concern with the pursuit of egalitarian, populist, and communitarian ideals in the course of economic modernization" (Harding, p. 939). At that time, even poverty in China was regarded as "spiritually ennobling, since it meant that [the] Chinese were not possessed by the wasteful and acquisitive consumerism of the United States" (Harding, p. 941). Although the excessive admiration of the 1970s has since been replaced by an oftentimes equally excessive denigration of China, the Maoist is very much alive among us, and her significance goes far beyond the China and East Asian fields. Typically, the Maoist is a cultural critic who lives in a capitalist society but who is fed up with capitalism—a cultural critic, in other words, who wants a social order opposed to the one that is supporting her own undertaking. The Maoist is thus a supreme example of the way desire works: What she wants is always located in the other, resulting in an identification with and valorization of that which she is not/does not have. Since what is valorized is often the other's deprivation—"having" poverty or "having" nothing—the Maoist's strategy becomes in the main a rhetorical renunciation of the material power that enables her rhetoric. In terms of intellectual lineage, one of the Maoist's most important

ancestors is Charlotte Bronte's Jane Eyre. Like Jane, the Maoist's means to moral power is a specific representational position—the position of powerlessness. In their reading of *Jane Eyre*, Nancy Armstrong and Leonard Tennenhouse argue that the novel exemplifies the paradigm of violence that expresses its dominance through a representation of the self as powerless: Until the very end of the novel, Jane is always excluded from every available form of social power. Her survival seems to depend on renouncing what power might come to her as a teacher, mistress, cousin, heiress, or missionary's wife. She repeatedly flees from such forms of inclusion in the field of power, as if her status as an exemplary subject, like her authority as narrator, depends entirely on her claim to a kind of truth which can only be made from a position of powerlessness. By creating such an unlovely heroine and subjecting her to one form of harassment after another, Bronte demonstrates the power of words alone. This reading of *Jane Eyre* highlights her not simply as the female underdog who is often identified by feminist and Marxist critics, but as the intellectual who acquires power through a moral rectitude that was to become the flip side of Western imperialism's ruthlessness. Lying at the core of Anglo-American liberalism, this moral rectitude would accompany many territorial and economic conquests overseas with a firm sense of social mission. When *Jane Eyre* went to the colonies in the nineteenth century, she turned into the Christian missionary. It is this understanding—that Bronte's depiction of a socially marginalized English woman is, in terms of ideological production, fully complicit with England's empire building ambition rather than opposed to it—that prompted Gayatri Spivak to read *Jane Eyre* as a text in the service of imperialism. Referring to Bronte's treatment of the "madwoman," Bertha Mason, the white Jamaican Creole character, Spivak charges *Jane Eyre* for, precisely, its humanism, in which the "native subject" is not created as an animal but as the object of what might be termed the terrorism of the categorical imperative. This kind of creation is imperialism's use/travesty of the Kantian metaphysical demand to "make the heathen into a human so that he can be treated as an end himself." In the twentieth century, as Europe's former colonies became independent, *Jane Eyre* became the Maoist. Michel de Certeau describes the affinity between her two major reincarnations, one religious and the other political, this way: The place that was formerly occupied by the Church or Churches vis-à-vis established powers remains recognizable, over the past two centuries, in the functioning of the opposition known as leftist... There is a vis-à-vis the established order, a relationship between the Churches that defended an other world and the parties of the left, which since the nineteenth century, have promoted a different future. In both cases, similar functional characteristics can be discerned. The Maoist retains many of Jane's awesome features, chief of which are a protestant passion to turn powerlessness into "truth" and an idealist intolerance of those who may think differently from her. Whereas the great Orientalist blames the living "third world" natives for the loss of the ancient non-Western civilization, his loved object, the Maoist applauds the same natives for personifying and fulfilling her ideals. For the Maoist in the 1970s, the mainland Chinese were, in spite of their "backwardness," a puritanical alternative to the West in human form—a dream come true.

Their project amounts to a politics of self-subalternization, where the judge is encouraged to find solidarity with the other of the 1ac - their rhetorical strategy amounts to nothing more than a sham renunciation authorized by the same structures of power that produce alterity in the first place

Spivak '88. Gayatri Chakravorty Spivak, Avalon Foundation Professor in the Humanities and Director of the Center for Comparative Literature and Society at Columbia University, "Can the Subaltern Speak?" in *Marxism and the Interpretation of Culture*, edited by Carl Nelson and Lawrence Grossberg, pg. 24-25

SOME OF THE most radical criticism coming out of the West today is the result of an interested desire to conserve the subject of the West, or the West as Subject. The theory of pluralized 'subject-effects' gives an illusion of undermining subjective sovereignty while often providing a cover for this ' subject of knowledge. Although the history of Europe as Subject is narrativized by the law, political economy, and ideology of the West, this concealed Subject pretends it has 'no geo—political determinations. The much publicized critique of the sovereign subject thus actually inaugurates a Subject.... This S/subject curiously sewn together into a transparency by denegations, belongs to the exploiters' side of the international division of labor. 5 It is impossible for contemporary French intellectuals to imagine the kind ' of Power and Desire that would inhabit the unnamed subject of the Other of Europe. It is not only that everything they read, critical or uncritical, is caught within the debate of the production of that Other, supporting or critiquing the constitution of the Subject as Europe. It is also that, in the constitution of that Other of Europe, great care was taken to obliterate the textual ingredients with which such a subject could cathect, could ' occupy (invest?) its itinerary - not only by ideological and scientific production, but also by the institution of the law. . . . In the face of the possibility that the intellectual is complicit in the persistent constitution of Other as the Self's shadow, a possibility of political practice for the intellectual would be to put the economic 'under erasure,' to see the economic ' factor as irreducible as it reinscribes the social text, even as it is erased, however imperfectly, when it claims to be the final determinant or the transcendental signified. The clearest available example of such epistemic violence is the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as Other. This project is also the asymmetrical obliteration of the trace of that Other in its precarious Subjectivity. It is well known that Foucault locates epistemic violence, a complete overhaul of the episteme, in the redefinition of sanity at the end of the European eighteenth century. But what if that particular redefinition was only a part of the narrative of history in Europe as well as in the colonies? What if the two projects of epistemic overhaul worked as dislocated and unacknowledged parts of a vast two-handed engine? Perhaps it is no more than to ask that the subtext of the palimpsestic narrative of imperialism be recognized as 'subjugated knowledge,' 'a whole set of "knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity' (Foucault 1980: 82). This is not to describe 'the way things really were' or to privilege the narrative of history as imperialism as the best version of history. It is, rather, to offer an account of how an explanation and narrative of reality' - was established as the normative one. . . . Let us now move to consider the margins (one can just as well say the silent, silenced center) of the circuit marked out by this epistemic violence, men and women among the illiterate peasantry, the tribals, the lowest strata of the urban subproletariat. According to Foucault and Deleuze (in the First World, under the standardization and tegimentation of socialized capital, though they do not seem to recognize this) the oppressed, if given the chance (the problem of representation cannot be bypassed here), and on the way to solidarity through alliance politics (a Marxist thematic is at work here) can speak and know their conditions. We must now confront the following question: On the other side of the international division of labor from socialized capital, inside and outside the circuit of the epistemic violence of imperialist law and education supplementing an earlier economic text, can the subaltern speak? . . .

Close your eyes to the 1ac—any knowledge or political productivity they can generate will be redeployed to destroy the very subjects they hope to help.

Spanos '00. **William V. Spanos**, distinguished professor of English and comparative literature at Binghamton University, Binghamton, New York; he is a founder and editor of the critical journal *boundary 2*, PhD, 1964, University of Wisconsin, Madison: *Literary theory, literature and philosophy, "America's Shadow: An Anatomy of Empire"* 2000. p. 48-50

To restore a region from its present barbarism to its former classical greatness; to instruct (for its own benefit) the Orient in the ways of the modern West; to subordinate or underplay military power in order to aggrandize the project of glorious knowledge acquired in the process of political domination of the Orient; to formulate the Orient, to give it shape, identity, definition with full recognition of its place in memory, its importance to imperial strategy, and its "natural" role as an appendage to Europe; to dignify all the knowledge collected during colonial occupation with the title "contribution to modern learning" when the natives had neither been consulted nor treated as anything except as pre-texts for a text whose usefulness was not to the natives; to feel oneself as a European in command, almost at will, of Oriental history, time, and geography; to institute new areas of specialization; to establish new disciplines; to divide, deploy, schematize, tabulate, index, and record everything in sight (and out of sight); to make out of every observable detail a generalization and out of every generalization an immutable law about the Oriental nature temperament, mentality, custom, or type; and, above all, to transmute living reality into the stuff of texts, to possess (or think one possesses) actuality mainly because nothing in the Orient seems to resist one's powers: these are the features of Orientalist projection entirely realized in the *Description de l'Égypte*, itself enabled and reinforced by Napoleon's wholly Orientalist engulfment of Egypt by the instruments of Western knowledge and power.⁸⁹ Nor, finally, is it an accident that the emergent Linnaean system of classification — of identifying, naming, and classifying the flora and fauna of nature — inaugurated the global taxonomic projects, most notably that of his student Anders Sparrman,⁹⁰ that became the essential European means of producing a modern or neocolonialist discourse, a discourse that, in the name of the truth of empirical science, invents or constructs the Other in the image of the First World. I am referring to what Mary Louise Pratt, in her Foucauldian study of the relationship between scientific travel writing and colonialism in South Africa and Latin America, has called the "anti-conquest narrative." This is the narrative "in which the naturalist naturalizes the bourgeois European's own global presence and authority" to differentiate its "benign" truth-producing motive from an earlier, overtly violent imperial narrative. In a way that recalls Foucault's and Said's differentiation of the visible and "inefficient" deployment of power in the ancien régime from the more invisible and materially and politically economical version of the Enlightenment, Pratt observes: Natural history asserted an urban, lettered, male authority over the whole of the planet; it elaborated a rationalizing, extractive, dissociative understanding which overlaid functional, experiential relations among people, plants, and animals. In these respects, it figures a certain kind of global hegemony, notably one based on possession of land and resources rather than control over routes. At the same time, in and of itself, the system of nature as a descriptive paradigm was an utterly benign and abstract appropriation of the planet. Claiming no transformative potential whatsoever, it differed sharply from overly imperial articulations of conquest, conversion, territorial appropriation, and enslavement. The system created... a Utopian, innocent vision of European global authority, which I refer to as an anti-conquest. The term is intended to emphasize the relational meaning of natural history, the extent to which it became meaningful specifically in contrast with an earlier imperial, and prebourgeois, European expansionist presence.⁹¹ The difference between an earlier, pre-Enlightenment, and a later, post-Enlightenment, configuration of the internal space of the imperial circle is, of course, crucial to any understanding of the essence of imperial practice. But my purpose in thus invoking Foucault's analysis of the complicity of the classificatory table of the Enlightenment with

the domination of the Other in the disciplinary society, and Said's and Pratt's extension of Foucault's genealogical insight to include the modern European imperial project, is not to bring a story about the development of the technology of European colonialism to its fulfillment and narrative closure, one that renders prior technologies of power anachronistic. It is, rather, to retrieve a fundamental dimension of this story that has been obliterated from memory even as it resonates unthought in the very contemporary language these postcolonial critics use to indict the truth discourse of the West as "imperial." I want to suggest that the classificatory table, as microcosm of a larger spatial totality and as the model for wider "imperial" practices (the mass production process, the pan-optic penal system, the medical and psychiatric hospital, the family, the classroom, the nation-state, the colonial administration, and so on), is grounded in and enabled by the metaphysical principle of principles or, as Enrique Dussel puts it, "the ideology of ideologies":⁹² that Identity is the condition for the possibility of difference and not the other way around. Unlike its predecessor in the ancien regime, metaphysical inquiry at this advanced Enlightenment stage does not obliterate the contradictory, amorphous, unimproved, and "ahistorical" Other from the vantage point of a visible "center elsewhere." It "acknowledges" this Other's claims as contributive to (the knowledge of) the larger self-identical Whole. In other words, it "classifies" the amorphous Others from the vantage point of an invisible "center elsewhere." It differentiates these Others into discrete phenomena — attributes distinguishing identities to them — within and in behalf of a prior encompassing self-present total Identity. This individuation of the amorphous Other conveys a sense of the sovereign integrity of the differentiated entities, but it obscures the fact that their uniqueness is entirely dependent on a dominant synchronic Totality, the always present and determining center of which is always out of sight. To acquire validity the differentiated entity must accommodate its differential partiality to the prior Totality, must, that is, objectify and subordinate itself to — take its proper place within — the gridded structure of the dominant Identity. To become a subject it must heed the call — the hailing — of the Subject. As his invocation of the ontological metaphors of the center and the circle should suggest, what the Lacanian Marxist Louis Althusser says about "the interpellation of the individual as subject" — the (subjected) subject invented by the bourgeois capitalist Enlightenment — applies by extension to the spatial economy of the (neo)imperial project as such:

Islam Link

The 1AC victims of discrimination based on their "Islamic" nature and defining the West based on its Islamophobia recreates the violent categorical differences — only the alternative can solve the case by charting a course between America and Islam

Spivak and Barlow '04. Gayatri Chakravorty Spivak, Avalon Foundation Professor in the Humanities and Director of the Center for Comparative Literature and Society at Columbia University, Tani E. Barlow, T.T. and W.F. Chao Professor of History and director of the Chao Center for Asian Studies at Rice University, "Not Really a Properly Intellectual Response: An Interview with Gayatri Spivak," positions: east asia cultures critique, Volume 12, Number 1, Spring 2004, pg 160

GCS: Yes, we do not tend to notice that Euro-U.S. globality, which is tacitly offered as the unmarked global as such, with endless invocations of the transnational subject and satellite dishes in Nepalese villages, is the one that conjures with nation-state alliances. It is in that other globality called "Islamic" that archaic and residual, moving, globalizing frontiers are in conflict with the idea of the nation-states. As in the case of the Gulf War, it is the case of people one way, the state another. We must complicate the global in order to get a grip upon this fast-evolving situation. In the last quarter of the nineteenth century, Amir Abd-ur-Rahman of Afghanistan tried to think through such explanations between the provisional

globality of something called “Islam” and the urgent need for the emergence of a practical nation- state. I do not have access to his autobiography in Farsi, but I have carefully studied its English translation, attempting to read as much as possible between its lines. Not all of it is by his hand of course; one is not gullible about the evidentiary strength of autobiography, just as one is aware of the lineaments of the autobiographical in the most “objective organization of facts.” **This characteristic of devising and charting a course between the existing solidarity of “Islam” and the consolidation of the frontiers and boundaries of the nation-states**, loosely established as Afghanistan by Ahmad Shah Durani in 1747, **is so pervasive in this text that it is hard to isolate a quotation.** In 1876 he drew up agreements to create peace between all of the various groups in that area: Hindus, Muslims, tribals, gypsies, you name it. There were over two hundred Firmans of this sort in existence in Farsi. It could have consolidated a nation-state negotiating between “Islam” and the commonality of religions and ways of life, interchangeable at this time, accessing the larger dimensions of this other word, haq, which is translated into English rather misleadingly as “right,” and so on. So again, an unmarked centrality was not allowed to emerge in Afghanistan, and no one knows anything about this now as they are talking and talking about what’s going on.

Alt Solves

Alternative solves—results in individual methods of revolt against violence such as Islamophobia like self-immolation—creates a better method of resolving problems

Spivak '11 GayatriChakravortySpivak, Avalon Foundation Professor in the Humanities and Director of the Center for Comparative Literature and Society at Columbia University, “Can the Subaltern Speak?” *Frontier* Vol. 43, No. 25, May 22-28, 2011, <http://www.frontierweekly.com/pdf-files/vol-43-45/subaltern-43-45.pdf>

The subaltern is a position without identity. If you think you can claim to be specifically a subaltern, the only thing to do with it is to lead in the name of the subaltern, a grounding error in the same category as tracing Bach, **only reversed, from above, not from below.**⁷ Jonathan Chauveau, a French journalist (like many politically correct folk in that part of the world, anxious to have me endorse a speaking subaltern), e-mailed me as follows : the popular revolts in Africa and their political consequences were neither anticipated nor envisaged by the countries concerned and even less by international diplomacy. Can one explain this blindness by the fact that leadership came from young people and women not belonging to recognized circles of the “official opposition.” It would thus be their subaltern position—a population not recognized as a “classically” constituted political force— which would explain that no one anticipated these events definitively, because no one had, at their disposal, the means for hearing them, listening to them, or yet understanding them. Do you agree with this analysis? Is it not a case of the subaltern grabbing the right to speak? ...Given that these popular uprisings seem identical. Can one envisage a regional political alliance in future? I replied : **I am of course tremendously impressed by what's happening in North Africa, but it's not necessarily "the subaltern speaking."** **It is** rather the awe-inspiring spectacle of **citizens claiming citizenship.** It is possible that the urban subproletariat mingled with the largely metropolitan, class-mixed, gender-mixed crowd we saw in Tahrir Square. There was also a phenomenon of “prendre la parole” by the private sector, by civil

society, by the citizen. Unfortunately, if the term "subaltern" has to remain useful, it cannot be identified with varieties of national liberation movements. It must, however, be said, that the young man who burnt himself to death in despair in Tunisia might be thought of as a subaltern bringing himself to crisis, "speaking," and there being an infrastructure of political will, created, paradoxically, by the predatory state, able to "hear" him and complete his speech act.⁸

AT: Framework

Rather than attempting to know the Truth of Islamophobia, we should refuse attempts to locate our politics in the reality of the present and FIRST AND FOREMOST seek to interrogate our subject positions in academia to allow others to speak for themselves.

Owen '97. David Owen, professor of social sciences at Southampton University, 1997, "Maturity and Modernity: Nietzsche, Weber, Foucault and the ambivalence of reason," Routledge publishers, published July 22, 1997

In our reflections on Foucault's methodology, it was noted that, like Nietzsche and Weber, he commits himself to a stance of value-freedom as an engaged refusal to legislate for others. Foucault's critical activity is oriented to human autonomy yet his formal account of the idea of autonomy as the activity of self-transformation entails that the content of this activity is specific to the struggles of particular groups and individuals. Thus, while the struggle against humanist forms of power/knowledge relations denotes the formal architectonic interest of genealogy as critique, the determination of the 'main danger' which denotes the 'filling in' of this interest is contingent upon the dominant systems of constraint confronted by specific groups and individuals. For example, the constitution of women as 'hysterical,' of blacks as 'criminal,' of homosexuals as 'perverted' all operate through humanist forms of power/knowledge relations, yet the specificity of the social practices and discourses engaged in producing these 'identities' entails that while these struggles share a general formal interest in resisting the biopolitics of humanism, their substantive interests are distinct. It is against this context that Foucault's stance of value-freedom can be read as embodying a respect for alterity. The implications of this stance for intellectual practice became apparent in Foucault's distinction between the figures of the 'universal' and 'specific' intellectual. Consider the following comments: In a general way, I think that intellectuals-if this category exists, which is not certain or perhaps even desirable- are abandoning their old prophetic function. And by that I don't mean only their claim to predict what will happen, but also the legislative function that they so long aspired for: 'See what must be done, see what is good, follow me. In the turmoil that engulfs you all, here is the pivotal point, here is where I am.' The greek wise man, the jewish prophet, the roman legislators are still models that haunt those who, today, practice the profession of speaking and writing. The universal intellectual, on Foucault's account, is that figure who maintains a commitment to critique as a legislative activity in which the pivotal positing of universal norms (or universal procedures for generating norms) grounds politics in the 'truth; of our being (e.g. our 'real' interests). The problematic form of this type of intellectual practice is a central concern of Foucault's critique of humanist politics in so far as humanism

simultaneously asserts and undermines autonomy. *If*, however, this is the case, what alternative conceptions of the role of the intellectual and the activity of critique can Foucault present to us? Foucault's elaboration of the figure of the 'specific' intellectual provides the beginnings of an answer to this question: I dream of the intellectual who destroys evidence and generalities, the one who, in the inertias and constraints of the present time, locates and marks the weak points, the openings, the lines of force, who is incessantly on the move, doesn't know exactly where he is heading nor what he will think tomorrow for he is too attentive to the present. The historicity of thought, the impossibility of locating an Archimedean point outside of time, leads Foucault to locate intellectual activity as an ongoing attentiveness to the present in terms of what is singular and arbitrary in what we take to be universal and necessary. Following from this, the intellectual does not seek to offer grand theories but specific analyses, not global but local criticism. We should be clear on the latter point for it is necessary to acknowledge that Foucault's position does not entail the impossibility of 'acceding to a point of view that could give us access to any complete and definitive knowledge of what may constitute our historical limits' and, consequently, 'we are always in the position of beginning again' (FR p. 47). The upshot of this recognition of the partial character of criticism is not, however, to produce an ethos of fatal resignation but, in far as it involves a recognition that everything is dangerous, 'a hyper-and pessimistic activism' (FR p. 343). In other words, it is the very historicity and partiality of criticism which bestows on the activity of critique its dignity and urgency. What of this activity then? We can sketch the Foucault account of the activity of critique by coming to grips with the opposition he draws between 'ideal' critique and 'real' transformation. Foucault suggests that the activity of critique 'is not a matter of saying that things are not right as they are' but rather 'of pointing out what kinds of assumptions, what kinds of familiar, unchallenged, uncontested modes of thought and practices we accept rest' (PPC p. 154). This distinction is perhaps slightly disingenuous, yet Foucault's point is unintelligible if we recognize his concern to disclose the epistemological grammar which informs our social practices as the starting point of critique. This emerges in his recognition that 'criticism (and radical criticism) is absolutely indispensable for any transformation': A transformation that remains within the same mode of thought, a transformation that is only a way of adjusting the same thought more closely to the reality of things can merely be a superficial transformation. (PPC p. 155) The genealogical thrust of this critical activity is 'to show that things are not as self-evident as one believed, to see that what is accepted as self-evident is no longer accepted as such' for 'as soon as one can no longer think things as one formerly thought them, transformation becomes both very urgent, very difficult, and quite possible' (PPC p. 155). The urgency of transformation derives from the contestation of thought (and the social practices in which it is embedded) as the form of our autonomy, although this urgency is given its specific character for modern culture by the recognition that the humanist grammar of this thought ties us into the technical matrix of biopolitics. The 'specificity' of intellectual practice and this account of the activity of critique come together in the refusal to legislate a universal determination of 'what is right' in favour of the perpetual problematisation of the present. It is not a question, for Foucault, of invoking a determination of who we are as a basis for critique but of locating what we are now as the basis for a reposing of the question. "who are we?" the role of the intellectual is thus not to speak on behalf of others (the dispossessed, the downtrodden) but to create the space within which their struggles become visible such that these others can speak for

themselves. The question remains, however, as to the capacity of Foucault's work to perform this critical activity through an entrenchment of the ethics of creativity as the structures of recognition through which we recognize our autonomy in the contestation of determinations of who we are.

Our framework accesses the best internal link to intellectual activism—start this argument because it's the only thing that makes this debate matter outside of the ballot

Constable '95 (Elizabeth L. Constable, professor of philosophy at the University of California, Irvine, Review of: Rey Chow, *Writing Diaspora: Tactics of Intervention in Contemporary Cultural Studies*, *South Central Review*, Vol. 12, No. 1 (Spring, 1995), pg. 74, jstor)

Rey Chow's collection of eight essays provides a vigorous, insightful analysis of the political, pedagogic, and institutional challenges facing intellectuals in a world where, for Chow, diasporic consciousness defines "the reality of being intellectual" (15). At a time when cultural studies has become increasingly accepted in educational institutions, the field has also inevitably become, not only critical, but in its turn, constitutive of our institutions. Chow's sharp observations and energetic inquiries intend to restore the critical, self-questioning edge to intellectuals' work in cultural studies. As the title indicates, her interest lies in "tactics of intervention," finding ways to resist the "turning-into-propriety of oppositional discourses" (17).

AT: Perm

The perm is a standard imperialist strategy that marginalizes and interprets criticism rather than listening to it.

Briggs and Sharp '04 John Briggs and Joanne Sharp, professors at the Department of Geography and Geomatics University of Glasgow, "Indigenous knowledges and development: a postcolonial caution," *Third World Quarterly*, 25 (4). pg. 661-676

Yet to receive much critical attention in development theory and practice is the nature of the inclusion of indigenous knowledges in development thinking. A central tenet of postcolonial theory is its concern with the ontological and epistemological status of the voices of subaltern peoples in Western knowledge systems, and a postcolonial interrogation of the inclusion of indigenous knowledges in development suggests caution. Indeed, Spivak (1988) has questioned whether "the subaltern" can ever speak; even when apparently expressing her own views, the subaltern is not able to express her true self. Writing about attempts to recover the voices and experiences of the subaltern in South Asian historiography, Spivak has argued that the subaltern cannot speak, so imbued must she be with the words, phrases and cadences of Western thought in order for her to be heard. In order to be taken seriously – to be seen as offering knowledge and not opinion or folklore – the lifeworld of the subaltern has to be translated into the language of science,

development or philosophy, dominated by Western concepts and Western languages. For Spivak (1988), the implications of this “epistemic violence” mean that the ways of knowing the world and knowing the self in non-Western culture are trivialised and invalidated by Western scientists and experts. Hence, the subaltern must always be caught in translation, never truly expressing herself, but always already interpreted. Furthermore, postcolonial theorists (for example, Spivak 1988; hooks 1990; Goss 1996) have questioned the degree to which academics and experts in the West really want to engage with people elsewhere, an engagement which requires a de-centring of themselves as experts. Some postcolonial theorists have already bemoaned the lack of true engagement with the knowledges and voices of the West’s “others”, and, despite claims to be interested in others, suggest that the West is only interested in hearing its own voice (hooks 1990; Spivak 1988; Mohanty 1988). Hooks’ (1990) autobiographical approach tells a similar tale to Spivak in her attempt to be heard from the margins. For her, the margins are a site of “radical possibility” which reject the politics of inside and outside, because “to be on the margins is to be part of the whole but outside the main body” (hooks 1990:341). It is a hybridised indigenous knowledge which she believes offers a unique and important perspective which is not distorted by the power and prejudices of the centre. However, hooks has felt silenced by those who seek the experience, but not the wisdom, of the other. She argues that “I was made ‘other’ there in that space...they did not meet me there in that space. They met me at the center” (hooks 1990:342). The experiences of the marginalised are used in the West, but without opening up the process to their knowledges, theories and explanations. When there is a meeting, it is at the metropolitan centre, in the (predominantly) Western institutions of power/knowledge (aid agencies, universities, the pages of journals) and in the languages of the west (science, philosophy, social science and so on, expressed in English, French, Spanish and so on). So by approaching the institutions of knowledge, she has been forced to the centre, a location both metaphorical in its control of authority and geographical in its physical presence. For local knowledge and narratives to be heard at all, they have to move to this central terrain, where they may be “accepted” and subsequently appropriated. She claims to have met a reluctance to abandon the mark of authority, experiencing instead only a desire for material from which explanations can be made. Western researchers want to know about her experiences, but not her own explanations.

T

1NC

“Curtail” means to restrict

Webster’s 15 – Webster's New World College Dictionary, 4th Ed., “curtail”,
<http://www.yourdictionary.com/curtail>

verb

To curtail is defined as to restrict something, stop something or deprive of something.

An example of curtail is when a town wants to stop drunk driving.

Violation - “Restrictions” are direct governmental limitations –

Viterbo 12 (Annamaria, Assistant Professor in International Law – University of Torino, PhD in International Economic Law – Bocconi University and Jean Monnet Fellow – European University Institute, International Economic Law and Monetary Measures: Limitations to States' Sovereignty and Dispute, p. 166)

In order **to distinguish** an exchange **restriction from a trade measure, the Fund chose not to give relevance to the** purposes or the **effects of the measure and to adopt, instead, a technical criterion that focuses on the method** followed to design said measure.

An interpretation that considered the economic effects and purposes of the measures (taking into account the fact that the measure was introduced for balance of payments reasons or to preserve foreign currency reserves) would have inevitably extended the Fund's jurisdiction to trade restrictions, blurring the boundaries between the IMF and the GATT. The result of such a choice would have been that a quantitative restriction on imports imposed for balance of payments reasons would have fallen within the competence of the Fund.

After lengthy discussions, in 1960 the IMF Executive Board adopted Decision No. 1034-(60/27).⁴⁶ This Decision clarified that **the distinctive feature of a restriction** on payments and transfers for current international transactions **is “whether it involves a direct governmental limitation on** the availability or use of **exchange** as such*.⁴⁷ **This is a limitation imposed directly** on the use of currency in itself, for all purposes.

The plan does not curtail - enacting Strict Scrutiny Standards may have an effect of possibly curtailing surveillance in the distant future, but it does not have a direct effect as of the 1ac plantext of curtailing surveillance much less restricting it.

Assess whether the means themselves are a limit---allowing actions that effect a reduction ruins precision

Randall 7 (Judge – Court of Appeals of the State of Minnesota, “Dee Marie Duckwall, Petitioner, Respondent, vs. Adam Andrew Duckwall, Appellant”, 3-13,
http://law.justia.com/cases/minnesota/court-of-appeals/2007/opa0606_95-0313.html#_ftnref2)

[2] When referring to parenting time, **the term “restriction[.]” is a term of art that is not the equivalent of “reduction”** of parenting time. **“A modification** of visitation **that results in a reduction** of total visitation time, **is not necessarily a restriction** of visitation.’ Danielson v.

Danielson, 393 N.W.2d 405, 407 (Minn. App. 1986). **When determining whether a reduction constitutes a restriction, the court should consider the reasons for the change as well as the amount of the reduction.**" Anderson v. Archer, 510 N.W.2d 1, 4 (Minn. App. 1993).

4. Voting issue---

a. Limits---allowing effectual reductions explodes the topic. Any action can potentially result in less surveillance. Limits are key to depth of preparation and clash. They get more ground to weigh as offense against counterplans or to link turn DAs like politics, at the expense of negative preparation, because it's impossible to research every single non-topical trick the aff could deploy. That crushes competitive equity which comes first because debate is a game. It's very unlikely that a direct effect of the plan is a curtailment of surveillance, hold them to a very high standard.

b. Ground---our interpretation is key to establish a stable mechanism of legal prohibition that guarantees core ground based on topic direction. They allow the Aff to defend completely different processes like "oversight" that dodge core DAs and rob the best counterplan ground. The aff must be a decrease in surveillance, not an increase in policies that might lead to a decrease in surveillance – we lose ground on generics like the terror disad or any surveillance bad argument or link – the aff can potentially spike out of any 1nc offense, creating an extreme amount of aff ground.

Islamophobia Michigan 7

Note

We* tried hard to make this neg file one that provides good options for both T/Framework crowd and detailed/specific arguments for various Ks. Our agenda isn't secret – we'd like to encourage substantive engagement with the thesis of the aff.

Learning to do this at camp is great, and may have equal or even greater utility than practicing a strategy like the Cap K you're already more familiar with. If you've ever thought "what do I do vs. a non-USFG K aff?" our goal was to make that answer as easy as possible to answer.

There are a few distinct strategies you could combine and they all work vs the non-USFG version of the aff:

- T/Framework
- Terror DA + Case
- Speaking for Others
- K of Islam (this isn't "Islam bad," but rather it's "Kundnani/Kumar (primary aff authors) treat all Ks of Islam as forms of islamophobia, that's messed up. It's also a net benefit to the Word PIC.)
- Word PIC out of "Islamophobia"
- Very good links to Foucault and Ks of anti-blackness – could be useful on the case even if you don't read the off-case positions

There is some tension between potential strategies that you should think through as you prepare your strategy. For example, both the Word PIC and Speaking for Others Ks have "discourse first" components that might not work with your framework arguments. This doesn't mean they both shouldn't be in the 1nc, but it may be wiser to choose *one* of those options + case in the block than to go for both.

*Thank you to Emily Chen from GBN, Henry Ferolie from Walter Payton, Riley Franklin from Dulles, Emily Hall from Interlake, Emily Merz from La Costa Canyon, Tamara Morrison from University Prep, Mitchell Pickard from Barstow, Hadar Regev from Johns Creek, Ashton Smith from Maine East and Janai Williams from Groves for all of their hard work in producing this file. Future waves to come.

Case

—Note—

Most of this is straight forward but two big picture notes quickly –

-- It's especially important to answer the case with K affs. Central to the 2ac response to *everything* else (T, DAs, other Ks, etc.) is the 1ac. So many teams just ignore it and it's dangerous to grant the aff 100% of the aff and only attack it marginally on solvency (i.e. saying USFG action would solve better on the T version without answering whether the aff solves)

-- It's not terribly difficult to assemble a case frontline vs. a K aff, esp one with a major author (this first wave leans heavily on Arun Kundnani, future waves will involve more Deepa Kumar, etc.)

If there's a common author it's not hard to go to your 2ac blocks and repurpose your K answers to deal with it.

That said, Kundnani is relatively new to the scene, so our approach was to research book reviews that challenged the thesis of his work. Em Chen went HAM here.

This stuff is some of the most irreplaceable stuff in the 1nc—make time for it. If you have to shorten your off case positions or, perhaps better, slice one, it's worth it.

Solvency F/L—1nc

note – the first card is also in the terror DA link under CT good

Kundnani's way off on root cause and the *thesis* of the aff is bankrupt – history proves **Rashi, 14**—freelance journalist and writer for the Huffington Post (Tanjil, 3/16/14, "'The Muslims are Coming!', by Arun Kundnani", Financial Times, www.ft.com/intl/cms/s/2/af5ef4c6-aa15-11e3-8bd6-00144feab7de.html)//twemchen

**edited for language

In truth, **counterterrorism policies targeting Muslims are a legitimate response to homegrown extremism**, from the murder of Fusilier Lee Rigby to the 366 (by one count) British citizens waging jihad in Syria. Furthermore, the victims of the 2005 London **bombings bear witness to the reality of radicalism**

bred at home. At best, Kundnani's argument is compelling in its dissection of governments' disproportional responses. He estimates the FBI has one counter-terrorism agent per 94 Muslims in the US, which approaches a Stasi-esque ratio of spies to citizens. He shows that authorities keep drawing spurious lists of suspected radicals; one in the UK included almost 300 children under 15. A commonplace at the core of Kundnani's critique is that radicalism is mainly the byproduct of western foreign policy. "Religion had nothing to do with this," according to Kundnani, citing a conspirator in the London bombings. This view is undermined by the existence of two generations of British Muslims predating the war on terror – men who fought in Afghanistan in the 1980s and in Bosnia in the 1990s. The diminution of religion's role in stoking radicalism is as inaccurate as UK Labour politicians' denial that wars in Iraq and Afghanistan acted even as recruiting sergeants. Kundnani scrutinises responses to terrorism better than outlining its causes. He probes the mutations of liberalism in the face of Islam, resulting in "war on terror liberals" for whom liberalism "became an ideology of total war", from the UK Labour party's interventionist foreign policy to Martin Amis's innumerate paranoia about Muslim birth rates. Liberals hold up the Enlightenment, conservatives "campaign to defend Judeo-Christian identity" – both banners explicitly excluding Muslims; both groups inclined, Kundnani writes, to see "terrorists motivated by fanaticism inherent to Islam". History offers correctives to these narratives, demonstrating varieties of Islam being as rooted in rationalism as the Enlightenment; the Enlightenment being as tied to terror as Islam (the word "terrorism" itself was first used during The Terror of the Enlightenment-inspired French revolution). The Muslims are Coming! lacks optimism but there is every reason to believe "Muslim" might one day be suffixed to "Judeo-Christian" when de-scribing the west's culture and values. Note how one prominent French intellectual writes about Europe's growing population of a certain religious minority: "All of them are born with raging fanaticism in their hearts." The author of these unenlightened remarks? Voltaire. His subject? The Jews.

The 1AC's approach to criticizing Western governments only re-creates the problem

Berger, 14—Associate Professor in International Security, PhD in Political Science (Lars, 3/27/14, "The Muslims Are Coming! Islamophobia, Extremism and the Domestic War on Terror, by Arun Kundnani", Times Higher Education: World University Rankings, [//twemchen](https://www.timeshighereducation.co.uk/books/the-muslims-are-coming-islamophobia-extremism-and-the-domestic-war-on-terror-by-arun-kundnani/2012227.article)

One of the central themes in Arun Kundnani's critique of what he describes as the domestic "war on terror" in the UK and the US is the apparent neglect of, or even taboo against, discussing the role played by the foreign policies of Western governments in bringing about the horrific acts of violence witnessed on the streets of London in July 2005 and May 2013. Kundnani, a US-based scholar of terrorism, is adamant that "what governments call extremism is to a large degree a product of their own wars". However, there are a number of theoretical and methodological problems with his account.

Kundnani is right to highlight methodological concerns about existing studies of Islamist radicalisation, many of which rely on a small number of cases and fail to include control groups of people who share radical ideologies but nevertheless choose not to engage in political violence. But this is not a new insight. Indeed, researchers across Europe have already published plenty of insightful critiques of the theoretical assumptions and methodological approaches of the radicalisation literature. Worse, Kundnani commits the same mistakes when he presents no theoretical justification for his choice of case studies, and fails to explain why the vast majority of Muslims who disagree with the Western foreign policies he sees as potential root causes have not become engaged in political violence. If we look at public opinion polls from across the Muslim world, including Muslim communities in the West, support for violence against Western civilians stands, on average, at between 5 and 10 per cent. But if Kundnani's assertions are correct, this number should be much higher, given that in some Muslim countries, overwhelming majorities of up to 90 per cent criticise the policies of the US and the West. THERE IS A DANGER THAT WESTERN GOVERNMENTS CAN END UP TELLING MUSLIMS WHAT THE 'CORRECT' INTERPRETATION OF ISLAM IS In fact, it is not perceptions of US foreign policies with respect to Israel or Middle Eastern petroleum resources that shape approval of terrorist violence against US civilians, but the rejection of US culture and some of its most prominent manifestations,

such as freedom of expression. This finding may go against the conventional wisdom that Kundnani seems to wish to repackage here as his own insights, but it is quite comprehensible in light of the groundbreaking analysis of anti-Americanisms by scholars Peter Katzenstein and Robert Keohane, in which they differentiate between a view that assesses US foreign policies on their own terms and a view that regards those same policies as reflecting the fundamentally evil nature of US society. When he criticises the Islamophobia peddled by right-wing US and UK media and politicians, Kundnani is more convincing, as is his argument that Western counterterrorism efforts, particularly in the US, should pay greater attention to the more widespread threat of right-wing violence. He is also right to highlight the inherently problematic nature of the attempts of various Western governments to meddle in the politics and discourses of Muslim communities in the name of fighting terrorism. It is important to not turn a blind eye towards radical discourses that can be used to justify political violence against civilians. But there is a danger that Western governments, in an attempt to address the cacophony of voices typical of the decentralised, pluralistic religious discourses in many (Sunni) Muslim communities around the world, can end up telling Muslims what the "correct" interpretation of Islam is. But once again, these are issues that have also already received considerable academic attention, with plenty of excellent analysis ranging from peer-reviewed publications to countless undergraduate essays. In short, Kundnani's critique of hostility towards Muslims by some Western media and politicians and of Western governments' interaction with their Muslim communities is convincing, although not wholly original. His highly ideological insistence on the link between Western foreign policies and Islamist terrorism is neither.

Proximate causes outweigh—their epistemology is reductionist and relies on faulty comparisons

Alibhai-Brown, 14—Ugandan-born British journalist and author, research fellow at the Institute for Public Policy Research, founder member of British Muslims for Secular Democracy (Yasmin, 3/7/14, "The Muslims are Coming! by Arun Kundnani, book review: Nothing to fear but Islam itself", The Independent, www.independent.co.uk/arts-entertainment/books/reviews/the-muslims-are-coming-by-arun-kundnani-book-review-nothing-to-fear-but-islam-itself-9174918.html)//twemchen

Arun Kundnani, now a professor at New York University, used to edit Race and Class, the quarterly house journal of the Institute of Race Relations (IRR). For over 40 years the IRR has archived black history, documented and protested against British racism, analysed politics, empire and globalisation. Many of us who became resolute egalitarians were awakened and inspired by the Institute's intellectual activist, A Sivanandan (Siva), now in his eighties. Kundnani, his young disciple, has taken up IRR causes with renewed vigour as they become ever more pressing and concomitantly deeply unpopular. In our times anti-racism (aka "political correctness gone mad") has been expelled from public discourse and critics of capitalism are considered mad, bad or dangerous. In *The End of Tolerance: Racism in the 21st Century* (2007) Kundnani broke these sanctions. His template was stridently post-colonial, his politics boldly left wing. It was a well evidenced, powerful study; a classic.

This one is equally well researched and written, but much less persuasive. The topic is vital; burning. Since 9/11, Muslims have had to pay over and over for crimes committed by fanatic Islamist militants. Our human rights have been snatched; we are watched, hundreds of thousands of our people tortured and murdered by western states or their Muslim stooges. In the "war on terror" anything

goes. Kundnani exposes official duplicities and authorised illegal practices including intimidation, the use of agent provocateurs and extra-judicial killings. He tells the stories of the unheard and unseen. Shamuir Rahman, 19, for example, was recruited by the NYPD to push young Muslims into making inflammatory anti-American statements, part of the force's 'create and capture' strategy; Imam Luqman, suspected of advocating insurrections was not tried but shot dead by FBI agents in Detroit. This is the new wild west, cowboy justice. The UK incarcerates Muslims without any legal process. They, the unnamed, are in a black hole, and don't know if or when they will be charged or released.

Facts and figures in the book scythe through presumptions and prejudices. I didn't know that murders in the last decade by the far right exceed those by Jihadis. Or that Republican congressman Peter King who summoned US Muslims to McCarthy-type hearings, was a keen and shouty fundraiser for the IRA in the 1980s. The author also scrutinises various anti-radicalisation government initiatives: some laughable, some Kafkaesque, others reminiscent of Maoist re-education programmes. With so many books written by liberals and Neocons on the "Muslim peril", it is a relief to have an intelligent counter-narrative: "One of the key arguments of this book is that to comprehend the causes of so-called jihadist terrorism, we need to pay as much attention to Western state violence and the identity politics that sustains it, as we do to Islamicist ideology. What governments call extremism is to a large degree a product of their own wars." However, although many of his arguments and details are incontrovertible, I can't go all the way with Kundnani's conclusions and rationales. Some claims are simply ideological chants or fixations and careless connections are made. The book shifts blithely between Britain and the US. They may be deep allies, but they have different histories and values. From the age of exploration, the UK has had contact with Muslims, for

better and worse. Americans, even now, are clueless about the Muslim nations, Islam and its adherents. Also problematic is Kundnani's post-colonial, anti-capitalist framework, which cannot fully explain the traumas of Muslims worldwide. (By the way, Prophet Mohammed worked for his merchant wife, a capitalist). Their aspirations and lives are shattered by "Islamophobia", occidental domination, aggression and interventions and also corrupt Muslim politicians, low education and technological attainments, rejection of modernity and Saudi Arabia and the Gulf states which systematically spread hardline, anti-female, Islamic Puritanism. Muslims are repressed by external and internal brute forces, turning some to rage and murder. Kundnani disregards inconvenient truths, is dismissive of psychological and social reasons for radicalisation, itself a "myth" in his eyes. He is good on the socio-economic history of Muslims in Britain: why they came, the jobs they took up, unemployment, racism, resistance and deep disillusionment. But doesn't explain why other minorities who have the same troubled history have not become brutal avengers. The murder of Stephen Lawrence is brought in for reasons that are not clear. So too, an attack in 2000 on two Asian brothers at a nightclub in Leeds. Two Leeds United footballers were accused, one convicted but not jailed. We know people of colour are subjected to racist attacks but can't be sure that religious hatred led to the assaults on the brothers. Is Kundnani saying Muslims face different or the same dangers as other black and Asian people in Britain? If Muslims face particular hatreds – which I believe many do – the author needed to focus on those and leave out the victimisation of non-Muslims or explain better than he does, how they fit into his analysis of "Islamophobia" which means the fear and loathing of Muslims. In my view then, this is a gripping exposition of how the west has made a post-communist enemy and, in some ways, ignited Islamicist terrorism. But Muslims are not simply put upon. They have agency and some spread evil. To complete the story you will have to read the feminist Egyptian writer Nawal el-Saadawi or Samir Kassir, friend of Robert Fisk, the Lebanese author of Being Arab. Kassir was blown up not by Western assassins but by Arab brothers for being honest.

note – next card is also part of the Islam K

The radicalization thesis is false—it's ignores the intricacies of the Muslim culture and fails to analyze extremism globally

Rashid, 14—a Research Associate in the Sociology Department at the University of Manchester, PhD in Sociology from the London School of Economics (Dr. Naaz, May 2014, "Book Review: The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror by Arun Kundnani", The London School of Economics and Political Science, blogs.lse.ac.uk/lsereviewofbooks/2014/07/08/book-review-the-muslims-are-coming-islamophobia-extremism-and-the-domestic-war-on-terror-by-arun-kundnani/)/twemchen

The issue of terrorism continues to dominate the news whether in relation to the allegations of extremism in Birmingham schools or the long term repercussions of young British Muslims going to fight in Syria and Iraq. What links these two stories is the common sense understanding about how people come to commit acts of terrorist violence. In his new book, *The Muslims are Coming*, Arun Kundnani's primary focus is the 'radicalization thesis' which underpins the moral panics underlying both phenomena. That is, the idea that people become radicalised through exposure to 'extremist' ideologies which can then lead them to engage in acts of terrorism. Through his rigorously researched analysis of preventive counterterrorism measures in the UK and US, Kundnani skilfully and articulately deconstructs the central tenets of these dominant discourses regarding radicalisation and extremism. Kundnani's stated aims are to consider: firstly, how Islamic ideology has come to be regarded as the root cause of terrorism; and secondly, that acceptance of Muslims as citizens is predicated on them (us) distancing themselves from any particular set of ideological beliefs. He argues that "official and popular understandings of terrorism are more a matter of ideological projection and fantasy than of objective assessment." (p. 17). He suggests that the events in both Boston and Woolwich fit the "current war on terror paradigm of young Muslim men becoming radicalised through their exposure to Islamist ideology". This is despite the fact that in both instances, although not acting entirely alone, the perpetrators were amateurs with no connection to wider networks or terrorist cells. The transatlantic comparison allows Kundnani to showcase his detailed scholarship of policies, both in theory and in practice, weaving together the continuities and parallels between each country's experiences. Common to both countries is the underlying belief in 'the myth of radicalization'. As Kundnani writes, the term was little used prior to 2001, whereas by 2004 it "had acquired its new meaning of a psychological or theological process by which Muslims move toward extremist views"; so much so that by 2010 over 100 articles on the topic were being published in peer-reviewed academic journals each year (p 119). Despite this wealth of research, however, Kundnani argues that the underlying ideological assumptions mean that radicalization scholars systematically fail to address the reality of the political conflicts they claim to understand. Kundnani delineates the

divergent histories of the UK and US's respective Muslim populations in the context of very different, albeit occasionally intertwined, histories of (neo)imperialism, migration, and racial politics. He goes on to suggest, however, that 2005 represented a watershed year in which the 7/7 bombings in London brought the UK into close alignment with the US. As a result, the substantive historical, socio-political and demographic differences fell away and the UK and the US were united, not only in their ideologically inspired military encroachments, but also in their preventive counter terrorism measures against 'home grown' terrorism. This is perhaps where it could be argued that the book's weakness lies. Kundnani's scrupulous attention to detail that so enriches his critique of the common sense logic regarding the relationship between radicalization and terrorism is absent in this analysis. If, as he argues, the fundamental flaw with the radicalization thesis is its failure to take into account the wider socio- and geo-political context within which such political violence occurs, then equally, in order to assess the outcome of policies based on it, the localised differences between and within the US and UK surely warrant more nuanced analysis. At times he does address US-specific contexts such as the more overt tactics of create and capture used there, which almost amounts to the entrapment of potential terrorists. He also writes a coruscating indictment of Obama's term in office in which the militaristic jingoism of George Bush has become dangerously banal, bureaucratic, and routine, such that the practice and function of the anti-Muslim racism which has been fostered has rendered invisible "the violence of the US empire" (p 14). On balance, however, the differences between the two countries are flattened out and the differential country-specific impacts of such initiatives remain somewhat unexplored. In the British context for example, the Prevent agenda cannot be assessed in isolation from the community cohesion agenda which preceded it and broader debates on multiculturalism and Britishness which foreground it. An underexplored side effect of the Prevent agenda in the UK is its impact on 'inter community' relations given the particularities of the postcolonial British experience. Sikhs have not, for example, been widely 'misrecognised' as Muslims in the UK as they have in the US (where the 'Don't Freak I'm a Sikh' campaign emerged). Similarly, it is not clear whether Sikhs in the US have been drawn to far-right groups premised on an anti-Muslim platform as has occurred in the case of the BNP and the EDL in the UK. Given Kundnani's previous work for the anti-racist left organisation the Institute of Race Relations (IRR) as well as his earlier publications, such as *The End of Tolerance* and *Spooked!* – his analysis of such differences would undoubtedly have been astute. Furthermore, the book does not situate the radicalisation debate in relation to the wider cultural pathologisation of Muslims in both countries as well as across the globe, for example, in relation to Muslim women, and the way in which these discourses are so heavily gendered. Nonetheless, given the virulent tenacity with which the violent extremism/radicalisation/counterterrorism discourse matrix permeates the public policy imaginary, in spite of little evidence to support the conceptual framework which underlies it, the book is a very timely intervention. Kundnani draws on a wide range of material to support his case, ranging from the work of Arendt to the analysis of populist representations of terrorism in TV series such as *Homeland* and *South Park*. There is also a wealth of research into and analysis of particular cases of counter terrorist activity and interventions which can challenge the established orthodoxies prevailing on both sides of the Atlantic (although these in depth examples might have benefitted from a more conventional bibliography and index). *The Muslims are Coming* should be required reading for officials and Ministers in the Home Office, Department of Communities & Local Government, the Department of Education, and the Department for Homeland Security, as well as for political commentators everywhere. However, for those engaged in critical studies of the racialised (and gendered) politics of the war on terror, fewer examples and more critical, country-specific analysis of the impact of such measures would have been welcome.

Structural Violence F/L—1nc

Structural violence decreasing now

Goklany 9—Worked with federal and state governments, think tanks, and the private sector for over 35 years. Worked with IPCC before its inception as an author, delegate and reviewer. Negotiated UN Framework Convention on Climate Change. Managed the emissions trading program for the EPA. Julian Simon Fellow at the Property and Environment Research Center, visiting fellow at AEI, winner of the Julian Simon Prize and Award. PhD, MS, electrical engineering, MSU. B.Tech in electrical engineering, Indian Institute of Tech. (Indur, "Have increases in population, affluence and technology worsened human and environmental well-being?" 2009, http://www.ejsd.org/docs/HAVE_INCREASES_IN_POPULATION_AFFLUENCE_AND_TECHNOLOGY_WORSENEED_HUMAN_AND_ENVIRONMENTAL_WELL-BEING.pdf)

Although global population is no longer growing exponentially, it has quadrupled since 1900. Concurrently, affluence (or GDP per capita) has sextupled, global economic product (a measure of aggregate consumption) has increased 23-fold and carbon dioxide has increased over 15-fold (Maddison 2003; GGDC 2008; World Bank 2008a; Marland et al. 2007).⁴ But contrary to Neo-Malthusian fears, average human well-being, measured by any objective indicator, has never been higher. Food supplies, Malthus' original concern, are up worldwide. Global food supplies per capita increased from 2,254 Cals/day in 1961 to 2,810 in 2003 (FAOSTAT 2008). This helped reduce hunger and malnutrition worldwide. The proportion of the population in the developing world, suffering from chronic hunger declined from 37 percent to 17 percent between 1969–71 and 2001–2003 despite an 87 percent population increase (Goklany 2007a; FAO 2006). The reduction in hunger and malnutrition, along with improvements in basic hygiene, improved access to safer water and sanitation,

broad adoption of **vaccinations**, antibiotics, pasteurization **and** other public **health measures, helped** reduce mortality and **increase life expectancies**. These improvements first became evident in today's developed countries in the mid- to late-1800s and started to spread in earnest to developing countries from the 1950s. The infant mortality rate in developing countries was 180 per 1,000 live births in the early 1950s; today it is 57. Consequently, global **life expectancy**, perhaps the single most important measure of human well-being, **increased from 31** years in 1900 **to 47** years in the early 1950s to 67 years today (Goklany 2007a). Globally, average **annual per capita incomes tripled since 1950**. The proportion of the world's population outside of high-income OECD countries living in absolute **poverty** (average consumption of less than \$1 per day in 1985 International dollars adjusted for purchasing power parity), **fell from 84 percent** in 1820 **to 40** percent in 1981 to 20 percent in 2007 (Goklany 2007a; WRI 2008; World Bank 2007). Equally important, **the world is more literate and better educated**. Child labor in low income countries declined from 30 to 18 percent between 1960 and 2003. In most countries, **people are freer politically, economically and socially** to pursue their goals as they see fit. More people choose their own rulers, and have freedom of expression. They are more likely to live under rule of law, and less likely to be arbitrarily deprived of life, limb and property. Social and professional mobility has never been greater. It is easier to transcend the bonds of caste, place, gender, and other accidents of birth in the lottery of life. People work fewer hours, and have more money and better health to enjoy their leisure time (Goklany 2007a). Figure 3 summarizes the U.S. experience over the 20th century with respect to growth of population, affluence, material, fossil fuel energy and chemical consumption, and life expectancy. It indicates that population has multiplied 3.7-fold; income, 6.9-fold; carbon dioxide emissions, 8.5-fold; material use, 26.5-fold; and organic chemical use, 101-fold. Yet its life expectancy increased from 47 years to 77 years and infant mortality (not shown) declined from over 100 per 1,000 live births to 7 per 1,000. It is also important to note that not only are people living longer, they are healthier. The disability rate for seniors declined 28 percent between 1982 and 2004/2005 and, despite better diagnostic tools, major diseases (e.g., cancer, and heart and respiratory diseases) occur 8–11 years later now than a century ago (Fogel 2003; Manton et al. 2006). If similar figures could be constructed for other countries, most would indicate qualitatively similar trends, especially after 1950, except Sub-Saharan Africa and the erstwhile members of the Soviet Union. In the latter two cases, life expectancy, which had increased following World War II, declined after the late 1980s to the early 2000s, possibly due poor economic performance compounded, especially in Sub-Saharan Africa, by AIDS, resurgence of malaria, and tuberculosis due mainly to poor governance (breakdown of public health services) and other manmade causes (Goklany 2007a, pp.66–69, pp.178–181, and references therein). However, there are signs of a turnaround, perhaps related to increased economic growth since the early 2000s, although this could, of course, be a temporary blip (Goklany 2007a; World Bank 2008a). Notably, in most areas of the world, the health-adjusted life expectancy (HALE), that is, life expectancy adjusted downward for the severity and length of time spent by the average individual in a less-than-healthy condition, is greater now than the unadjusted life expectancy was 30 years ago. HALE for the China and India in 2002, for instance, were 64.1 and 53.5 years, which exceeded their unadjusted life expectancy of 63.2 and 50.7 years in 1970–1975 (WRI 2008). Figure 4, based on cross country data, indicates that contrary to Neo-Malthusian fears, both life expectancy and infant mortality improve with the level of affluence (economic development) and time, a surrogate for technological change (Goklany 2007a). Other indicators of human well-being that improve over time and as affluence rises are: access to safe water and sanitation (see below), literacy, level of education, food supplies per capita, and the prevalence of malnutrition (Goklany 2007a, 2007b).

Structural violence doesn't escalate

Robert **Hinde** and Lea Pulkkinen, Cambridge psychology professor and University of Jyväskylä psychology professor, **2000**, DRAFT Background Paper for Working Group 1: HUMAN AGGRESSIVENESS AND WAR, 50th Pugwash Conference On Science and World Affairs: "Eliminating the Causes of War" Queens' College, Cambridge, <http://www.pugwash.org/reports/pac/pac256/WG1draft1.htm>

People are capable of perpetrating the most terrible acts of violence on their fellows. From before recorded history humans have killed humans, and violence is potentially present in every society. There is no escaping the fact that the capacity to develop a propensity for violence is part of human nature. But that does not mean that aggression is inevitable: temporary **anger need not give rise to** persistent **hostility, and** hostility need not give rise to acts of **aggression**. And people also have the capacity to care for the needs of others, and are capable of acts of great altruism and self-sacrifice. A subsidiary aim of this workshop is to identify the factors that make aggressive tendencies predominate over the cooperative and compassionate ones. **Some** degree of **conflict** of interest **is often present** in relationships between individuals, in the relations **between groups** of individuals within states, and in the relations between states: **we are concerned with** the **factors that make** such **conflicts escalate** into violence. The answer to that question depends critically on the context. While there may be some factors in common, the **bases of individual aggressiveness are** very **different from** those involved in **mob violence, and** they differ yet again from the factors influencing the bomb-aimer **pressing the button in a large** scale international **war**. In considering whether acts which harm others are a consequence of the aggressive motivation of individuals, it is essential to recognise the diversity of such acts, which include interactions between individuals, violence between groups, and wars of the WW2 type. We shall see that, with increasing social complexity, individual aggressiveness becomes progressively less important, but other aspects of human nature come to contribute to group phenomena. Although research on human violence has focussed too often on the importance of one factor or another, it is essential to remember

that **violence always has multiple causes, and the** interactions between the **causal factors** **remain** largely **unexplored.**

Shocks to the system are the ONLY propensity for conflict—liberal norms have eradicated the escalation of warfare and structural violence—every field study proves

JOHN HORGAN 9 is Director of the Center for Science at Stevens Institute of Technology, former senior writer at Scientific American, B.A. from Columbia and an M.S. from Columbia "The End of the Age of War," Dec 7, <http://www.newsweek.com/id/225616/page/1>

The economic crisis was supposed to increase violence around the world. The truth is that **we are now living in one of the most peaceful periods**, since war first arose 10 or 12 millennia ago. **The** relative **calm of our era**, say scientists who study warfare in history and even prehistory, **belies the popular, pessimistic notion that war is** so **deeply rooted in our nature** that we can never abolish it. In fact, **war seems to be a** largely **cultural phenomenon, which culture is** now **helping us eradicate**. Some scholars now even cautiously speculate that the era of traditional war—fought by two uniformed, state-sponsored armies—might be drawing to a close. **"War could be on the verge of ceasing to exist** as a substantial phenomenon," says John Mueller, a political scientist at Ohio State University.¶ That might sound crazy, but consider: if war is defined as a conflict between two or more nations resulting in at least 1,000 deaths in a year, **there have been no wars since the** U.S. **invasion of Iraq** in 2003 **and no wars between major** industrialized **powers** since World War II. Civil wars have also declined from their peak in the early 1990s, when fighting tore apart Rwanda, the Balkans, and other regions. Most armed conflicts now consist of low-level guerrilla campaigns, insurgencies, and terrorism—what Mueller calls the "remnants of war."¶ These facts would provide little comfort if war's remnants were nonetheless killing millions of people—but they're not. **Recent studies reveal a clear downward trend**. In 2008, 25,600 combatants and civilians were killed as a direct result of armed conflicts, according to the University of Uppsala Conflict Data Program in Sweden. Two thirds of these deaths took place in just three trouble spots: Sri Lanka (8,400), Afghanistan (4,600), and Iraq (4,000).¶ Uppsala's figures exclude deaths from "one-sided conflict," in which combatants deliberately kill unarmed civilians, and "indirect" deaths from war-related disease and famine, but even when these casualties are included, annual **war-related deaths** from 2004 to 2007 are still low by historical standards. Acts of terrorism, like the 9/11 attacks or the 2004 bombing of Spanish trains, **account for less than 1 percent of fatalities**. In contrast, car accidents kill more than 1 million people a year.¶ **The contrast between our century and the previous** one **is striking**. In the second half of the 20th century, war killed as many as 40 million people, both directly and indirectly, or 800,000 people a year, according to Milton Leitenberg of the University of Maryland. He estimates that 190 million people, or 3.8 million a year, died as a result of wars and state--sponsored genocides during the cataclysmic first half of the century. Considered as a percentage of population, the body count of the 20th century is comparable to that of blood-soaked earlier cultures, such as the Aztecs, the Romans, and the Greeks.¶ By far the most warlike societies are those that preceded civilization. War killed as many as 25 percent of all pre-state people, a rate 10 times higher than that of the 20th century, estimates anthropologist Lawrence Keeley of the University of Illinois. Our ancestors were not always so bellicose, however: there is virtually no clear-cut evidence of lethal group aggression by humans prior to 12,000 years ago. Then, "warfare appeared in the evolutionary trajectory of an increasing number of societies around the world," says anthropologist Jonathan Haas of Chicago's Field Museum of Natural History. He attributes the emergence of warfare to several factors: growing population density, environmental stresses that diminished food sources, and the separation of people into culturally distinct groups. "It is only after the cultural foundations have been laid for distinguishing 'us' from 'them,' " he says, "that raiding, killing, and burning appear as a complex response to the external stress of environmental problems."¶ Early civilizations, such as those founded in Mesopotamia and Egypt 6,000 years ago, were extremely warlike. They assembled large armies and began inventing new techniques and technologies for killing, from horse-drawn chariots and catapults to bombs. But nation-states also developed laws and institutions for resolving disputes nonviolently, at least within their borders. These cultural innovations helped reduce the endless, tit-for-tat feuding that plagued pre-state societies.¶ A host of other **cultural factors** may **explain the** more recent **drop-off in** international **war** and other forms of social violence. **One is a surge in democratic** rather than totalitarian **governance**. Over the past two centuries **democracies**, such as the U.S. have **rarely if ever fought each other. Democracy is** also **associated with low** levels of **violence within nations**. Only 20 democratic nations existed at the end of World War II; the number has since more than quadrupled. Yale historian Bruce Russett contends that international institutions such as the United Nations and the European Union also contribute to this "democratic peace" phenomenon by fostering economic interdependence. Advances in civil rights for women may also be making us more peaceful. **As** women's education and **economic opportunities rise, birthrates fall, decreasing demands on** governmental and medical **services and depletion of** natural **resources, which can otherwise lead to social unrest**.¶ Better public health is another contributing

factor. Over the past century, **average life spans have** almost **doubled, which could make us less willing to risk our lives** by engaging in war and other forms of violence, proposes Harvard **psychologist(s)** Steven Pinker. At the same time, he **points out, globalization** and communications have **made us increasingly interdependent on, and empathetic toward, others** outside of our immediate "tribes." **Of course, the world remains a dangerous place vulnerable to disruptive, unpredictable events** like terrorist attacks. Other looming threats to peace include climate change, which could produce droughts and endanger our food supplies; overpopulation; and the spread of violent religious extremism, as embodied by Al Qaeda. A global financial meltdown or ecological catastrophe could plunge us back into the kind of violent, Hobbesian chaos that plagued many pre-state societies thousands of years ago. "War is not intrinsic to human nature, but neither is peace," warns the political scientist Nils Petter Gleditsch of the International Peace Research Institute in Oslo. **So far the trends are positive. If they continue** who knows? **World peace**—the dream of countless

Structural violence obscures analysis necessary to solve the impact.

Boulding, '77 Kenneth, Prof Univ. of Michigan and UC Boulder, Journal of Peace Research; 14; 75 p. Boulding p. 83-4

Finally, we come to the great Galtung metaphors of **'structural violence'** and 'positive peace'. They **are metaphors** rather than models, **and for that** very **reason** are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it **can be very dangerous, for it is both persuasive and wrong**. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and taking his money away from him in the street, -or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galtung's **metaphor of structural violence** as he has used it **has diverted attention from the problem**. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some threshold boiling over will take place. **The** study of the **structures which underlie violence** are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the system rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its '~s~trength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is the increase in the strength of the system, ~the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these things, which enable a system to stand Increasing strain without breaking down into violence. The strains on the system **are largely dynamic in character**, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflict of interest are only part of the strain on a system, and not always the most important part. It is very hard for people to know their interests, and misperceptions of interests take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between perception and reality can be very large and resistant to change. However, what Galtung calls structural violence (which has been defined by one unkind commentator as anything that Galtung doesn't like) was originally defined as any unnecessarily low expectation of life, an that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to the structures which, produce violence. This is not to say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are culture of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics of poverty and **the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer**. While **the metaphor of structural violence** performed a 'service in calling attention to a problem, it **may have done a disservice in preventing us from finding the answer**.

Extinction outweighs structural violence

Bostrum 12 (Nick, Professor of Philosophy at Oxford, directs Oxford's Future of Humanity Institute and winner of the Gannon Award, Interview with Ross Andersen, correspondent at The Atlantic, 3/6, "We're Underestimating the Risk of Human Extinction", <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Bostrum, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human **extinction risks are** poorly understood and, worse still, **severely underestimated by society**. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrum is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century. ¶ Despite his concerns about the risks posed to humans by technological progress, Bostrum is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrum uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrum about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them. ¶ Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that **existential risk mitigation may** in fact **be a dominant moral priority over** the **alleviation of present suffering**. Can you explain why? ¶ Bostrum: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. **A human life is a human life. If you have that** moral point of **view that future generations matter in proportion to their** population **numbers, then** you get this very stark implication that **existential risk mitigation has a much higher utility than** pretty much **anything else** that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---**we might live for billions of years, our descendants might colonize billions of solar systems** and **there could be a billion** and billions **times more people** than exist currently. Therefore, **even a very small reduction in the probability of realizing this enormous good will** tend to **outweigh** even **immense benefits like eliminating poverty or curing malaria**, which would be tremendous und

Nuke war threat is real and o/w structural and invisible violence---their expansion of structural violence to an all-pervasive omnipresence makes preventing war impossible

Boulding 78 is professor of economics and director, Center for Research on Conflict Resolution, University of Michigan, "Future Directions in Conflict and Peace Studies," The Journal of Conflict Resolution, Vol. 22, No. 2 (Jun., 1978), pp. 342-354

Galtung is very legitimately **interested in** problems of world **poverty** and the failure of development of the really poor. He tried to amalga- mate this interest with the peace research interest in the more narrow sense. **Unfortunately, he did this by downgrading** the study of **inter- national peace, labeling it "negative peace"** (it should really have been labeled "negative war") **and then developing the concept of "structural violence,"** which initially meant all those social structures and histories which produced an expectation of life less than that of the richest and longest-lived societies. He argued by analogy that if people died before the age, say, of 70 from avoidable causes, that this was a death in "war" which could only be remedied by something called "positive peace." **Unfortunately, the concept** of structural violence **was broadened** in the word of one slightly unfriendly critic, **to include anything** that Galtung did not like. **Another factor** in this situation **was the feeling** certainly in the 1960s and early 1970s, **that** nuclear deterrence was actually succeeding as deterrence and that **the problem of nuclear war had receded** into the background. **This** it seems to me **is a most danger- ous illusion and diverted conflict** and peace research for ten years or more **away from problems of** disarmament and **stable peace toward a grand, vague study of world**

developments, for which most of the peace researchers are not particularly well qualified. To my mind, at least, the quality of the research has suffered severely as a result.' The complex nature of the split within the peace research community is reflected in two international peace research organizations. The official one, the International Peace Research Association (IPRA), tends to be dominated by Europeans somewhat to the political left, is rather, hostile to the United States and to the multinational corporations, sympathetic to the New International Economic Order and thinks of itself as being interested in justice rather than in peace. The Peace Science Society (International), which used to be called the Peace Research Society (International), is mainly the creation of Walter Isard of the University of Pennsylvania. It conducts meetings all around the world and represents a more peace-oriented, quantitative, science-based enterprise, without much interest in ideology. COPRED, while officially the North American representative of IPRA, has very little active connection with it and contains within itself the same ideological split which, divides the peace research community in general. It has, however, been able to hold together and at least promote a certain amount of interaction between the two points of view. Again representing the "scientific" rather than the "ideological" point of view, we have SIPRI, the Stockholm International Peace Research Institute, very generously (by the usual peace research standards) financed by the Swedish government, which has performed an enormously useful service in the collection and publishing of data on such things as the war industry, technological developments, armaments, and the arms trade. The Institute is very largely the creation of Alva Myrdal. In spite of the remarkable work which it has done, however, her last book on disarmament (1976) is almost a cry of despair over the folly and hypocrisy of international policies, the overwhelming power of the military, and the inability of mere information, however good, to change the course of events as we head toward ultimate catastrophe. I do not wholly share her pessimism, but it is hard not to be a little disappointed with the results of this first generation of the peace research movement. Myrdal called attention very dramatically to the appalling danger in which Europe stands, as the major battleground between Europe, the United States, and the Soviet Union if war ever should break out. It may perhaps be a subconscious recognition-and psychological denial-of the sword of Damocles hanging over Europe that has made the European peace research movement retreat from the realities of the international system into what I must unkindly describe as fantasies of justice. But the American peace research community, likewise, has retreated into a somewhat niggling scientism, with sophisticated methodologies and not very many new ideas. I must confess that when I first became involved with the peace research enterprise 25 years ago I had hopes that it might produce something like the Keynesian revolution in economics, which was the result of some rather simple ideas that had never really been thought out clearly before (though they had been anticipated by Malthus and others), coupled with a substantial improvement in the information system with the development of national income statistics which reinforced this new theoretical framework. As a result, we have had in a single generation a very massive change in what might be called the "conventional wisdom" of economic policy, and even though this conventional wisdom is not wholly wise, there is a world of difference between Herbert Hoover and his total failure to deal with the Great Depression, simply because of everybody's ignorance, and the moderately skillful handling of the depression which followed the change in oil prices in 1974, which, compared with the period 1929 to 1932, was little more than a bad cold compared with a galloping pneumonia. In **the international system**, however, there **has** been only glacial change in the conventional wisdom. There has been some improvement. Kissinger was an improvement on John Foster Dulles. We have had the beginnings of detente, and at least the possibility on the horizon of stable peace between the United States and the Soviet Union, indeed in the whole temperate zone-even though the tropics still remain uneasy and beset with **arms races, wars, and revolutions** which we cannot really afford. Nor can we pretend that peace around the temperate zone is stable enough so that we do not have to worry about it. **The** qualitative **arms race** goes on and **could easily take us over the cliff**. The record of **peace research** in the last generation, therefore, is one of very partial success. It has created a discipline and that is something of long-run consequence, most certainly for the good. It has made very little dent on the conventional wisdom of the policy makers anywhere in the world. It **has not been able to prevent an arms race** any more, I suppose we might say, than the Keynesian economics has been able to prevent inflation. But whereas inflation is an inconvenience, **the arms race may well be another catastrophe**. Where, then, do we go from here? Can we see new horizons for peace and conflict research to get it out of the doldrums in which it has been now for almost ten years? The challenge is surely great enough. **It still remains true that war, the breakdown of** Galtung's **"negative peace," remains the greatest** clear and present **danger to the human race, a danger to human survival far greater than poverty, or injustice, or oppression**, desirable and necessary as it is to eliminate these things. Up to the present generation, war has been a cost and an inconvenience to the human race, but it has rarely been fatal to the process of evolutionary development as a whole. It has probably not absorbed more than 5% of human time, effort, and resources. Even in the twentieth century, with its two world wars and innumerable smaller ones, it has probably not accounted for more than 5% of deaths, though of course a larger proportion of premature deaths. **Now, however, advancing technology is creating** a situation where in the first place we are developing a single world system that does not have the redundancy of the many isolated **systems** of the past and **in which** therefore **if anything goes wrong everything goes wrong**. The Mayan civilization could collapse in 900 A.D., and collapse almost irretrievably without Europe or China even being aware of the fact. When we had a number of isolated systems, the catastrophe in one was ultimately recoverable by migration from the surviving systems. The one-world system, therefore, which science, transportation, and communication are rapidly giving us, is inherently more precarious than the many-world system of the past. It is all the more important, therefore, to make it internally robust and capable only of recoverable catastrophes. The necessity for stable peace, therefore, increases with every improvement in technology, either of war or of peace.

Circumvention DA

**note – this card is great vs. the USFG version but shouldn't be read vs. the non-USFG version (you'd just be reading a DA to the T version of the aff, not to the aff itself)

State-centric curtailment will inevitably fail—circumvention, increase in suppression, and extension of power

Schriefer, 10—advocacy director at Freedom House and contributor to New York Times (Paula, 11/9/10, "The Wrong Way to Combat 'Islamophobia'", New York Times, [//twemchen](http://www.nytimes.com/2010/11/10/opinion/10iht-edschriefer.html?_r=0&module=ArrowsNav&contentCollection=Opinion&action=keypress®ion=FixedLeft&pgtype=article)

This week, member states of the United Nations will vote on what has become an annual resolution, "On Combating Defamation of Religions," put forward by the Organization of the Islamic Conference, a group of 57 states with large Islamic populations. The resolution condemns what it calls "defamation of religions" — a vague notion that can perhaps best be described as a form of expression that offends another's religious sensibilities — and urges countries to enact laws that prohibit such forms of expression. The resolutions are part of a larger and dangerous campaign to create a global blasphemy law to combat what Muslim leaders refer to as "Islamophobia." Such a campaign is deeply flawed from a human rights perspective, both in its equation of religious discrimination (a legitimate human rights violation) with the vague concept of defamation, as well as in the proposed remedy of imposing legal limits on freedom of expression. A recent Freedom House report looking at blasphemy laws in seven countries documents the negative impact of such laws on a range of fundamental human rights, while noting how such laws actually contribute to greater interfaith strife and conflict. Because no one can agree on what constitutes blasphemy, laws that attempt to ban it are themselves vague, highly prone to arbitrary enforcement and are used to stifle everything from political opposition to religious inquiry. Particularly when applied in countries with weak democratic safeguards — e.g., strong executives, subservient judiciaries, corrupt law enforcement — blasphemy laws do nothing to achieve their supposed goals of promoting religious tolerance and harmony and instead are disproportionately used to suppress the freedom of religious minorities or members of the majority religion that hold views considered unorthodox. In Pakistan, for example, Christians and Ahmadiyya (Muslims who do not believe Muhammad was the final prophet) make up only 2 percent of the population, but have been the target of nearly half of the more than 900 prosecutions for blasphemy in the past two decades. The remaining prosecutions have been made against Muslims themselves, often simply as an easy way to settle personal scores that have nothing to do with religion. Mere accusations of blasphemy have led to mob violence in which people have been maimed or killed and whole communities devastated. The governments of countries that already have such problematic laws on the books are precisely those countries leading the charge to create an international blasphemy law through the United Nations. The motivations of states like Egypt, Pakistan and Saudi Arabia — countries with appalling records on religious freedom and broader human rights — are unquestionably hypocritical and have more to do with their desire to score points with unhappy domestic populations and religious extremists than the desire to foster religious tolerance. Support for blasphemy laws is high among the general public in the Islamic world. Even the staunchest advocates of human rights in the Middle East, individuals who are openly critical of their corrupt and authoritarian leaders, balk at the idea that the publication of the Danish cartoons or the burning of a Koran should be protected forms of freedom of expression. In a part of the world where one's religion is as key to one's identity as nationality and race, most people simply view such forms of expression as a bigoted attack on their very existence. Such views are bolstered by the need to better address the real issues of discrimination and violence against individuals because of their religious beliefs, even in established democracies. It is a fact that political parties espousing xenophobic and anti-Islamic views in Europe have gained in both popularity and representation, and that legal policies have been enacted that most human rights organizations rightly see as restricting the fundamental rights of Muslims to practice their religious beliefs. It is also a fact that many of the same people who defended the Danish cartoons as an important form of free expression somehow feel perfectly justified in criticizing the plans to build an Islamic Center near the site of the World Trade Center because it offends them. Yet hypocrisy in Europe and the United States does not justify

attempts to bring **governmental oversight** into what constitutes offensive expression.
Even with the best intentions, which are often lacking, governments should **never be in the**
business of policing speech. The tools of defeating intolerance, including religious intolerance, start with a legislative environment that protects people's fundamental political rights and civil liberties, including freedom of expression. Blasphemy laws don't work in any context and U.N. member states should reject them unconditionally.

T/FW

—Note—

The T version of the aff and the advantage counterplan are more or less the same. It says the best way to address islamophobia is to tackle the material that is distributed to train law enforcement agents.

The aff has to execute a fine line between K-ing the USFG as a solution on framework when it answers the T version of the aff and reading a permutation to the K. Permutations obviously don't guarantee agreement, but it's difficult to say the aff is mutually incompatible with an approach (USFG action) on framework and that it is mutually compatible with the same approach if it is read as a CP.

The neg argument is essentially "you can't have your cake and eat it, too – you either get the perm and there's no DA to the topical version of the aff or you don't get the perm and we get to test the desirability of the topical version of the aff by reading it as a CP."

Too often, the T version of the aff is a central but underdiscussed portion of the debate. It is thrown out by the neg as a brief cursory vision, but its substance usually goes unexamined and the Neg misses out on the ability to get extra leverage. If you prove the CP solves the aff then it also likely disproves many broad critiques of the USFG they make on Framework.

That being said, critiques of the USFG and framework will also work against the CP, but the aff would've read those things anyways. The T version only solves your T offense – reading it as a CP solves both that and some of the aff's external offense.

1nc CP/T Version

The United States federal government should:

- Audit all federal law enforcement and intelligence gathering training and educational materials
- Implement a mandatory retraining program for all federal, state and local law enforcement officials
- Pursue disciplinary action against those agents and officials engaging in discriminatory conduct and responsible for these training materials
- Require federal agencies that provide law enforcement funding to state and local governments to condition such funding on carrying out the above.

We should get the option to read additional solvency evidence in the block to respond to the 2ac's position on the USFG – we should also get conditionality and new block arguments because we couldn't plan central parts of our neg strat without hearing the 2ac to topicality

2nc CP/T Version

The CP is a topical version that solves the aff and disproves their Ks of framework – it's student dissent so it solves their offense but it utilizes the USFG, which their Ks of framework prove they can't access or permute – if you allow them to read Ks of framework there needs to be a reciprocal move to allow negative CPs

Your 1AC solvency author agrees

Kundnani, 14—professor at New York University (Arun, 3/28/14, "No NSA reform can fix the American Islamophobic surveillance complex", The Guardian, www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex)//twemchen

Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities. Underpinning all the surveillance of Muslim Americans is an assumption that Islamic ideology is linked to terrorism. Yet, over the last 20 years, far more people have been killed in acts of violence by right-wing extremists than by Muslim American citizens or permanent residents. The huge numbers being spied upon are not would-be terrorists but law-abiding people, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one. So let's reform the NSA and its countless collections. But let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.

The topical version is *more effective* – making specific demands on government is the only way to reverse institutional discrimination and Islamophobic *government* practices

Judicial Watch, 14—“Muslim Activists Demand Overhaul of All U.S. Law Enforcement Training,” <http://www.judicialwatch.org/blog/2014/08/muslim-activists-demand-overhaul-u-s-law-enforcement-training/> --BR

Islamic activists that strong-armed the FBI to purge anti-terrorism training material considered “offensive” to Muslims have made their next wave of demands, which include an overhaul in the way all law enforcement officers are trained in the United States. The coalition of influential and politically-connected Muslim rights groups is demanding that the Obama administration implement a mandatory retraining program for all federal, state and local law enforcement officials who may have been subjected to materials they deem “biased and discriminatory” against Muslims. There must also be an audit of all federal law enforcement and intelligence gathering training and educational materials to identify and remove information that could exhibit bias against any race, ethnicity, religion or national origin, the groups demand. Additionally, the administration must pursue disciplinary action against agents and officials who engage in discriminatory conduct as well as those responsible for the anti-Muslim training materials. Finally, the coalition insists that all federal funding to local and state law enforcement agencies be withheld unless they ban all training materials considered to be biased against race, ethnicity, religion or national origin. In short, these empowered Muslim activists want to dictate how our nation’s law enforcement agencies operate at every level. The outrageous demands were made this month in a letter to Lisa O. Monaco, the Assistant to the President for Homeland Security and Counterterrorism. Among the signatories is the terrorist front organization Council on American-Islamic Relations (CAIR), which has repeatedly proven that it wields tremendous power in the Obama administration. Founded in 1994 by three Middle Eastern extremists, CAIR got the FBI to purge anti-terrorism material determined to be offensive to Muslims. Judicial Watch uncovered that scandal last summer and obtained hundreds of pages of FBI documents with details of the arrangement. JW also published a special in-depth report on the subject in December. CAIR also got several police departments in President Obama’s home state of Illinois to cancel essential counterterrorism courses over accusations that the instructor was anti-Muslim. The course was called “Islamic Awareness as a Counter-Terrorist Strategy” and departments in Lombard, Elmhurst and Highland Park caved into CAIR’s demands. The group responded with a statement commending officials for their “swift action in addressing the Muslim community’s concerns.” CAIR has wielded its power in a number of other cases during the Obama presidency, including blocking an FBI probe involving the radicalization of young Somali men in the U.S. and pressuring the government to file discrimination lawsuits against employers who don’t accommodate Muslims in the workplace. Other signatories include the powerful open borders group Mexican American Legal Defense and Educational Fund (MALDEF), Muslim Advocates, the Sikh Coalition, Women in Islam Inc., the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU), to name a few. The group’s claim that recent administration directives to promote multicultural and diversity sensitivity training in law enforcement aren’t enough because they don’t specifically address anti-Muslim materials. “Without executive branch actions, including those we recommend below, trainings that perpetuate gross stereotypes and false information about Islam and

Muslims will continue to proliferate at the state and local level,” the letter says. It continues: “The use of anti-Muslim trainers and materials is not only highly offensive, disparaging the faith of millions of Americans, but leads to biased policing that targets individuals and communities based on religion, not evidence of wrongdoing.” **This will foster fear and suspicion of Muslims** and will lead to an increase in discrimination, bullying, harassment **and anti-Muslim violence**, the letter asserts.

2nr CP/T Version

The topical version solves – only making demands on the government can reverse the institutionalized discriminatory surveillance practices the 1ac criticizes – even if the plan challenges the USFG, it won’t halt the distribution of islamophobic scholarship and material that guides the decisions that federal agents make.

We can rein in the NSA and the FBI – first is the mechanism – the CP audits all islamophobic training and educational materials and implements mandatory re-training. It also fires and arrests the people who created it and withholds all federal funding until local and state law enforcement agencies comply

Second is the process – our evidence cites several empirical examples of Muslim-American groups creating material political change and our CP represents the consensus of Muslim scholarship and activism

A2 Assimilation Bad

State integration of Muslim groups is effective- empirics from around the world prove **Rascoff 12** (Samuel J. Rascoff. Professor of Law at NYU. “Establishing Official Islam? The Law and Strategy of Counter-Radicalization.” 2012. <http://www.stanfordlawreview.org/print/article/establishing-official-islam>)/EMerz

In large measure, the politics of Islam on the Continent have been the politics of immigration and postcolonial displacement. Continental Europe’s engagement with Islam, therefore, has largely focused for over a generation on issues of identity politics and social integration.¹⁰⁴ Whether the topic has been the regulation of Islamic dress in France or Islamic architecture in Switzerland, government’s role has largely been to establish the contours of a religious identity reconcilable with thick conceptions of membership in national and European communities. More specifically, France and Germany have sought to “domesticate” Islam such that it can serve as an antidote to two powerful undercurrents: the pull of the transnational Ummah on the one hand and consulate-based “Em-assy Islam” on the other. **108 To achieve these goals, the state has “institutionaliz[ed] representative Islamic bodies . . . empower[ed] designated Muslim inter-locutors, and . . . facilitat[ed] the construction and maintenance of Islamic spaces.”**¹⁰⁹ For example, in 2002, France’s then-Interior Minister Nicolas Sarkozy established the French

Council for the Muslim Religion to create an official institutional voice for French Muslims, and simultaneously to diminish the extent of foreign involvement in the internal politics of French Islam.¹¹⁰ In Germany, officials appointed a moderate Muslim academic to train instructors of Islam within the public schools, which has raised criticisms from certain German Muslim organizations.

A2 But Surveillance Tho

Surveillance proves *why* political mobilization and participation is important – tons of Muslim and Arab communities prove this is the best method

O'Connor and Jahan 14 (Alexander J. O'Connor and Farhana Jahan. "Under Surveillance and Overwrought: American Muslims' Emotional and Behavioral Responses to Government Surveillance." 2014. Vol. 8 Issue 1.

<http://quod.lib.umich.edu/j/jmmh/10381607.0008.106?view=text;rgn=main>
//EMerz

It is important to note that while reports of anger were unrelated to reports of experience with surveillance, reports of anger were quite high.^[1] While not the focus of this research, **anger likely triggers unique behavioral consequences. For instance, work by political scientists suggests that the prospect of government surveillance leads to political mobilization and participation, particularly within the American Muslim and Arab communities** (Ayers & Hofstetter, 2008; Cho, Gimpel, & Wo, 2006). Best and Krueger (2011), who examined anger and anxiety in response to the presence and acknowledgement of government surveillance in a broad sample of Americans, found that anger, not anxiety, predicted political participation. Thus, anger, its regulation, and its behavioral correlates likely play a unique role in experiences with discrimination. But the persistent uncertainty associated with experiences of government surveillance may have an unique effect on anxiety, not anger.

A2 Discourse First

Political Leaders should use their power to fight Islamophobia- only in this way can we reshape our discourse

Gadzo 15. (Mersiha Gadzo. "For Islamophobia to stop, it needs to start from the top." February 27, 2015. <http://www.middleeasteye.net/columns/islamophobia-stop-it-needs-start-top-875950253#sthash.OGANFut8.dpuf>)//EMerz

To fight jihadism, Islamophobia needs to be curbed. **World leaders such as Barack Obama, Francois Hollande and Angela Merkel know this. They have all spoken publicly of the importance of unity and equality, denouncing the scapegoating of Muslims.** After the attacks on Charlie Hebdo, Merkel told the Bundestag that Germany's Muslims are a vital part of society. "There must be no ostracism of Muslims, no sweeping suspicions. As chancellor, I will come to the defence of Muslims in this country against that," she said. But here in Canada, Harper remained silent when mosques were vandalised across

Canada in a spike of anti-Muslim hate crimes after the death of the two Canadian soldiers. An imam in Toronto recently called for Ottawa to stop linking Islam and terrorism, referring to Harper's speech where he suggested mosques could serve as spaces for radicalisation. In the same speech he used the word "jihad" 15 times. These actions divide society, creates a "us" vs "them" ideology, a rhetoric shared by George Bush, Harper and the Islamic State. Politicians and the media have the power to influence public opinion; they should choose their words carefully. For Islamophobia to stop, it needs to start from the top. Harper has cried wolf in many cases in the past along with Israeli Prime Minister Benjamin Netanyahu. For years they alarmed the public about how Iran is the biggest threat to world peace and that it's developing nuclear weapons to destroy Israel. But the truth always surfaces in the end, and this week leaked cables show that Israel's secret service Mossad knew that Iran wasn't making a nuclear weapon. Harper and Netanyahu have been raising false alarms based on zero evidence.

A2 Don't Need Blueprints

Critical terror studies isolate elites in their movement while failing to put forth legitimate solutions

Hussain 13 (Salman Adil Hussain. "Cover Story: Review of Deepa Kumar's Islamophobia and the Politics of Empire." July 14,, 2013. <http://www.dawn.com/news/1024393>)
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It is this imperial racism and the dehumanising Islamophobic rhetoric of the so-called 'war on terror' that Kumar brings into focus in this most valuable primer. "Drawing on my academic training as a cultural theorist," Kumar writes, "I situate the rhetoric of Islamophobia within the broader political, historical, legal, and social context from which it emerges to show that anti-Muslim racism has been primarily a tool of the elite in various societies." She demonstrates in elegant, accessible prose that Islamophobia is neither timeless nor expressed and acted upon in any uniform way. It is not an eternal, unchangeable Western hatred of Islam and Muslims, but is actively whipped up when it is politically expedient to do so. This point is crucial. To be able to see Islamophobia's making (and remaking) holds the key to its unmaking. In Kumar's telling, it is the age of modern European colonialism and its "systematic use of scholarly knowledge to serve the needs of empire" — what can be described as Orientalism — that Islamophobia acquires its full political potency from. The worldview produced by these Orientalist scholars was one, to quote Kumar, "in which the 'West' is seen as dynamic, complex, and ever-changing society which cannot be reduced to its key religion or any other single factor, while the 'Orient' or the 'world of Islam' is presented as unchanging, barbaric, misogynistic, uncivilised, and despotic." When by the middle of the 20th century, the US "took over the mantle of colonial overlord of the 'Muslim world,'" it too began to systematically study the Middle East as the European empires had done. This American scholarship reproduced the Orientalist dualism in the form of the "modernisation theory," a highly influential theory till the 1970s. Kumar notes that this theory categorised societies along the traditional-modern binary, roughly mapping on to the old East/West divide: "Traditional societies were agricultural and rural, slow to change, and politically authoritarian. Modern societies, on the other hand, were seen as industrial, quick to change, and politically democratic and egalitarian." The so-called

traditional societies could not change from within; they had to be changed from without by Western intervention. America's mission, conceived through such a dichotomous understanding of the world, is that of 'benevolent supremacy': "the notion that an American-dominated world would ensure liberty and democracy for all through the mechanisms of free-market capitalism." According to Kumar, such views are widely held. Even those that joined the massive anti-war liberal-left coalition against the Iraq invasion bought into the official line that the American occupation is necessary for democracy to bloom in Iraq. Kumar, an active member of the anti-war movement, writes that she "found almost unanimous agreement in the [antiwar] coalition that this was indeed the right thing to do." From academic justifications of imperialism, Kumar moves to an analysis of the American foreign policy thought, and finds that there is a consensus between the neoconservatives and "the realist/liberal camp" when it comes to "the right of the United States to assert its power around the world," and on American exceptionalism — the idea that America is unique among nations because of its liberal values. Kumar charts these two trajectories through time and notes that while "[a]fter Vietnam, Cold War liberals backed away from open confrontation and intervention," preferring, for instance in the Clinton era, coalition building and politically expedient, selective "humanitarian" interventionism, (if possible) with the endorsement of the United Nations, the neoconservatives remained committed to militarism. The difference, thus, is a matter of frankness about the use of violent means to the same imperial ends. The collapse of the Soviet Union, however, left America with no global foe against which the neocon militarist fantasies could be enacted. To address this void, even before 9/11, neocons like Daniel Pipes identified Islam as the new threat to the West just as communism had been during the Cold War. But the installation of the Islamic enemy as the supreme villain to the West had to wait till 9/11. Kumar notes that "capitalising on this opportunity [...] also meant orchestrating an elaborate public relations campaign designed to elicit public support and stifle criticism. Enter the War on Terror and the language of Islamophobia." Obama has hammered again and again that the US is not at war with Islam. It is not my purpose to argue that it is, but to point out how such statements serve to obfuscate the Islamophobia of American foreign and domestic policies. Liberal Islamophobia shuns the language of 'clash of civilisation' that one routinely came across in the immediate aftermath of 9/11. Instead, it prefers the nicer-sounding 'clash within' thesis that holds that there is a war going on "inside Islam" between moderate Muslims ('our friends') and the extremist ones ('our enemy'). Caught in the middle of a fight not of its own making, the United States, always both the innocent bystander and the reluctant, self-designated policeman of the world, needs to strengthen 'friend Muslims' through diplomacy, market initiatives, and of course, by visiting violence on the 'enemy Muslims'. Friend Muslims know that what's good for America is good for the world. Enemy Muslims, on the other hands, are united by a common ideology that fuels terrorism, which, in Obama's words, is "a belief by some extremists that Islam is in conflict with the United States and the West." Terrorism experts and various US state officials term this the 'Jihadi narrative': a stringing together of real or fictitious incidents of American aggression as evidence of America's/West's war on Islam. Ill-informed, irrational Muslims, so prone to conspiracy theories, get "brainwashed" and radicalised by this fabricated litany of anti-Muslim American violence, the theory goes. Radicalisation is conceived as a conveyor belt to suicide bombing and the person on this path, to quote from the aforementioned Obama speech, "is drifting towards violence." Even if he has not committed

any violence, it is deemed destined that he will — unless he is killed or captured. This counterterrorist narrative about the ‘Jihadi narrative’ distracts liberals from developing a vigorous critique of the ‘war on terror’ as they recover from their fleeting feelings of shame about the frequent “flying while Muslim” incidents with musings about how ‘those radical Muslims’ must love such stories about America falling short of its ideals. **Worse yet, this narrative becomes a way to silence any charges of Islamophobia and racism levelled at the United States’ global wars and Muslim critiques of American violence are dismissed with prejudice as ‘Osama-talk’.** This last charge was also hurled at me by a Pakistani liberal, who took anti-imperialist critiques of the US to be necessarily right-wing talking points stemming from knee-jerk “anti-Americanism.” Having thus completely abandoned anti-imperialism as a relevant, progressive cause, Pakistani liberals then self-righteously wonder why so many of Pakistan’s middle-class (sub)urban youth grow fond of jingoist, military-idolising talking heads like Zaid Hamid who posit a besieged Islam as a veritable damsel in distress and Pakistan military with its phallic armaments as the guardian of its honour. Much of the imperial rhetoric holds Islamism to be violent extremism — an Islamic problem, with, to quote the aforementioned Obama speech, “deep rooted problems like poverty and sectarian hatred” feeding it. In this narrative, these enabling factors have nothing to do with America, and are presumably inherent to Muslim society. In two stirring chapters, Kumar historicises the emergence of what is also referred to as political Islam. She reminds readers of the history of America’s arming and financing — as a bulwark against communism — what Obama referred to as “extremism, from North Africa to South Asia.” Kumar elucidates the “overarching conditions that enable Islamists to vie for hegemony” in the late 20th century, namely: the American role in the birth and propagation of violent global Jihad; the American-backed violence on secular nationalist political forces; the failure of the Left to step into the void created by the retreat of secular nationalist forces; neoliberalism’s relentless exacerbation of economic crises across the world that paved the way for the rise of right-wing religio-political movements across religions. Kumar argues that developing a robust understanding of political Islam requires that it not be considered a unified phenomenon. Instead, each Islamist movement must be placed in its local context. However, she also says that the role local conditions play is beyond the purview of her exploration. If that is the case, **Kumar’s claim to be looking at “the phenomenon of political Islam on its own terms” falls short, for however necessary the global conditions may be, they do not fully explain why this particular ideology (and not some other) came to be the political force that it is today. In other words, the question to ponder is: why did ordinary people partake in Islamism(s), and what about it/them captured their imagination and political energies? A similar issue lies in conceptualising Islamophobia as a tool of the political elites, mobilised in order to serve their interests. Again, this does not tell us much about what compels ordinary citizens to follow the lead of the political classes/elites. In other words, when it comes to Islamophobia, what brings the interests of both the elites and the masses in consonance? Drawing a sharp dichotomy between the interests of the elites and those of the common people has the unfortunate effect of taking away the latter’s agency, rendering them into mindless cattle which can be herded into lynch mobs. It is a politically and intellectually debilitating position to take.** On the one hand, Kumar believes that “it is from the ranks of ordinary people that activists emerge to challenge racism in all its forms. It is here that the hope for fighting and ending Islamophobia lies.” But when it comes to explaining why

ordinary people espouse Islamophobic ideas, she states that this is because “those who rule a society tend to set the terms of discussion,” even though “ordinary people can and do resist dominant ideas.” History teaches us that the elite are not always successful in securing consent, despite the mighty ideological apparatus. But the question still remains: how do (some) elite ideas, in this case imperial Islamophobia, become dominant at a given moment in time? Knowing how ‘the masses’ are also pivotal to the maintenance of violent ideologies and systems can help one see the mundane, everyday workings of power, and ordinary people’s complicity in the very systems of dominance that oppress them. That may constitute a valuable lesson for us ordinary people in how to resist, or at least how not to enlist in, predatory social systems

A2 Ethics First

Challenging the state is necessary to restore our responsibility to the other

Campbell 99 (David Campbell, professor of international politics at the University of Newcastle, 1999, *Moral Spaces*, p. 40-41.)//EMerz

Even though Levinas's limited reservations about the state are here restricted to the nature of (domestic) political order, the idea that "the state may have to be challenged in the name of our ethical responsibility to the other" at least allows for the possibility of extending political action in terms of the ethical relation beyond the bounds suggested by Levinas's previous reflections on the third party and the state. There is no doubt, however, that to fulfill the promise of Levinas's ethics with respect to international politics, this possibility for challenge has to be carried a good deal further. Moreover, I would argue, this possibility for challenge has to be pursued in order to maintain fidelity with Levinas's conviction that neither politics nor warfare can obliterate the relationship of the self to the other as a relation of responsibility. Indeed, this endeavor might be thought of in terms of making Levinas's thought more "Levinasian," for pursuing this possibility of challenge flows from the recognition that “injustice—not to mention racism, nationalism, and imperialism—begins when one loses sight of the transcendence of the Other and forgets that the State, with its institutions, is informed by the proximity of my relation to the other.

A2 Law Bad

The U.S. government uniquely has the capacity to fight Islamophobia- the legal system is ridden with anti-Muslim laws that only the state can fix

CAIR 13 (Council on American-Islam Relations. “Legislating Fear.” August 20, 2013. Page 133-136. <http://www.cair.com/images/islamophobia/Legislating-Fear.pdf>)//EMerz

Groups in the inner core should ostracized from mainstream public discourse in a manner similar to white supremacist, anti-Semitic or other groups, such as the Westboro Baptist church. Free speech is essential in an open society. People of conscience must be willing to defend speech that repulses their humanity. However, we at CAIR believe that bigoted speech should be relegated to where it belongs- the fringes of society and out of serious policy discussion. Inner core groups should not be offered legitimizing platforms by media

outlets or political groups. Challenge the culture of politically exploiting hate against Muslims, reject anti-Muslim laws Legislators must reject the introduction of anti-Muslim, anti-Sharia, and anti-foreign law legislation that seeks to marginalize American Muslims and keep them from having the same rights and access to the courts as Americans of other faiths. Rep. Peter King's five anti-Muslim hearings generated no appreciable response from Republican leadership. The response to Rep. Michele Bachmann's allegations of Muslim Brotherhood infiltration was encouraging. It was both bi-partisan and strong. When contenders for our nation's highest office call for loyalty oaths or smear an entire religious minority as a threat then they should face significant opposition. Protect the sanctity of places of worship America as a place that protects religious minorities is an ideal ingrained in our national character since the Pilgrims arrival. When a place of worship is damaged or vandalized the entire community, religious leaders of all faiths, elected officials and private citizens should rally to reject bias. Similarly, when routine zoning or land use issues are transformed into forums of hate speech or legal challenges as to the very nature of religion then strong voices for pluralism need to be present. CAIR's recently released "Best Practices for Mosque and Community Safety" brochure is an ideal starting place for facility leaders interested in improving the facility of their site. Contact info@cair.com using the subject line "mosque safety" for more information. Support of the End Racial Profiling Act and reform of DOJ racial profiling guidelines CAIR requests that Congress enact the End Racial Profiling Act and revise the U.S. Department of Justice (DOJ) Civil Rights Division's Guidance Regarding the Use of Race by Federal Law Enforcement Agencies. The U.S. Constitution requires that federal and state law enforcement agencies respect the rights and freedoms of "all persons," regardless of race, religion, ethnicity, or national origin. American citizens respect their law enforcement agencies and look to them to enshrine the rights that the Constitution affords in their institutions, policies and practices. Should our nation's law enforcement agencies overlook or disregard the Constitution by engaging in acts of discriminatory profiling, our citizens would be sent a message that engaging in profiling based on race, nationality, religion, etc., is acceptable and worth emulating. CAIR also believes that **racial and religious profiling is not effective law enforcement and narrowly focuses the nation's law enforcement resources away from following actual leads and preventing illegal and violent acts.** Profiling violates the basic constitutional protections of the First, Fourth and Fourteenth Amendments. Profiling also hinders counterterrorism efforts against antigovernment extremists. For example, Timothy McVeigh (Oklahoma City Bombing, 1995), James Von Brunn (Holocaust Museum Shooting, Washington, D.C. 2009) John Bedell (Pentagon Shooting, Washington, D.C. 2010), Joseph Stack (IRS Building Suicide Bombing, Austin, TX 2010) and Floyd Corking (Family Research Council Shooting, Washington D.C. 2012) would not have been identified by racial or religious profiling. Drop or modify the term Islamist Many Muslims who wish to serve the public good are influenced by the principles of their faith. Islam teaches Muslims to work for the welfare of humanity and to be honest and just. If this inspiration came from the Bible, such a person might well be called a Good Samaritan. But when the source is the Quran, the person is an "Islamist." Unfortunately, the term "Islamist" has become shorthand for "Muslims we don't like." It is currently used in an almost exclusively pejorative context and is often coupled with the term "extremist," giving it an even more negative slant. There are few, if any, positive references to "Islamist" in news articles. background to make him or her a subject matter expert. Congress and other Federal entities that oversee training grants

should ensure that federal grants to state law enforcement counterterrorism training programs do not go to anti-Muslim trainings or trainers. As noted by the author's of How We Train Our Cops to fear Islam, "State accreditation should be made mandatory for counterterrorism training courses—it often isn't—and the accreditation process itself must also be toughened." There should be subject-matter experts who evaluate courses, and they should sit in on classroom sessions anonymously. If such a system of state-based oversight worked properly, then bad trainers would have their state accreditation revoked, and they would no longer be allowed to teach in the state. If states agreed to share lists of bad trainers, then the trainer would effectively be banned nationwide. There are also no -- nor should there be -- references to "Christianists," "Judaists" or "Hinduists" for those who would similarly seek governments "in accord with the laws" of their respective faiths. No journalist would think of referring to the "Judaist government of Israel," the "Christianist leader Rick Santorum" or "Hinduist Indian politician Narendra Modi," while use of "Islamist" has become ubiquitous. It might be an interesting exercise to hold a contest, the winner of which would be the first to find a positive mainstream media reference to "Islamist." The frequent linkage of the term "Islamist" to violence and denial of religious and human rights is also strongly promoted by Islamophobic groups and individuals who seek to launch rhetorical attacks on Islam and Muslims, without the public censure that would normally accompany such bigoted attacks on any other faith. Islam-bashers routinely use the term to disingenuously claim they only hate "political" Islam, not the faith itself. Yet they fail to explain how a practicing Muslim can be active in the political arena without attracting the label "Islamist." By not dropping or modifying use of the term, the media are making a political and religious value judgment each time it is used. Remove anti-Muslim, discriminatory trainers and materials in U.S. military and law enforcement at all levels Where it has not already happened, Federal, state and local law enforcement agencies should review their counter terrorism materials and remove information that is biased or inaccurate. All should adhere to the Department of Homeland Security's Federal interagency guidelines on CVE curriculum standards, Countering Violent Extremism (CVE) Training: Guidance and Best Practices. Any trainer should have either the educational or operational background to make him or her a subject matter expert. **Congress and other Federal entities that oversee training grants should ensure that federal grants to state law enforcement counterterrorism training programs do not go to anti-Muslim trainings or trainers.** As noted by the author's of How We Train Our Cops to fear Islam, "State accreditation should be made mandatory for counterterrorism training courses—it often isn't—and the accreditation process itself must also be toughened. There should be subject-matter experts who evaluate courses, and they should sit in on classroom sessions anonymously. If such a system of state-based oversight worked properly, then bad trainers would have their state accreditation revoked, and they would no longer be allowed to teach in the state. If states agreed to share lists of bad trainers, then the trainer would effectively be banned nationwide.

The legal framework to repeal Islamophobic laws already exists- it's just a matter of striking down those laws

CAIR 13 (Council on American-Islam Relations. "Legislating Fear." August 20, 2013. Page 61-62. <http://www.cair.com/images/islamophobia/Legislating-Fear.pdf>)//EMerz

No national Muslim organization is calling for the implementation of foreign law in the United States. Many support the idea that individuals can make faith-based agreements that are in accordance with U.S. law which can subsequently be enforced by U.S. courts. A primary example of this is the Islamic mortgage industry. Corporations offer loans that are compliant with both Islamic rules against lending money with interest and with American law. These contracts can, if necessary, be enforced in a U.S. court of law. In 2011, the American Bar Association (ABA) passed a resolution opposing ALAC-type legislation noting that it is “duplicative of safeguards that are already enshrined in federal and state law,” and saying, “Initiatives that target an entire religion or stigmatize an entire religious community, such as those explicitly aimed at ‘Sharia law,’ are inconsistent with some of the core principles and ideals of American jurisprudence.” The ABA also stated the following: “Language in these Bills and Amendments dealing with ‘international law’ or ‘foreign and customary law’ is likely to have an unanticipated and widespread negative impact on business, adversely affecting commercial dealings and economic development in the states in which such a law is passed and in U.S. foreign commerce generally.” “Many of the Bills and Amendments would infringe federal constitutional rights, including the free exercise of religion and the freedom of contract, or would conflict with the Supremacy Clause and other clauses of the Constitution.” Regarding the notion of Islamic rules supplanting American law, the American Civil Liberties Union reached the following conclusion in a report released in May 2011: A new report by the ACLU, Nothing to Fear: Debunking the Mythical "Sharia Threat" to Our Judicial System, examines, in detail, the cases repeatedly cited by anti-Muslim groups as evidence of the alleged "Sharia threat" to our judicial system. The report concludes that these cases do not stand for the principles that anti-Muslim groups claim. Rather, these court cases deal with routine matters, such as religious freedom claims and contractual disputes. Courts treat these lawsuits in the same way that they deal with similar claims brought by people of other faiths. So instead of the harbingers of doom that anti-Muslim groups make them out to be, these cases illustrate that our judicial system is alive and well, and operating as it should. The Anti-Defamation League wrote of the 2012 anti-Islam bill in Florida that there “simply is no documentation of unconstitutional application of foreign law in our judicial system. Florida courts are already prohibited from applying or considering religious law in any way that would constitute government entanglement with religion due to the separation of church and state embodied in the Florida and federal constitutions.” 129 The Florida Bar’s Family Law Section made a similar argument.¹³⁰ As will be shown momentarily, the legislators who introduced anti-Islam bills also failed to produce evidence of an actual problem they felt would be addressed by such a law.

A2 No Political Agency

Muslims do have political agency and saying they don't overlooks a litany of examples of Muslim involvement in US civic life

Senzai 12 (Farid Senzai. “Engaging American Muslims: Political Trends and Attitudes.” 4/3/12. http://www.ispu.org/pdfs/ISPU_Report_Political_Participation.pdf Page 72).//EMerz

Recommendations: 1. Provide Resources to Further Mobilize the Community: The empirical evidence suggests that American Muslims are increasingly active and civically engaged

citizens. Although their level of political incorporation and mobilization has increased over the past decade, the community as a whole is still not as engaged as it could be. For example, some levels of involvement trail behind those of the general public, including the percentage that is active members of a political party or that contributes to political campaigns. Community organizers need to provide the information and resources needed to help motivate and mobilize the community further. 2. Tap into Active Segments of Community: Nationally, African American Muslims were found to be most active in almost all categories of political participation, compared to immigrant Muslims. In addition, state level data in Michigan showed high political engagement by women and young people. Community organizers and political strategists should tap into these highly active subgroups to lead their communities. 3. Engage with Mosque Communities: Evidence suggests that higher levels of religiosity and mosque attendance lead to higher levels of political participation. This can be seen in mosque participants' higher voting levels, increased awareness of the issues, writing to their representatives, engaging peacefully in political protest, and other indicators of political activity. Candidates, political leaders, and community organizers looking to reach out Muslim voters should reach out to the mosque leadership and active members. 4. Speak to the Issues that Concern American Muslims: The American Muslim community can be cultivated for either a Republican or a Democratic candidate, particularly in such swing states as Michigan, Ohio, Pennsylvania and Florida. This report highlights evidence that candidates can build better relations with the community by demonstrating awareness of those issues of most concern to community members.

A2 No Solve Local

The T version still solves state and local surveillance – it's driven by the FBI and federal standards

O'Connor and Jahan 14 (Alexander J. O'Connor and Farhana Jahan. "Under Surveillance and Overwrought: American Muslims' Emotional and Behavioral Responses to Government Surveillance." 2014. Vol. 8 Issue 1.

[//EMerz](http://quod.lib.umich.edu/j/jmmh/10381607.0008.106?view=text;rgn=main)

In early 2012, it was uncovered that the New York Police Department established an extensive program of surveillance and infiltration of Muslim student organizations in universities across the northeast (Ebadolahi, 2012). That this surveillance occurred both within and outside of New York City—in Connecticut and Pennsylvania, for instance—was early evidence of the extent and support of covert surveillance of American Muslims by United States law enforcement and intelligence agencies. Similar instances of widespread surveillance conducted by the Federal Bureau of Investigation (FBI) were later uncovered in other areas of the country (ACLU, 2012). Such reports of governmental surveillance, profiling, and monitoring—all which we consider in the present study—increased after September 11th, 2001 (Ibish, 2003). The USA PATRIOT Act (2001), signed in the months after 9/11, by reducing restrictions in law enforcement agencies' ability to conduct surveillance on anyone suspected of involvement in terrorism, provided the legal legitimacy for much of the subsequent surveillance (Council on American-Islamic Relations, 2004; Ibish, 2003). Revelations about the National Security Agency's surveillance program suggest that these methods have since expanded (Greenwald & MacAskill, 2013). Such surveillance, however, has targeted many people, Muslims in particular, with no connection to terrorism (Ibish, 2003). Alongside other forms of post-9/11

discrimination experienced by American Muslims, government surveillance is associated with psychological distress—including depression and subclinical forms of paranoia (Ahmed, Kia-Keating, & Tsai, 2011; Amer & Hovey, 2012; Rippy & Newman, 2006). Little is known, however, about (1) American Muslims' emotional reaction to being monitored by the government and (2) how they respond to, manage, and regulate these emotions alongside the prospect of continuing or future surveillance. The present work examined these two phenomena.

A2 Political Agency Fails

Political engagement with Muslim communities is the most effective at protecting the identity group and promoting security domestically

Rascoff 12 (Samuel J. Rascoff. Professor of Law at NYU. "Establishing Official Islam? The Law and Strategy of Counter-Radicalization." 2012. [//EMerz](http://www.stanfordlawreview.org/print/article/establishing-official-islam)

Domestic counter-radicalization efforts have increasingly been predicated on the idea that engagement—outreach to certain Muslim communities in order to make Official Islam a social reality—can play a crucial role in promoting domestic security. Deputy National Security Advisor Denis McDonough recently affirmed the Obama Administration's commitment to engagement with local Muslim communities: [E]quipped with this information, we've expanded our engagement with local communities that are being targeted by terrorist recruiters. The departments of Homeland Security and Justice have created new advisory groups, instituted regular outreach sessions, and held dozens of roundtables across the country. It's all been with the goal of listening to your communities, sharing information on how al Qaeda attempts to recruit and radicalize, and answering the question so many communities have asked us—what can we do to protect our young people?¹³¹The precise nature of outreach programs of this sort varies within agencies and from one agency to the next. The FBI, the Department of Homeland Security, the National Counterterrorism Center, the Department of Justice, and numerous state and local agencies have each engaged with members of the Muslim community inside the United States for the purpose of counter-radicalization. For example, the officials from the Department of Homeland Security and the National Counterterrorism Center recently participated in a community awareness briefing for Muslim leaders in Hartford, Connecticut, devoted to "Understanding Radicalization and De-Radicalization Strategies."¹³² Among the panel discussions was a session devoted to "Seeking a Counter-Reformation in Islam."¹³³ The U.S. Attorney in Oregon created his own "network of Muslim community leaders" motivated by the desire to "educate Muslim partners and give them resources and support so they can counter radicalization on their own."¹³⁴ And Ohio's counter-radicalization efforts have included the creation of an imam council.¹³⁵

A2 Privacy Laws Bad

Legal change can combat profiling – lack of privacy protections is the primary roadblock at government level

Mitsilegas 13. (Valsamis Mitsilegas, "The Value of Privacy in an Era of Security: Embedding Constitutional Limits on Preemptive Surveillance" Queen Mary University of London, International Political Sociology [PDI])

The intervention by the judiciary in the security--privacy constitutional struggle serves to highlight the importance of privacy as a legal principle capable of effectively addressing the reconfiguration of the relationship

between the individual and the state caused by preemptive surveillance. Privacy can be effective in this context in five key ways: in focusing on the impact of surveillance on the individual as a whole, rather than focusing on the protection of specific categories of personal data; in emphasizing the need to protect private life and personal data as fundamental rights, rather than attempting to provide a mere regulatory framework for the use and processing of personal data; in challenging the justification and practices of the collection of personal data by the state and the private sector per se, rather than merely setting limits on the processing, use and transfer of such data ex post, after it has been collected; in addressing the challenges of profiling individuals resulting from the maximization of the collection, and access to, personal data and the interlinking of databases; and last, but not least, in focusing on the reconfiguration of the relationship of trust between the citizen and the state which a permanent and generalized surveillance regime entails. Privacy can thus provide protection not only as a fundamental right in itself, but also by underpinning the exercise of other fundamental rights and, as such, act as a democratic and rule of law safeguard.

A2 Social Before Law

Laws increasing the power of Homeland Security to conduct surveillance on Muslims are at the core of Islamophobic attitudes nationwide

CAIR 13 (Council on American-Islam Relations. "Legislating Fear." August 20, 2013. Page 72-73. <http://www.cair.com/images/islamophobia/Legislating-Fear.pdf>)//EMerz

Two Department of Homeland Security Reauthorization Acts contained language that singled out American Muslims for additional scrutiny over the threat of violent extremism in the United States. Co-sponsored by Sen. Joseph Lieberman (I-Conn.) and Rep. Peter King (R-N.Y.), both bills (S.1546 and H.R.3116) sought to create a new coordinator position within the Department of Homeland Security (DHS) to direct efforts on "counter[ing] homegrown violent Islamist extremism" with particular focus on the "ideology of Al Qaeda and its affiliated groups" in the United States. In a letter to Senator Lieberman, DHS Secretary Janet Napolitano reaffirmed that, "DHS has made it a priority to counter all forms of domestic violent extremism, regardless of ideology," and that DHS has already established, "the Counterterrorism Advisory Board [led by a counterterrorism coordinator] to better coordinate the Department's ... efforts to prevent and protect against foreign and homegrown terrorist attacks." Section 213 of the Department of Homeland Security Reauthorization Act 2011 (S. 1546) stated, "The Secretary [of Homeland Security] shall designate an official of the Department [of Homeland Security] to coordinate efforts to counter violent extremism in the United States, particularly the ideology that gives rise to Islamist terrorism...." A DHS position focused on "Islamist extremism" plays well in the current political fear-of-Islam environment. However, **enacting such a position would send a clear message that the U.S. government views American Muslims collectively as a threat.** Such a position would be short sighted, as terrorism in America can arise from a number of ideologies. It also leaves wide open a door for the United States government to become involved in determining the "correct" or "acceptable" form of Islam.

A2 Structural Oppression

The USFG has passed hundreds of anti-Islam legislation that only it can revise- revision will minimize legal racism against Muslims

CAIR 13 (Council on American-Islam Relations. "Legislating Fear." August 20, 2013. Page 59-60. <http://www.cair.com/images/islamophobia/Legisating-Fear.pdf>)//EMerz

In 2011 and 2012, an apparent lack of confidence in the U.S. Constitution's strength led to a number of bills, and in some cases laws, which have at their heart the goal of subjecting Islam to government-sanctioned censure. The Congressional Research Service, a nonpartisan component of the Library of Congress that does research for members of Congress, determined that, "Any bill that would specifically ban sharia may be challenged as a disapproval of Islam in violation of the Establishment Clause or as an infringement on the ability of Muslims to freely exercise their beliefs under the Free Exercise Clause." 126 Similarly, Think Progress reported, "As the Supreme Court explained in Church of Lukumi Babalu Aye v. Hialeah, 'the protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons.'" 127 These legal protections are part of what makes America vibrant. **Opposing Islamophobic efforts to undermine them ensures that American democracy continues to work for everyone.** American Laws for American Courts and Its Derivatives In 2011 and 2012, 78 bills or amendments designed to vilify Islamic religious practices were introduced in the legislatures of 29 states and the U.S. Congress. Sixty-two of these bills contained language that was extracted from Islamophobe David Yerushalmi's American Laws for American Courts (ALAC) model legislation.v Party of bills' original sponsor(s): 73 bills were introduced by Republicans, 1 bill was introduced by a Democrat (Alabama), 3 were bi-partisan (Kansas, South Carolina, South Dakota), 1 was introduced by Republicans along with an Independent who caucuses with the Republicans (South Dakota) Number of bills that used language of Islamophobe David Yerushalmi, 62 were based on David Yerushalmi's American Law for American Courts, 16 were not Fate of Bills Bills were signed into law in Arizona, Kansas, South Dakota and Tennessee in 2011 and 2012. These joined previously passed bills in Oklahoma and Louisiana bringing the total to six states with an anti-Islam law on the books. What Is Sharia? Sharia literally means "path." It is a set of interpretations of the Quran and other Islamic sources; it is dynamic and intended to accommodate the time, place and laws—in America that means the U.S. Constitution—of a particular community.vi Sharia is interpreted differently based on its surroundings. Sharia mandates Muslims to respect the law of the land in which they live. Is Sharia Taking Over? According to the Public Religion Research Institute, as of September 2012, 61 percent of Americans reject the notion that American Muslims are seeking to establish Sharia as the law of the land. The number of Americans who feel that Muslims are working to subvert the Constitution rose from 23 percent in February 2012 to 30 percent in September 2012. 128 No religious code can replace American law. Article VI, Clause 2 of the U.S. Constitution clearly states, "This Constitution...shall be the supreme law of the land; and the judges in every state shall be bound thereby. ..." Additionally, the First Amendment prohibits Congress from making any law "respecting an establishment of religion. ..." vi See "Sharia and Diversity: Why Americans are Missing the Point" by Institute for Social Policy Understanding fellow Asifa Quraishi-Landes for a brief but excellent introduction to Sharia,

America has an already established tradition of allowing people of faith to make agreements and resolve disputes within the parameters of their religion, as long as any resulting contract complies with U.S. law. Catholic Canon law and Jewish Halacha are the most frequently cited examples in the context of the debate surrounding Islamic practices.

A2 T Version Doesn't S**

A perm can only benefit the neg – they can't win DAs to the USFG but we can win DAs to excluding it—a combination of the top-down and bottom-up approach is the most effective way to combating Islamophobia

Tutt, 13—Ph.D. in philosophy and Documentary Film Producer, fellow at the Institute of Social Policy (Daniel, "How Should We Combat Islamophobia?," Huffington Post, www.huffingtonpost.com/daniel-tutt/how-should-we-combat-islamophobia_b_3149768.html)/twemchen

While the dust has yet to settle on the horrific Boston bombings by the Tsarnaev brothers, Muslims have already felt the impact of their association with Islam. We have witnessed a rise in Islamophobic discourse in the popular media and blogosphere. As an activist who focuses on studying and combatting Islamophobia, I have wondered how we might effectively re-frame the narrative to prevent more Islamophobia. But at the same time, I have also realized that in our rush to write op-ed's and respond via the media, we should take a step back to consider the literature on Islamophobia and what it might teach us at this moment. After reading a diverse set of books and studies by different writers, including anthropologists, political scientists, sociologists and even activists who specifically address Islamophobia, I have identified two distinctive and quite different approaches to understanding how Islamophobia can be reduced in society. In one model, what I call the integrationist model, Islamophobia is understood as a "general fear of the other" that requires a relationship to repair. The other model, what I call the critical approach, Islamophobia is understood as a systemic problem, generated by cultural, governmental and civil discourses, and not as a subjective phenomena in need of a "cure." Both of these models not only present a different view on how to effectively treat or combat Islamophobia, each model also presents different theories of social change. While there are overlapping points of analysis regarding the causes of Islamophobia in both models, there are significant differences. These differences must not be overlooked because they inform the way in which programs and grassroots responses to Islamophobia occur. In the wake of the Boston bombing, these models can help us to think more carefully about whether the way in which we are combatting Islamophobia is contributing to the sorts of changes we want to see in the world, or whether they are re-enforcing some of the prejudices we are seeking to ameliorate. The first model, what I call the "critical" approach is articulated by writers such as Deepa Kumar in "Islamophobia and the Politics of Empire," Stephen Sheehi in "Islamophobia: The Ideological Campaign Against Muslims" and in Saba Mahmoud's work, in "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation." In this model, Islamophobia is not understood as a fear cultural of otherness, but as a political campaign that is tied to American power and discursive processes that subject Muslims to the power of the state and other interests. In this model, Islamophobia is understood as a symptom of American power and imperial interests, particularly the wars in Afghanistan and Iraq since 9/11, and the bloated security state that followed from 9/11. Stephen Sheehi sees the origin of Islamophobia in the rise of neoconservative think tanks following the cold war, specifically propagated by public intellectuals such as Bernard Lewis and the media commentators, such as Fareed Zakaria, who espouse his views.

Islamophobia is not about Islam as an identity, rather it is a construct that cuts across party lines and is propagated by the global elite to maintain the agenda of global capitalism. In Sheehi's framework, Islamophobia began on the ashes of Orientalism, and found its sprouting and coming into being inside the Beltway think tanks. Similarly, we find in Deepa Kumar's text, "Islamophobia and the Politics of Empire," a situating of Islamophobia as a symptom of American imperial wars and engagement in Iraq and Afghanistan. The implication for both Sheehi and Kumar are that large international coalitions should be formed to advocate for international justice through solidarity with other marginalized groups, and issues such as poverty eradication, Occupy Wall Street, and so on. Kumar points out that since 9/11, more than 700,000 Muslims have been interviewed by the FBI, which means that nearly 50 percent of all Muslim households have been touched by the FBI's "investigations" into Muslims. Saba Mahmoud writes in "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation" about how the RAND Corporation, a prominent Washington think tank, in their publication, "Civil Democratic Islam," helped to frame the cultural and media campaign the U.S. government would undergo in response to the war on terror. Then-President Bush's creation of the "World Muslim Outreach" center was built not exactly on combatting violent extremism, according to Mahmoud, but on identifying and creating a Muslim subject that can fit into the goals of American interests overseas. The report argues that the government, through a number of different agencies working in loose concert, must identify the right type of Muslims to partner with. The goal of these efforts must result in a new interpretation of Islam on behalf of Muslims. The Quran must remain at the level of symbols and of metaphor, of allegory, but not literal truth. This think tank report recognize that moderate Muslims don't actually see the Quran this way, and many are what the report calls "traditionalists," i.e., they hold a view of the Quran as the true word of God, and these are the Muslims that are poised as suspect to U.S. interests. It is the reformers and the secularists that are the ones to that the U.S. should connect with and build alliances with to support U.S. interests. The strategy for combatting Islamophobia according to this model is highly critical of any attempt to normalize Muslims into processes of power. They place critique of the systems that subject Muslims to surveillance as more significant than seeking to fit into a normative western society. By placing critique above integration, this model risks forever being the practice of academics and civil rights activists. In Sheehi's framework, any attempt to defend Islam as a peaceful religion will tend to further entrench the dichotomies of the "good Muslim" vs. the "bad Muslim" that

exists as a stereotypical construct. In short, this model is difficult for many Muslim American families and civic leaders that wish to integrate into American society, but it is extraordinary helpful in its diagnosis of the cause of Islamophobia. The Integrationist Model The second model I have identified in the literature on Islamophobia is what I refer to as the "integrationist approach". In this view, the primary cause of Islamophobia is a more general fear of otherness, tied to a lack of inter-personal relations and contact with Muslims in western societies. Key books and studies that support this view include Robert Putnam and David Campbell's "American Grace: How Religions Divides and Unites Us," Eboo Patel's "Sacred Ground: Pluralism, Prejudice, and the Promise of America" and many think tank publications from groups that research Islamophobia, including the Brookings Institute, as well as the State Department. In this model, strategies for combatting Islamophobia are centered on education about Islam and building personal relations with Muslims. They tend not to encourage civil disobedience, or to situate the cause of Islamophobia in the context of a larger critique of American power or foreign policy. Muslims in America are frequently compared to other ethnic minority communities that fought for a place at the table such as the Japanese, the Catholics or African Americans. But the question these books pose is the classic debate that many African American thinkers have posed after the civil rights movement: are we advocating an assimilation or an integration into American society? The integrationists promote the idea of building a relation with a Muslim as the cure to Islamophobia. This theory has some compelling proof in the social science literature where it is referred to as "contact theory." The idea here is that through personal contact with the other, in this case a Muslim, the prejudice or potential to be prejudicial also falls by the wayside. Robert Putnam, a Harvard sociologist, argues in "American Grace" that education about religion is less important for lessening prejudice than is fostering personal relationships. Robert Wright picked up Putnam's notion when he pointed that the best way to combat Islamophobia is to get more Americans to know a Muslim, which is how America become less phobic toward the LGBT community. Wright argues that by getting to know the other as a colleague and a family member, the practice of "coming out of the closet" steadily became more and more acceptable over time precisely because people got to know the other outside of their identity which was demonized in popular culture. This "bridging model," where the Other is seen as a normal, everyday person with the same hopes, desires and dreams as anyone else helps to make them more easily accepted as a human outside of the stereotyped identity. Wright goes on to point out that the challenge for Muslims in the west is one of numbers: they are low in population and thus it may not be possible to promote a wide adoption of acceptance of Muslims until more people actually come into contact with practicing Muslims. The Danger in the Integrationist Model Where the strategy for acceptance falls short is at the level of acceptance. It suggests that one must enter into some neutralized sphere that does not preserve or even celebrate the religious identity of the other. Once the other has been accepted in this neutral space, will the other, in this case, the Muslim, be permitted to more authentically express their religious identity in the future? This engagement with the other that is predicated on a refusal to engage their authentic identity points to a danger in the larger integrationist view. By stressing commonness not based on preserving and sharing one's religious identity, but based on first encountering the other outside of their identity, we deprive the free expression of Muslim identity and we force Muslims to be subject to the status of an enemy. The political philosopher Carl Schmitt defines the enemy as whoever is "in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible." What many authors have pointed out in the critical model is that Muslim identity is seized and converted into an "in and an out" status in the public sphere. Muslims are either the enemy of the west, the Other, the non-Christian, the one religion or culture that can't fit into ours (Islamophobic side) or Muslims are the ones that are our friends (Islamophilic side). The integrationist model thus presents a danger at the level of the identity of Muslims, forcing them to accept a false construction of what it means to be Muslim. This is a process that unfolds in the self, the family, the community, the nation-state and the trans-regional diaspora. Muslims are forced to take into account the prejudices and expectations of an imagined, non-Muslim observer at all times when this dichotomy between the good Muslim vs. the bad Muslim. As a result, new distinctions between Self and Other are constantly woven into Muslim self-definitions. While the integrationist view of combatting Islamophobia usually results in higher levels of political influence and societal inclusion, it does come at a price. This price is what one scholar has referred to as "disciplinary inclusion." This idea of disciplinary inclusion was highlighted in an excellent Stanford law review article entitled "Establishing an Official Islam" by Samuel Rasooff. Rasooff points out how the Obama administration's unique approach to collaboration with the Muslim community under the banner of "countering violent extremism" a new euphemism for countering terrorism, is to establish a version of Islam that is normative to the values of the United States government. By recruiting so called "moderate Muslims" as agents of the United States diplomatic efforts abroad in Muslim countries and having government officials attend Islamic religious events and conferences, Rasooff argues that the government is promoting a threat to the establishment clause of the US Constitution and the First Amendment that preserves the right for private citizens to practice and define their religion without the incursion of any government agency. The ostensible efforts of the U.S. government here seem to be well intentioned. They want to strengthen moderate Islam and help to portray certain moderate

strands of Islam as the correct and acceptable version of Islam. But what ends up taking place is a form of Muslim identity that is regulated by the government, whereby the government goes to co-define what is normative within Islam, and what is not. While many Muslims in the U.S. and the west more broadly participate in these efforts to strengthen moderate Islam by collaborating with the government, it is at the same time, a mode of the philosopher Michel Foucault called governmentality that perpetuates a sense of religious insiders and outsiders. Muslim Americans, for example, have already shown time and again that they are often the first responders to radicalism and that their version of Islam is not in need of governmental collaboration in this hands on manner. The truth is that Muslims living in the west, and around the world for that matter, have the most to lose when it comes to combatting radicalism in the name of their religion. This is why the Muslim community in Toronto turned in the suspects in the recent planned terrorist attack. While public condemnations of terrorism in the name of Islam coming from Muslims are a good thing to hear, we have to understand that combatting Islamophobia is a much larger systemic challenge that requires a combination of both the integrationist personal engagement as well as the critical approach.

A2 USFG Inaccessible

Reject their caricatures of US policy and Islam – the aff cherry-pick policy failures and overlook huge areas of structural political progress

Duss 13 (Matthew Duss. “Islamophobia and the Politics of Empire.” 2013.

[//EMerz](http://www.aucegypt.edu/gapp/cairoreview/pages/articleDetails.aspx?aid=255)

Since the attacks of September 11, 2001, various analytical frameworks have been proposed to understand the American relationship with the Middle East. In *Islamophobia and the Politics of Empire*, scholar Deepa Kumar offers a look at the role of Islamophobia in the West and argues that it continues to inform U.S. foreign policy for both conservatives and liberals. By echoing and updating Edward Said’s critique, which holds that Orientalism continues to dominate much of Western academic study of the region, Kumar argues that, just as the creation of an exotic, irrational Muslim “other” facilitated European empires’ colonial subjugation of the Middle East, so too has a reductive, essentialist view of Islam been deployed to justify America’s military interventions since 9/11. Kumar makes the case well—it’s not hard to find evidence for this. After all, following 9/11 Americans were fed a steady diet of images featuring Muslim violence, interspersed with claims regarding the centrality of such violence to the faith. In addition, half-baked treatises like Bernard Lewis’ *What Went Wrong: The Clash between Islam and Modernity in the Middle East*—in which the vaunted historian pointed to Middle Easterners’ failure to embrace European classical music as evidence of... well, I’m still not sure—were hailed as very serious arguments by very serious people. And the idea that American intervention was required to vault Muslims into the future did eventually help put American troops in Iraq. Somewhat more provocative, and problematic, is the second half of Kumar’s argument: that Islamophobia in the U.S. continues to be a joint project between American conservatives and liberals. While the contours of conservative Islamophobia are familiar (Islam is intrinsically hostile to modernity, freedom, and the American way, etc.), its liberal variant is, in Kumar’s view, equally pernicious. “The key characteristics of liberal Islamophobia,” Kumar writes, “are the rejection of the ‘clash of civilizations’ thesis, the recognition that there are ‘good Muslims’ with whom diplomatic relations can be forged and a concomitant willingness to work with moderate Islamists.” While Kumar grants that “liberal Islamophobia may be rhetorically gentler” than the conservative version, she insists that it nonetheless “reserves the right of the U.S. to wage war against ‘Islamic terrorism’ around the world, with no respect for the right of self-determination by people in the countries it targets.” It is, Kumar concludes, “the ‘white man’s burden’ in sheep’s clothing.” To be fair, there is some evidence of liberals’ collaboration, or at least pandering to, Islamophobia when it suits their political needs. The

spectacle of Democrats attacking the Bush administration over the 2006 Dubai Ports World deal is one unfortunate example. To advance this argument further, however, Kumar resorts to stealing a few bases. Claiming that liberals went along with conservative efforts to spread fear about the Muslim background of candidate Barack Obama, Kumar cites a May 2008 New York Times Op-Ed by Edward Luttwak (identified as “a fellow at the realist/liberal imperialist think tank” Center for Strategic and International Studies) in which he wrote that, as Obama was born to a Muslim father, his conversion to Christianity is a crime “under Muslim law.” But citing Luttwak and CSIS as “liberals” is problematic. Luttwak is a conservative-realist, and CSIS is a firmly centrist organization (full disclosure: I was a CSIS research intern some years ago.) Kumar also neglects to mention that the piece was savaged by many in the media, including within the New York Times itself—Public Editor Clark Hoyt essentially apologized for the piece’s irresponsible assertions. Viewing the Obama administration’s surge strategy in Afghanistan through the darkest possible lens, Kumar writes, “One might speculate that a White House eager to prime public opinion for a troop surge of thirty thousand may have even encouraged a pliant media to devote attention to ‘homegrown terrorism.’” Indeed Kumar is left merely to speculate, in the absence of any proof of such a scheme. The idea that the Obama administration so trafficked in Islamophobia is somewhat outlandish given the criticism administration officials faced for refusing to specifically cite the Islamic faith as a cause of terrorism (memorably illustrated by Rep. Lamar Smith’s badgering of Attorney General Eric Holder in May 2010). The problem with defining Islamophobia as broadly as Kumar does is that it threatens to divest the term of meaning. It is possible to condemn terrorism committed by Muslims in the name of religion, or to have serious concerns over the development of pluralistic democracy under Islamist-controlled governments, without being anti-Islam. What defines Islamophobia is the belief that terrorist violence is somehow inherent to Islam, or that democracy is incompatible with correct Islamic practice. In uncovering Islamophobia here, there, and everywhere, Kumar unfortunately gives form to the straw man arguments of actual Islamophobes, who often cry that they are being silenced for voicing any criticism of Muslims. It’s quite true that **American political discourse continues to be shot through with ignorance of and hostility toward Islam, but it isn’t the full picture.** Take, for example, the recent controversy over Newsweek’s “Muslim Rage” cover story. The cover line and accompanying essay by controversial Islam critic Ayaan Hirsi Ali generated more discussion about the magazine’s Muslim baiting than about “Muslim rage” itself. While her promulgation of “liberal Islamophobia” is overwrought, Kumar valuably catalogues many of the ways in which American Muslims have been negatively affected by the “war on terror” discourse. She also takes aim at an important problem, if only in glancing: the failure of progressives to press the Obama administration on its civil liberties violations. Rather than locating the cause in deep-seated Islamophobia, however, we’d be just as likely to find it in political expediency. Even with its flaws though, this remains a valuable book. While Kumar’s framework doesn’t adequately capture the various levels and angles of U.S. engagement with the Middle East as a region, or with Islam as a faith, it does offer an important survey of the mistaken assumptions that continue to power some seriously flawed policies. As the U.S. develops better policies to engage with a transforming Middle East, and hopefully confronts the ongoing degradation of rights at home, the issues Kumar raises deserve to be taken seriously.

Speaking for Others K

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The 1AC speaks from a privileged position of disinvestment with the stories of the Muslim Americans that they have chosen to tell—their universalization of Muslim subject positions isn't an act of speaking on behalf of others, it's an act of speaking for others and silencing the subaltern

Kapoor, 8—Professor of Critical Development Studies at the Faculty of Environmental Studies at York University (Ilan, Spring 2008, "Introduction: Islam and Cultural Politics", *Topia: Canadian Journal Of Cultural Studies*, pg. 3-5)//twemchen

The Postcolonial View: Islam as Open and Political But there is another perspective on culture—a postcolonial one. Calling it postcolonial may be a sleight of hand, given that it has multiple variants and relies on several sources (cultural anthropology, cultural marxism, discursive analysis, deconstruction). I would like to draw out two themes for the purposes of this introduction. First, rather than asking Huntington's "what is culture?" which gives way to the reification of culture, the postcolonial perspective asks "how is culture made?" emphasizing its more active and transformative role. Culture is seen as a semiotic practice (Geertz 1973) grounded in everyday life, through which shared signs and symbols are deployed to represent our world. Raymond Williams refers to it as "the signifying system through which necessarily ... a social order is communicated, reproduced, experienced, and explored" (Williams 1982: 13; cf. Hall 1977: 328). Rather than focusing on cultural identity, which fixes and unifies culture, the idea here is to see culture as signifying process: this means that culture is dynamic rather than static, slippery and unfixed rather than stable, plural and hybrid rather than whole, and "negotiated and constructed rather than a 'given'" (Clammer 2005: 103; cf. Williams 1979: 154; Bhabha 1994; Appadurai 1996: 12). The second theme of discursivity is what gives the postcolonial perspective its critical bent. The semiotic construction of culture involves a "will to power," wherein knowledge is systematized and disseminated (Said 1978: 12; 1983: 216). This process includes the deployment of discursive strategies such as the use of rhetoric or the construction, repetition and reification of powerful images and stereotypes (Bhabha 1994: 66ff.; Derrida 1982: 307ff.), such as the images of Islam and Muslims discussed above. This critique also takes into account the enactment of discourse in institutional practices, for instance the state or corporate media which fund and widely disseminate a favoured body of knowledge. A power politics is thus at play, entailing domination of and/or contestation between representational practices. This postcolonial perspective enables us to view culture not as something separate and beyond, whose outlines can be precisely and objectively determined from afar (as in Huntington's multiculturalism or Islamism), but rather as an immediate and inescapable shaping of experience. Its contours may well be shifting and imprecise, but we cannot view, interpret or make our world without it. Culture tints, filters, gives perspective; yet privileging one colour means excluding others; filtering in also means filtering out. Islam, in this view, is not a collection of clearly definable values or "customs," but rather a contested terrain of lived practices and contingent interpretations. Fixating on one set of meanings—a "real" Islam or the "true" Muslim woman—is an attempt to contain, control or hierarchize the Other. Many of the contributions in this issue aim at unsettling

the propagation of powerful stereotypes that reduce Islam or Muslim culture to a religious category, equate Muslims with terrorism or sexual perversion, or assume Islamic religious practice to be monolithic or static. Thus, Liz Philipose cautions against the feminist view that all “traditional” or Muslim law is necessarily oppressive to women. And Shahnaz Khan emphasizes that holding only local Afghan patriarchies to account for Afghan women’s “oppression” is linked to a desire to “rescue 8women,” and may well be used as an argument to rationalize foreign military intervention. This contested cultural terrain obliges us to be more self-reflexive about, and accountable to, our positioning as privileged intellectuals, Western(ized) elites, or women or men; otherwise we run the risk of universalizing our positions or speaking for others, thus silencing the subaltern (Spivak 1988). This is certainly the argument put forth by Burwell, Davis and Taylor, who problematize their own pedagogical practices in general, and the reading of Nafisi’s Reading Lolita in Tehran in particular, within the current context of neo-Orientalism and Islamophobia. In response, they offer an expressly qualified and personalized hermeneutical account of Nafisi’s text. For the postcolonial critic, accountable positioning often means having to chart a complex course. Jasmin Zine speaks, in this regard, of having to confront oppression “from within and without” her community, that is, in a way that agrees with neither mainstream media arguments about Muslim women nor Islamist ones, and that resists both outwardly “secular” explanations and straightforwardly “religious” ones. This complex positioning often implies having to occupy a borderline position, on the margins of any mainstream. Yet such positioning, such contestation from the margins, is precisely what enables a “cultural politics”: it shows that culture does not only mediate our lives, but is the very site of agency and change. This is evident in Zine’s study of Muslim girls who challenge the gender-segregated spaces within their schools and attempt to negotiate a position that accommodates the status of women in Islam. It is evident in the work of women’s groups in North America and Nigeria which Liz Philipose highlights, that try to claim women’s rights by reinterpreting Islam in a feminist light. It is manifest in the “queer Muslim punk” groups described by Ibrahim Abraham; they demonstrate the possibility of same-sex intimacy without conforming to either the mainstream bourgeois hetero-homo binary or the hidden homosexual practices within Muslim communities. And finally, agency and change are apparent in Sayed Kashua’s book, Dancing Arabs, which, as Catherine Rottenberg tells us, challenges Jewish readers to re-examine their assumptions about Israel as a Jewish and democratic state. All of this lays bare notions of the West as necessarily culturally hegemonic, of Islam as homogeneous and fixed, and of Muslims as victims in need of rescue. The postcolonial view thus underlines the importance of culture to the contested present. It alerts us to how **dominant contemporary discourses on Islam are constructed, and reveals their attempts to de-politicize, naturalize and mainstream their Orientalist depictions of Muslims.** It warns against dominant strategies to centre or privilege some discourses (the corporate media, the nation-state, Western “civilization,” social elites, religious patriarchs) and produce others (Islam, Muslims, women, queers, the Third World). And it sensitizes us to those cultural acts of resistance aimed at interrogating, deflecting or re-presenting domination. The articles that follow in this special issue of TOPIA bring much needed attention to these important postcolonial insights and preoccupations.

Speaking for others re-enforces violence, coercion, and oppression while silencing Muslim Americans—their stories are inevitably twisted and construed to fit the current hierarchy of power

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, "The Problem of Speaking for Others," Cultural Critique, No. 20, p. 5-32)//twemchen

These examples demonstrate the range of current practices of speaking for others in our society. While the prerogative of speaking for others remains unquestioned in the citadels of colonial administration, among activists and in the academy it elicits a growing unease and, in some communities of discourse, it is being rejected. There is a strong, albeit contested, current within feminism which holds that speaking for others—even for other women—is arrogant, vain, unethical, and politically illegitimate. Feminist scholarship has a liberatory agenda which almost requires that women scholars speak on behalf of other women, and yet the **dangers of speaking across differences of race, culture, sexuality, and power are becoming increasingly clear to all.** In feminist magazines such as Sojourner, it is common to find articles and letters in which the author states that she can only speak for herself. In her important paper, "Dyke Methods," Joyce Trebilcock offers a philosophical articulation of this view. She renounces for herself the practice of speaking for others within a lesbian feminist community, arguing that she "will not try to get other wimmin to accept my beliefs in place of their own" on the grounds that to do so **would be to practice a kind of discursive coercion and even a violence.**³ Feminist discourse is not the only site in which the problem of speaking for others has been **acknowledged and addressed.** In anthropology there is similar discussion about whether it is possible to speak for others either adequately or justifiably. Trinh T. Minh-ha explains the grounds for skepticism when she says that anthropology is "mainly a conversation of 'us' with 'us' about 'them,' of the white man with the white man about the primitive-nature man...in which 'them' is silenced. 'Them' always stands on the other side of the hill, naked and speechless... 'them' is only admitted among 'us', the discussing subjects, when accompanied or introduced by an 'us'..."⁴ Given this analysis, even ethnographies written by progressive anthropologists are a priori regressive because of the structural features of anthropological discursive practice. The recognition that there is a problem in speaking for others has followed from the widespread acceptance of two claims. **First, there has been a growing awareness that where one speaks from affects both the meaning and truth of what one says, and thus that one cannot assume an ability to transcend her location.** In other words, **a speaker's location (which I take here to refer to her social location or social identity) has an epistemically significant impact on that speaker's claims, and can serve either to authorize or dis-authorize one's speech.** The creation of Women's Studies and African American Studies departments were founded on this very belief: that both the study of and the advocacy for the oppressed must come to be done principally by the oppressed themselves, and that we must finally acknowledge that systematic divergences in social location between speakers and those spoken for will have a significant effect on the content of what is said. The unspoken premise here is simply that a speaker's location is epistemically salient. I shall explore this issue further in the next section. **The second claim holds that not only is location epistemically salient, but certain privileged locations are discursively dangerous.**⁵ In particular, the **practice of privileged persons speaking for or on behalf of less privileged persons has actually resulted (in many cases) in increasing or reenforcing the oppression of the group spoken for.** This was part of the argument made against Anne Cameron's speaking for Native women: Cameron's intentions were never in question, but the effects of her writing were argued to be harmful to the needs of Native authors because it is Cameron rather than they who will be listened to and whose books will be bought by readers interested in Native women. **Persons from dominant groups who speak for others are often treated as authenticating presences that confer legitimacy and credibility on the demands of subjugated speakers; such speaking for others does nothing to disrupt the discursive hierarchies that operate in public spaces.** For this reason, the work of privileged authors who speak on behalf of the oppressed is becoming increasingly criticized by members of those oppressed groups themselves.⁶ As social theorists, we are authorized by virtue of our academic positions to develop theories that express and encompass the ideas, needs, and goals of others. However, we must begin to ask ourselves whether this is ever a legitimate authority, and if so, what are the criteria for legitimacy? In particular, is it ever valid to speak for others who are unlike me or who are less privileged than me? We might try to delimit this problem as only arising when a more privileged person speaks for a less privileged one. In this case, we might say that I should only speak for groups of which I am a member. But this does not tell us how groups themselves should be delimited. For example, can a white woman speak for all women simply by virtue of being a woman? If not, how narrowly should we draw the categories? The complexity and multiplicity of group identifications could result in "communities" composed of single individuals. Moreover, the concept of groups assumes specious notions about clear-cut boundaries and "pure" identities. I am a Panamanian-American and a person of mixed ethnicity and race: half white/Angla and half Panamanian mestiza. The criterion of group identity leaves many unanswered questions for a person such as myself, since I have membership in many conflicting groups but my membership in all of them is problematic. Group identities and boundaries are ambiguous and permeable, and decisions about demarcating identity are always partly arbitrary. Another problem concerns how specific an identity needs to be to confer epistemic authority. Reflection on such problems quickly reveals that no easy solution to the problem of speaking for others can be found by simply restricting the practice to speaking for groups of which one is a member. Adopting the position that one should only speak for oneself raises similarly difficult questions. If I don't speak for those less privileged than myself, am I abandoning my political responsibility to speak out against oppression, a responsibility incurred by the very fact of my privilege? If I should not speak for others, should I restrict myself to following their lead uncritically? Is my greatest contribution to move over and get out of the way? And if so, what is the best way to do this—to keep silent or to deconstruct my own discourse? The answers to these questions will certainly depend on who is asking them. While some of us may want to undermine, for example, the U.S. government's practice of speaking for the "Third world," we may not want to undermine someone such as Rigoberta Menchu's ability to speak for Guatemalan Indians.⁷ So the question arises about whether all instances of speaking for should be condemned and, if not, how we can justify a position which would repudiate some speakers while accepting others. In order to answer these questions we need to become clearer on the epistemological and metaphysical issues which are involved in the articulation of the problem of speaking for others, issues which most often remain implicit. I will attempt to make these issues clear before turning to discuss some of the possible responses to the problem and advancing a provisional, procedural solution of my own. But first I need to explain further my framing of the problem. In the examples used above, **there may appear to be a conflation between the issue of speaking for others and the issue of speaking about others.** This conflation was intentional on my part, because it is difficult to distinguish speaking about from speaking for in all cases. There is an ambiguity in the two phrases: when one is speaking for another one may be describing their situation and thus also speaking about them. In fact, it may be impossible to speak for another without simultaneously conferring information about them. Similarly, when one is speaking about another, or simply trying to describe their situation or some aspect of it, one may also be speaking in place of them, i.e. speaking for them. One may be speaking about another as an advocate or a messenger if the person cannot speak for herself. Thus I would maintain that if the practice of speaking for others is problematic, so too must be the practice of speaking about others.⁸ This is partly the case because of what has been called the "crisis of representation." For in both the practice of speaking for as well as the practice of speaking about others, I am engaging in the act of representing the other's needs, goals, situation, and in fact, who they are, based on my own situated interpretation. In post-structuralist terms, I am participating in the construction of their subject-positions rather than simply discovering their true selves. Once we pose it as a problem of representation, we see that, not only are speaking for and speaking about analytically close, so too are the practices of speaking for others and speaking for myself. For, in speaking for myself, I am also representing my self in a certain way, as occupying a specific subject-position, having certain characteristics and not others, and so on. In speaking for myself, I (momentarily) create my self—just as much as when I speak for others I create them as a public, discursive self, a self which is more unified than any subjective experience can support. And this public self will in most cases have an effect on the self experienced as interiority. The point here is that the problem of representation underlies all cases of speaking for, whether I am speaking for myself or for others. This is not to suggest that all representations are fictions: they have very real material effects, as well as material origins, but they are always mediated in complex ways by discourse, power, and location. However, the problem of speaking for others is more specific than the problem of representation generally, and requires

its own particular analysis. There is one final point I want to make before we can pursue this analysis. The way I have articulated this problem may imply that individuals make conscious choices about their discursive practice free of ideology and the constraints of material reality. This is not what I wish to imply. The problem of speaking for others is a social one, the options available to us are socially constructed, and the practices we engage in cannot be understood as simply the results of autonomous individual choice. Yet to replace both "I" and "we" with a passive voice that erases agency results in an erasure of responsibility and accountability for one's speech, an erasure I would strenuously argue against (there is too little responsibility-taking already in Western practice!). When we sit down to write, or get up to speak, we experience ourselves as making choices. We may experience hesitation from fear of being criticized or from fear of exacerbating a problem we would like to remedy, or we may experience a resolve to speak despite existing obstacles, but in many cases we experience having the possibility to speak or not to speak. On the one hand, a theory which explains this experience as involving autonomous choices free of material structures would be false and ideological, but on the other hand, if we do not acknowledge the activity of choice and the experience of individual doubt, we are denying a reality of our experiential lives. So I see the argument of this paper as addressing that small space of discursive agency we all experience, however multi-layered, fictional, and constrained it in fact is. Ultimately, the question of speaking for others bears crucially on the possibility of political effectivity. Both collective action and coalitions would seem to require the possibility of speaking for. Yet influential postmodernists such as Gilles Deleuze have characterized as "absolutely fundamental: the indignity of speaking for others"¹⁰ and important feminist theorists have renounced the practice as irremediably harmful. What is at stake in rejecting or validating speaking for others as a discursive practice? To answer this, we must become clearer on the epistemological and metaphysical claims which are implicit in the articulation of the problem. I. A plethora of sources have argued in this century that the neutrality of the theorizer can no longer, can never again, be sustained, even for a moment. Critical theory, discourses of empowerment, psychoanalytic theory, post-structuralism, feminist and anti-colonialist theories have all concurred on this point. Who is speaking to whom turns out to be as important for meaning and truth as what is said; in fact what is said turns out to change according to who is speaking and who is listening. Following Foucault, I will call these "rituals of speaking" to identify discursive practices of speaking or writing which involve not only the text or utterance but their position within a social space which includes the persons involved in, acting upon, and/or affected by the words. Two elements within these rituals will deserve our attention: the positionality or location of the speaker and the discursive context. We can take the latter to refer to the connections and relations of involvement between the utterance/text and other utterances and texts as well as the material practices in the relevant environment, which should not be confused with an environment spatially adjacent to the particular discursive event. Rituals of speaking are constitutive of meaning, the meaning of the words spoken as well as the meaning of the event. This claim requires us to shift the ontology of meaning from its location in a text or utterance to a larger space, a space which includes the text or utterance but which also includes the discursive context. And an important implication of this claim is that meaning must be understood as plural and shifting, since a single text can engender diverse meanings given diverse contexts. Not only what is emphasized, noticed, and how it is understood will be affected by the location of both speaker and hearer, but the truth-value or epistemic status will also be affected. For example, in many situations when a woman speaks the presumption is against her; when a man speaks he is usually taken seriously (unless his speech patterns mark him as socially inferior by dominant standards). When writers from oppressed races and nationalities have insisted that all writing is political the claim has been dismissed as foolish or grounded in resentment or it is simply ignored; when prestigious European philosophers say that all writing is political it is taken up as a new and original "truth" (Judith Wilson calls this "the intellectual equivalent of the 'cover record'.")¹¹ The rituals of speaking which involve the location of speaker and listeners affect whether a claim is taken as true, well-reasoned, a compelling argument, or a significant idea. Thus, how what is said gets heard depends on who says it, and who says it will affect the style and language in which it is stated. The discursive style in which some European post-structuralists have made the claim that all writing is political marks it as important and likely to be true for a certain (powerful) milieu; whereas the style in which African-American writers made the same claim marked their speech as dismissible in the eyes of the same milieu. This point might be conceded by those who admit to the political mutability of interpretation, but they might continue to maintain that truth is a different matter altogether. And they would be right that acknowledging the effect of location on meaning and even on whether something is taken as true within a particular discursive context does not entail that the "actual" truth of the claim is contingent upon its context. However, this objection presupposes a particular conception of truth, one in which the truth of a statement can be distinguished from its interpretation and its acceptance. Such a concept would require truth to be independent of the speakers' or listeners' embodied and perspectival location. Thus, the question of whether location bears simply on what is taken to be true or what is really true, and whether such a distinction can be upheld, involves the very difficult problem of the meaning of truth. In the history of Western philosophy, there have existed multiple, competing definitions and ontologies of truth: correspondence, idealist, pragmatist, coherentist, and consensual notions. The dominant modernist view has been that truth represents a relationship of correspondence between a proposition and an extra-discursive reality. On this view, truth is about a realm completely independent of human action and expresses things "as they are in themselves," that is, free of human interpretation. Arguably since Kant, more obviously since Hegel, it has been widely accepted that an understanding of truth which requires it to be free of human interpretation leads inexorably to skepticism, since it makes truth inaccessible by definition. This created an impetus to refigure the ontology of truth, from a locus outside human interpretation to one within it. Hegel, for example, understood truth as an "identity in difference" between subjective and objective elements. Thus, in the Hegelian aftermath, so-called subjective elements, or the historically specific conditions in which human knowledge occurs, are no longer rendered irrelevant or even obstacles to truth. On a coherentist account of truth, which is held by such philosophers as Rorty, Donald Davidson, Quine, and (I would argue) Gadamer and Foucault, truth is defined as an emergent property of converging discursive and non-discursive elements, when there exists a specific form of integration among these elements in a particular event. Such a view has no necessary relationship to idealism, but it allows us to understand how the social location of the speaker can be said to bear on truth. The speaker's location is one of the elements which converge to produce meaning and thus to determine epistemic validity.¹² Let me return now to the formulation of the problem of speaking for others. There are two premises implied by the articulation of the problem, and unpacking these should advance our understanding of the issues involved. Premise (1): The "ritual of speaking" (as defined above) in which an utterance is located always bears on meaning and truth such that there is no possibility of rendering positionality, location, or context irrelevant to content. The phrase "bears on" here should indicate some variable amount of influence short of determination or fixing. One important implication of this first premise is that we can no longer determine the validity of a given instance of speaking for others simply by asking whether or not the speaker has done sufficient research to justify her claims. Adequate research will be a necessary but insufficient criterion of evaluation. Now let us look at the second premise. Premise (2): All contexts

and locations are differentially related in complex ways to structures of oppression. **Given that truth is connected to politics, these political differences between locations will produce epistemic differences as well.** The claim here that

"truth is connected to politics" follows necessarily from Premise (1). **Rituals of speaking are politically constituted by power relations of domination, exploitation, and subordination. Who is speaking, who is spoken of, and who listens is a result, as well as an act, of political struggle.** Simply put, the discursive context is a political arena. To

the extent that **this context bears on meaning, and meaning is** in some sense **the object of truth, we cannot make an epistemic evaluation of the claim without simultaneously assessing the politics of the situation.** Although we cannot maintain a neutral voice, according to the first premise we may at least all claim the right and legitimacy to speak. But the second premise suggests

that **some voices may be dis-authorized on grounds which are simultaneously political and epistemic.** Any statement will invoke the structures of power allied with the social location of the speaker, aside from the speaker's intentions or attempts to avoid such invocations. The

conjunction of Premises (1) and (2) suggest that **the speaker loses some portion of control over the meaning and truth of her utterance.** Given that the context of hearers is partially determinant, the speaker is not the master or mistress of the situation. Speakers may seek to regain control here by taking into account the context of their speech, but they can never know everything about this context, and with written and electronic communication it is becoming increasingly difficult to know anything at all

about the context of reception. This loss of control may be taken by some speakers to mean that no speaker can be held accountable for her discursive actions. **The meaning of any discursive event will be shifting and plural, fragmented and even inconsistent. As it ranges over diverse spaces and transforms in the mind of its recipients according to their different horizons of interpretation, the effective control of the speaker over the meanings which she puts in motion may seem negligible.** However, a partial loss of control does not entail a complete loss of accountability. And moreover,

the better we understand the trajectories by which meanings proliferate, the more likely we can increase, though always only partially, our ability to direct the interpretations and transformations our speech undergoes. When I acknowledge that the listener's social location will affect the meaning of my words, I can more effectively generate the meaning I intend. Paradoxically, the view which holds the speaker or author of a speech act as solely responsible for its meanings ensures the speaker's least effective determinacy over the meanings that are produced. We do not need to posit the existence of fully conscious acts or containable, fixed meanings in order to hold that speakers can alter their discursive practices and be held accountable for at least some of the effects of these practices. It is a false dilemma to pose the choice here as one between no accountability or complete causal power. In the next section I shall consider some of the principal responses offered to the problem of speaking for others. II. First I want to consider the argument that the very formulation of the problem with speaking for others involves a retrograde, metaphysically insupportable essentialism that assumes one can read off the truth and meaning of what one says straight from the discursive context. Let's call this response the "Charge of Reductionism", because it argues that a sort of reductionist theory of justification (or evaluation) is entailed by premises (1) and (2). Such a reductionist theory might, for example, reduce evaluation to a political assessment of the speaker's location where that location is seen as an insurmountable essence that fixes one, as if one's feet are superglued to a spot on the sidewalk. For instance, after I vehemently defended Barbara Christian's article, "The Race for Theory," a male friend who had a different evaluation of the piece couldn't help raising the possibility of whether a sort of apologetics structured my response, motivated by a desire to valorize African American writing against all odds. His question in effect raised the issue of the reductionist/essentialist theory of justification I just described. I, too, would reject reductionist theories of justification and essentialist accounts of what it means to have a location. To say that location bears on meaning and truth is not the same as saying that location determines meaning and truth. And location is not a fixed essence absolutely authorizing one's speech in the way that God's favor absolutely authorized the speech of Moses. Location and positionality should not be conceived as one-dimensional or static, but as multiple and with varying degrees of mobility.¹³ What it means, then, to speak from or within a group and/or a location is immensely complex. To the extent that location is not a fixed essence, and to the extent that there is an uneasy, undetermined, and contested relationship between location on the one hand and meaning and truth on the other, we cannot reduce evaluation of meaning and truth to a simple identification of the speaker's location. Neither Premise (1) nor Premise (2) entail reductionism or essentialism. They argue for the relevance of location, not its singular power of determination, and they are non-committal on how to construe the metaphysics of location. While the "Charge of Reductionism" response has been popular among academic theorists, what I call the "Retreat" response has been popular among some sections of the U.S. feminist movement. This response is simply to retreat from all practices of speaking for; it asserts that one can only know one's own narrow individual experience and one's "own truth" and thus that one can never make claims beyond this. This response is motivated in part by the desire to recognize difference and different priorities, without organizing

these differences into hierarchies. Now, sometimes I think this is the proper response to the problem of speaking for others, depending on who is making it. We certainly want to encourage a more receptive listening on the part of the discursively privileged and to discourage presumptuous and oppressive practices of speaking for. And the desire to retreat sometimes results from the desire to engage in political work but without practicing what might be called discursive imperialism. But a retreat from speaking for will not result in an increase in receptive listening in all cases; it may result merely in a retreat into a narcissistic yuppie lifestyle in which a privileged person takes no responsibility for her society whatsoever. She may even feel justified in exploiting her privileged capacity for personal happiness at the expense of others on the grounds that she has no alternative. The major problem with such a retreat is that it significantly undercuts the possibility of political effectivity. There are numerous examples of the practice of speaking for others which have been politically efficacious in advancing the needs of those spoken for, from Rigoberta Menchu to Edward Said and Steven Biko. Menchu's efforts to speak for the 33 Indian communities facing genocide in Guatemala have helped to raise money for the revolution and bring pressure against the Guatemalan and U.S. governments who have committed the massacres in collusion. The point is not that for some speakers the danger of speaking for others does not arise, but that in some cases certain political effects can be garnered in no other way. Joyce Trebilcock's version of the retreat response, which I mentioned at the outset of this essay, raises other issues. She agrees that an absolute prohibition of speaking for would undermine political effectiveness, and therefore says that she will avoid speaking for others only within her lesbian feminist community. So it might be argued that the retreat from speaking for others can be maintained without sacrificing political effectivity if it is restricted to particular discursive spaces. Why might one advocate such a partial retreat? Given that interpretations and meanings are discursive constructions made by embodied speakers, Trebilcock worries that attempting to persuade or speak for another will cut off that person's ability or willingness to engage in the constructive act of developing meaning. Since no embodied speaker can produce more than a partial account, and since the process of producing meaning is necessarily collective, everyone's account within a specified

community needs to be encouraged. I agree with a great deal of Trebilcock's argument. I certainly agree that **in some instances speaking for others**

constitutes a violence and should be stopped But Trebilcock's position, as well as a more general retreat position, presumes an ontological configuration of the discursive context that simply does not obtain. In particular, it assumes that one can retreat into one's discrete location and make claims entirely and singularly within that location that do not range over others, and therefore that one can disentangle oneself from the implicating networks between one's discursive practices and others' locations, situations, and practices. In other words, the claim that I can speak only for myself assumes the autonomous conception of the self in Classical Liberal theory—that I am unconnected to others in my authentic self or that I can achieve an autonomy from others given certain conditions. But there is no neutral place to stand free and clear in which one's words do not prescriptively affect or mediate the experience of others, nor is there a way to demarcate decisively a boundary between one's location and all others. Even a complete retreat from speech is of course not neutral since it allows the continued dominance of current discourses and acts by omission to reinforce their dominance. As my practices are made possible by events spatially far away from my body so too my own practices make possible or impossible practices of others. The declaration that I "speak only for myself" has the sole effect of allowing me to avoid responsibility and accountability for my effects on others; it cannot literally erase those effects. Let me offer an illustration of this. The feminist movement in the U.S. has spawned many kinds of support groups for women with various needs: rape victims, incest survivors, battered wives, and so forth, and some of these groups have been structured around the view that each survivor must come to her own "truth" which ranges only over herself and has no bearing on others. Thus, one woman's experience of sexual assault, its effect on her and her interpretation of it, should not be taken as a universal generalization to which others must subsume or conform their experience. This view works only up to a point. To the extent it recognizes irreducible differences in the way people respond to various traumas and is sensitive to the genuinely variable way in which women can heal themselves, it represents real progress beyond the homogeneous, universalizing approach which sets out one road for all to follow. However, it is an illusion to think that, even in the safe space of a support group, a member of the group can, for example, trivialize brother-sister incest as "sex play" without profoundly harming someone else in the group who is trying to maintain her realistic assessment of her brother's sexual activities with her as a harmful assault against his adult rationalization that "well, for me it was just harmless fun." Even if the speaker offers a dozen caveats about her views as restricted to her location, she will still affect the other woman's ability to conceptualize and interpret her experience and her response to it. And this is simply because we cannot neatly separate off our mediating praxis which interprets and constructs our experiences from the praxis of others. We are collectively caught in an intricate, delicate web in which each action I take, discursive or otherwise, pulls on, breaks off, or maintains the tension in many strands of the web in which others find themselves moving also. When I speak for myself, I am constructing a possible self, a way to be in the world, and an offering that, whether I intend to or not, to others, as one possible way to be. Thus, the attempt to avoid the problematic of speaking for by retreating into an individualist realm is based on an illusion, well supported in the individualist ideology of the West, that a self is not constituted by multiple intersecting discourses but consists in a unified whole capable of autonomy from others. It is an illusion that I can separate from others to such an extent that I can avoid affecting them. This may be the intention of my speech, and even its meaning if we take that to be the formal entailments of the sentences, but it will not be the effect of the speech, and therefore cannot capture the speech in its reality as a discursive practice. When I "speak for myself" I am participating in the creation and reproduction of discourses through which my own and other selves are constituted. A further problem with the "Retreat" response is that it may be motivated by a desire to find a method or practice immune from criticism. If I speak only for myself it may appear that I am immune from criticism because I am not making any claims that describe others or prescribe actions for them. If I am only speaking for myself I have no responsibility for being true to your experience or needs. But surely it is both morally and politically objectionable to structure one's actions around the desire to avoid criticism, especially if this outweighs other questions of effectivity. In some cases, the motivation is perhaps not so much to avoid criticism as to avoid errors, and the person believes that the only way to avoid errors is to avoid all speaking for others. However, errors are unavoidable in theoretical inquiry as well as political struggle, and they usually make contributions. The pursuit of an absolute means to avoid making errors comes perhaps not from a desire to advance collective goals but a desire for personal mastery, to establish a privileged discursive position wherein one cannot be undermined or challenged and thus is master of the situation. From such a position one's own location and positionality would not require constant interrogation and critical reflection; one would not have to constantly engage in this

emotionally troublesome endeavor and would be immune from the interrogation of others. Such a desire for mastery and immunity must be resisted. **The final response to the problem of speaking for others** that I will consider occurs in Gayatri Chakravorty Spivak's rich essay "Can the Subaltern Speak?"¹⁴ Spivak rejects a total

retreat from speaking for others, and she criticizes the "self-abnegating intellectual" pose that Foucault and Deleuze adopt when they reject speaking for others on the grounds that **their position assumes the oppressed can transparently represent their own true interests**. According to Spivak, Foucault and Deleuze's self-abnegation serves only to conceal the actual authorizing power of the retreating intellectuals, who in their very retreat help to consolidate a particular conception of experience (as transparent and self-knowing). Thus, to promote "listening to" as opposed to speaking for essentializes the oppressed as non-ideologically constructed subjects. But Spivak is also critical of speaking for which engages in dangerous re-presentations. In the end Spivak prefers a "speaking to," in which the intellectual neither abnegates his or her discursive role nor presumes an authenticity of the oppressed, but still allows for the possibility that the oppressed will produce a "countersentence" that can then suggest a new historical narrative. Spivak's arguments show that a simple solution can not be found in for the oppressed or less privileged being able to speak for themselves, since their speech will not necessarily be either liberatory or reflective of their "true interests", if such exist. I agree with her on this point but I would emphasize also that ignoring the subaltern's or oppressed person's speech is, as she herself notes, "to continue the imperialist project."¹⁵ Even if the oppressed person's speech is not liberatory in its content, it remains the case that the very act of speaking itself constitutes a subject that challenges and subverts the opposition between the knowing agent and the object of knowledge, an opposition which has served as a key player in the reproduction of imperialist modes of discourse. Thus, the problem with speaking for others exists in the very structure of discursive practice, irrespective of its content, and subverting the hierarchical rituals of speaking will always have some liberatory effects. I agree, then, that we should strive to create wherever possible the conditions for dialogue and the practice of speaking with and to rather than speaking for others. Often the possibility of dialogue is left unexplored or inadequately pursued by more privileged persons. Spaces in which it may seem as if it is impossible to engage in dialogic encounters need to be transformed in order to do so, such as classrooms, hospitals, workplaces, welfare agencies, universities, institutions for international development and aid, and governments. It has long been noted that existing communication technologies have the potential to produce these kinds of interaction even though research and development teams have not found it advantageous under capitalism to do so. However, while there is much theoretical and practical work to be done to develop such alternatives, the practice of speaking for others remains the best option in some existing situations. An absolute retreat weakens political effectivity, is based on a metaphysical illusion, and often effects only an obscuring of the intellectual's power. There can be no complete or definitive solution to the problem of speaking for others, but there is a possibility that its dangers can be decreased. The remainder of this paper will try to contribute toward developing that possibility. III. In rejecting a general retreat from speaking for, I am not advocating a return to an unself-conscious appropriation of the other, but rather that anyone who speaks for others should only do so out of a concrete analysis of the particular power relations and discursive effects involved. I want to develop this point by elucidating four sets of interrogatory practices which are meant to help evaluate possible and actual instances of speaking for. In list form they may appear to resemble an algorithm, as if we could plug in an instance of speaking for and factor out an analysis and evaluation. However, they are meant only to suggest the questions that should be asked concerning any such discursive practice. These are by no means

original: they have been learned and practiced by many activists and theorists. (1) **The impetus to speak must be carefully analyzed and, in many cases (certainly for academics!), fought against.** This may seem an odd way to begin discussing how to speak for, but the point is that **the impetus to always be the speaker** and to speak in all situations **must be seen for what it is: a desire for mastery and domination** if one's immediate impulse is to teach rather than listen to a less-privileged speaker, one should resist that impulse long enough to interrogate it carefully. **Some of us have been taught that by right of having the dominant gender, class, race, letters after our name, or some other criterion, we are more likely to have the truth. Others have been taught the opposite and will speak haltingly, with apologies, if they speak at all.**¹⁶ At the same time, we have to acknowledge that the very decision to "move over" or retreat can occur only from a position of privilege. Those who are not in a position of speaking at all cannot retreat from an action they do not employ. Moreover, making the decision for oneself whether or not to retreat is

an extension or application of privilege, not an abdication of it. Still, it is sometimes called for. (2) **We must also interrogate the bearing of our location and context on what it is we are saying, and this should be an explicit part of every serious discursive practice we engage in.** Constructing hypotheses about the possible connections between our location and our words is one way to begin. This procedure would be most successful if engaged in collectively with others, by which aspects of our location less obvious to us might be revealed.¹⁷ One deformed way in which this is too often

carried out is **when speakers offer up in the spirit of "honesty" autobiographical information** about

themselves, usually at the beginning of their discourse as a kind of disclaimer. This is meant to acknowledge their own understanding that they are speaking from a specified, embodied location without pretense to a transcendental truth. But as Maria Lugones and others have forcefully argued, such an act serves no good end when it is used as a disclaimer against one's ignorance or errors and is made without critical interrogation of the bearing of such an autobiography on what is about to be said. It leaves for the listeners all the real work that needs to be done. For example, if a middle class white man were to begin a speech by sharing with us this autobiographical information and then using it as a kind of apologetics for any limitations of his speech, this would leave to those of us in the audience who do not share his social location all the work of translating his terms into our own, appraising the applicability of his analysis to our diverse situation, and determining the substantive relevance of his location on his claims. This is simply what less-privileged persons have always had to do for ourselves when reading the history of philosophy, literature, etc., which makes the task of appropriating these discourses more difficult and time-consuming (and alienation more likely to result). Simple unanalyzed disclaimers do not improve on this familiar situation and may even make it worse to the extent that by offering such information the speaker may feel even more authorized to speak and be accorded more authority by his peers. (3) Speaking should always carry with it an accountability and responsibility for what one says. To whom one is accountable is a political/epistemological choice contestable, contingent and, as Donna Haraway says, constructed through the process of discursive action. What this entails in practice is a serious commitment to remain open to criticism and to attempt actively, attentively, and sensitively to "hear" the criticism (understand it). A quick impulse to reject criticism must make one wary. (4) Here is my central point. In order to evaluate attempts to speak for others in particular instances, we need to analyze the probable or actual effects of the words on the discursive and material context. One cannot simply look at the location of the speaker or her credentials to speak; nor can one look merely at the propositional content of the speech; one must also look at where the speech goes and what it does there. Looking merely at the content of a set of claims without looking at their effects cannot produce an adequate or even meaningful evaluation of it, and this is partly because the notion of a content separate from effects does not hold up. The content of the claim, or its meaning, emerges in interaction between words and hearers within a very specific historical situation. Given this, we have to pay careful attention to the discursive arrangement in order to understand the full meaning of any given discursive event. For example, in a situation where a well-meaning First world person is speaking for a person or group in the Third world, the very discursive arrangement may reinscribe the "hierarchy of civilizations" view where the U. S. lands squarely at the top. This effect occurs because the speaker is positioned as authoritative and empowered, as the knowledgeable subject, while the group in the Third World is reduced, merely because of the structure of the speaking practice, to an object and victim that must be championed from afar. Though the speaker may be trying to materially improve the situation of some lesser-privileged group, one of the effects of her discourse is to reinforce racist, imperialist conceptions and perhaps also to further silence the lesser-privileged group's own ability to speak and be heard.¹⁸ This shows us why it is so important to reconceptualize discourse, as Foucault recommends, as an event, which includes speaker, words, hearers, location, language, and so on. All such evaluations produced in this way will be of necessity indexed. That is, they will obtain for a very specific location and cannot be taken as universal. This simply follows from the fact that the evaluations will be based on the specific elements of historical discursive context, location of speakers and hearers, and so forth. When any of these elements is changed, a new evaluation is called for. Our ability to assess the effects of a given discursive event is limited; our ability to predict these effects is even more difficult. When meaning is plural and deferred, we can never hope to know the totality of effects. Still, we can know some of the effects our speech generates: I can find out, for example, that the people I spoke for are angry that I did so or appreciative. By learning as much as possible about the context of reception I can increase my ability to discern at least some of the possible effects. This mandates incorporating a more dialogic approach to speaking, that would include learning from and about the domains of discourse my words will affect. I want to illustrate the implications of this fourth point by applying it to the examples I gave at the beginning. In the case of Anne Cameron, if the effects of her books are truly disempowering for Native women, they are counterproductive to Cameron's own stated intentions, and she should indeed "move over." In the case of the white male theorist who discussed architecture instead of the politics of postmodernism, the effect of his refusal was that he offered no contribution to an important issue and all of us there lost an opportunity to discuss and explore it. Now let me turn to the example of George Bush. When Bush claimed that Noriega is a corrupt dictator who stands in the way of democracy in Panama, he repeated a claim which has been made almost word for word by the Opposition movement in Panama. Yet the effects of the two statements are vastly different because the meaning of the claim changes radically depending on who states it. When the president of the United States stands before the world passing judgement on a Third World government, and criticizing it on the basis of corruption and a lack of democracy, the immediate effect of this statement, as opposed to the Opposition's, is to reinforce the prominent Anglo view that Latin American corruption is the primary cause of the region's poverty and lack of democracy, that the U.S. is on the side of democracy in the region, and that the U.S. opposes corruption and tyranny. Thus, the effect of a U.S. president's speaking for Latin America in this way is to re-consolidate U.S. imperialism by obscuring its true role in the region in torturing and murdering hundreds and thousands of people who have tried to bring democratic and progressive governments into existence. And this effect will continue until the U.S. government admits its history of international mass murder and radically alters its foreign policy. IV. Conclusion This issue is complicated by the variable way in which the importance of the source, or location of the author, can be understood, a topic alluded to earlier. On one view, the author of a text is its "owner" and "originator" credited with creating its ideas and with being their authoritative interpreter. On another view, the original speaker or writer is no more privileged than any other person who articulates these views, and in fact the "author" cannot be identified in a strict sense because the concept of author is an ideological construction many abstractions removed from the way in which ideas emerge and become material forces.¹⁹ Now, does this latter position mean that the source or locatedness of the author is irrelevant? It need not entail this conclusion, though it might in some formulations. We can de-privilege the "original" author and reconceptualize ideas as traversing (almost) freely in a discursive space, available from many locations, and without a clearly identifiable originary track, and yet retain our sense that source remains relevant to effect. Our meta-theory of authorship does not preclude the material reality that in discursive spaces there is a speaker or writer credited as the author of her utterances, or that for example the feminist appropriation of the concept "patriarchy" gets tied to Kate Millett, a white Anglo feminist, or that the term feminism itself has been and is associated with a Western origin. These associations have an effect, an effect of producing distrust on the part of some Third World nationalists, an effect of reinscribing semi-conscious imperialist attitudes on the part of some first world feminists. These are not the only possible effects, and some of the effects may not be pernicious, but all the effects must be taken into account when evaluating the discourse of "patriarchy." The emphasis on effects should not imply, therefore, that an examination of the speaker's location is any less crucial. This latter examination might be called a kind of genealogy. In this sense, a genealogy involves asking how a position or view is mediated and constituted through and within the conjunction and conflict of historical, cultural, economic, psychological, and sexual practices. But it seems to me that the importance of the source of a view, and the importance of doing a genealogy, should be subsumed within an overall analysis of effects, making the central question what the effects are of the view on material and discursive practices through which it traverses and the particular configuration of power relations emergent from these. Source is relevant only to the extent that it has an impact on effect. As Gayatri Spivak likes to say, the invention of the telephone by a European upper class male in no way preempts its being put to the use of an anti-imperialist revolution. In conclusion, I would stress that the practice of speaking for others is often born of a desire for mastery, to privilege oneself as the one who more correctly understands the truth about another's situation or as one who can champion a just cause and thus achieve glory and praise. And the effect of the practice of speaking for others is often, though not always, erasure and a reinscription of sexual, national, and other kinds of hierarchies. I hope that this analysis will contribute toward rather than diminish the important discussion going on today about how to develop strategies for a more equitable, just distribution of the ability to speak and be heard. But this development should not be taken as an absolute dis-authorization of all practices of speaking for. It is not always the case that when others unlike me speak for me I have ended up worse off, or that when we speak for others they end up worse off. Sometimes, as Loyce Stewart has argued, we do need a "messenger" to advocate for our needs. The source of a claim or discursive practice in suspect motives or maneuvers or in privileged social locations, I have argued, though it is always relevant, cannot be sufficient to repudiate it. We must ask further questions about its effects, questions which amount to the following: will it enable the empowerment of oppressed peoples?

Embrace a politics of listening—this allows everyone in this round to come to grips with their own privilege and meaningfully reform the racial matrix

Dreher, 9—professor at University of Technology, Sydney (Tanja, "Eavesdropping with Permission: the Politics of Listening for Safe Speaking Spaces", Borderlands E-Journal, Volume 8 Number 1, www.borderlands.net.au/vol8no1_2009/dreher_eavesdropping.pdf)//twemchen

This paper explores the possibilities and limits of a politics of 'listening' as a strategy for a privileged white woman to contribute to antiracism in the face of dominant discourses of gendered protectionism. Reflecting on my own role as a co-convenor of a series of workshops aimed at intervening in discourses and policies of 'protection' directed at Indigenous and Muslim women, I suggest that 'eavesdropping with permission' may in some cases contribute to the negotiation of safer speaking spaces. In contrast to 'dialogue' aimed at empathy or understanding, 'eavesdropping with permission' involves the possibility of shifting risk and redistributing discomfort in order to unsettle the privileges of a centralized speaking position. In this paper I reflect on my role in a series of small workshops focused on the politics of gendered protectionism faced by Indigenous and Muslim women in Australia. My involvement began with a challenge overheard at two events held on the first anniversary of the Cronulla riots, in early December 2006. In very different ways, two conferences held in Sydney at that time ended with some participants interested in creating safe spaces for potentially difficult conversations between Indigenous people and Muslims in Australian. Here I reflect on my experiences as a co-convenor of the resulting 'Gender, Violence, Protection'

workshop series in an attempt to analyse some of the possibilities for a white, middle-class woman like myself, influenced by feminisms, antiracism and critical race and whiteness studies, to contribute to developing safer spaces for speaking and listening across differences in the context of Indigenous sovereignty, and despite the persistence of colonial feminism and the privileges of whiteness. Drawing on recent work on the politics of speaking and listening, I suggest that a particular form of 'political listening' (Bickford 1996) or 'eavesdropping' (Raftcliffe 2005) may enable people, like myself, who are discursively privileged, to contribute to antiracism without dominating the space of conversation. This eavesdropping entails a shift to the margins and an ongoing negotiation of discomfort and permission. In my analysis I highlight the unease and uncertainty provoked by eavesdropping as a register of shifting hierarchies of safety and risk, and also the impossibility of simply 'transcending' networks of privilege and power. What's a middle class white feminist to do? Given these pitfalls, what is a middle class white woman to do? Is there any role for me in the work of creating safe spaces for new conversations? Scholarship which works across feminism, antiracism, postcolonial and critical race and whiteness studies offers many provocative suggestions. The tradition of transnational feminism tends to focus on strategies of alliances and intersectional politics, while scholars engaging with whiteness and Indigenous sovereignties emphasise the need to unlearn privilege and give up power. Aileen Moreton-Robinson concludes her analysis of whiteness and Australian feminisms by arguing that, 'the real challenge for white feminists is to theorise the relinquishment of power' (2000: 186). In her analysis of speaking positions, the role of academic research and violence against Indigenous women, Sonia Smallacombe argues that the central challenge is 'whether feminists and their institutions interrogate their own power base and whether they are willing to move aside to give space for Indigenous women's voices' (2004: 51). Fiona Nicoll (2004) reflects on her own experiences as a middle-class white woman teaching critical race and whiteness studies in Indigenous sovereignties and suggests that this teaching must challenge students to locate 'their own position within racialised networks of power' and should 'shift focus from the racialised oppression of Indigenous Australians to the white middle-class subject position that is a direct product of this oppression'. According to Nicoll, 'the task of non-Indigenous students and teachers becomes that of observing and beginning to denaturalize the everyday invasiveness of policies and practices underpinned by patriarchal white sovereignty' (2004: 6). These are compelling reminders that white women must do their own race work and focus attention on their own privileges and power (see also Raftcliffe 2005: 5-6). This can be difficult and uncomfortable work, in which good intentions are deeply suspect. Alison Jones (1999) contends that 'even good intentions by the dominant group are not always sufficient to enable their ears to 'hear', and therefore for the other to 'speak'. Many authors analyse the ways in which racism is perpetuated under the guise of 'good intentions' and Damien Riggs (2004: 9) highlights Jane Haggis' suggestion that Australian critical race and whiteness studies 'should not be about making non-Indigenous people 'comfortable', but should instead continue to destabilise the assumptions of privilege that inform non-Indigenous belonging'. My involvement in this project, and the writing of this paper, has been uncomfortable and uncertain. I have experienced levels of panic far greater than my usual nervousness before public speaking — and this anxiety has manifested bodily, in sleeplessness and loss of appetite and nausea and shivering. Mindful of Sara Ahmed's (2004) analyses of 'bad feeling', I reflect on these discomforts as a register of the violent colonial histories and ongoing racisms which form the possibilities for action and change, rather than as markers of an end to or an overcoming of racism. Rather than transcending 'bad feeling' the challenge is to work to redistribute risk and discomfort as a means to developing better possibilities for listening and speaking.

2nc Link Wall

Speaking about others is indistinguishable from speaking for others— they are representing the Other as they wish

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, "The Problem of Speaking for Others," Cultural Critique, No. 20, p. 5-32)//twemchen

But first I need to explain further my framing of the problem. In the examples used above, there may appear to be a conflation between the issue of speaking for others and the issue of speaking about others.

This conflation was intentional on my part, **because it is difficult to distinguish speaking about from speaking for** in all cases. There is an ambiguity in the two phrases: when one is speaking for another one may be describing their situation and thus also speaking about them. In fact, it may be impossible to speak for another without simultaneously conferring information about them. Similarly, when one is speaking about another, or simply trying to describe their situation or some aspect of it, one may also be speaking in place of them, i.e. speaking for them. One may be speaking about another as an advocate or a messenger if the person cannot speak for herself. Thus I would maintain that if the practice of speaking for others is problematic, so too must be the practice of speaking about others.⁸ This is partly the case because of what has been called the "**crisis of representation.**" For in both the practice of speaking for as well as the practice of speaking about others, I am engaging in the act of representing the other's needs, goals, situation, and in fact, who they are, based on my own situated interpretation. In post-structuralist terms, I am participating in the construction of their subject-positions rather than simply discovering their true selves. Once we pose it as a problem of representation, we see that, not only are speaking for and speaking about analytically close, so too are the practices of speaking for others and speaking for myself. For, in speaking for myself, I am also representing my self in a certain way, as occupying a specific subject-position, having certain characteristics and not others, and so on. In speaking for myself, I (momentarily) create my self---just as much as when I speak for others I create them as a public, discursive self, a self which is more unified than any subjective experience can support. And this public self will in most cases have an effect on the self experienced as interiority. The point here is that **the problem of representation underlies all cases of speaking for**, whether I am speaking for myself or for others. **This is not to suggest that all representations are fictions: they have very real material effects, as well as material origins, but they are always mediated in complex ways by discourse, power, and location.** However, the problem of speaking for others is more specific than the problem of representation generally, and requires its own particular analysis. There is one final point I want to make before we can pursue this analysis. The way I have articulated this problem may imply that individuals make conscious choices about their discursive practice free of ideology and the constraints of material reality. This is not what I wish to imply. **The problem of speaking for others is a social one,** the options available to us are socially constructed, **and the practices we engage in cannot be understood as simply the results of autonomous individual choice.** Yet to replace both "I" and "we" with a passive voice that erases agency results in an erasure of responsibility and accountability for one's speech, an erasure I would strenuously argue against (there is too little responsibility-taking already in Western practice!). When we sit down to write, or get up to speak, we experience ourselves as making choices. We may experience hesitation from fear of being criticized or from fear of exacerbating a problem we would like to remedy, or we may experience a resolve to speak despite existing obstacles, but in many cases we experience having the possibility to speak or not to speak. On the one hand, a theory which explains this experience as involving autonomous choices free of material structures would be false and ideological, but on the other hand, if we do not acknowledge the activity of choice and the experience of individual doubt, we are denying a reality of our experiential lives.⁹ So I see the argument of this paper as addressing that small space of discursive agency we all experience, however multi-layered, fictional, and constrained it in fact is.

Even if the Other supposedly wants to be spoken for, it is still an act of representing the Other which ignores the imbalance of power and recreates violence

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, "The Problem of Speaking for Others," Cultural Critique, No. 20, p. 5-32)//twemchen

There is another sense of representation that may seem also vitally connected here: political representation, as in, for example, electoral politics. Elected representatives have a special kind of authorization to speak for their constituents, and one might wonder whether such authorization dissolves the problems associated with speaking for others and therefore should perhaps serve as a model solution for the problem. I would answer both yes and no. Elected representatives do have a kind of authorization to speak for others, and we may even expand this to include less formal instances in which someone is authorized

by the person(s) spoken for to speak on their behalf. There are many examples of this sort of authorizing, such as when I asked my partner to speak on my behalf in the hospital delivery room, or when my student authorized me to speak on her behalf in a meeting with the chancellor. However, the procurement of such authorization does not render null and void all attendant problems with speaking for others. One is still interpreting the other's situation and wishes (unless perhaps one simply reads a written text they have supplied), and so one is still creating for them a self in the presence of others. Moreover, the power to confer such authorization, and to have power over the designated representative, is rarely present in the instances where one is being spoken for. Intellectual work has certainly not been guided by the mandate to get permission from those whom one is speaking for and about, and it is safe to say that most political representatives have not been strictly guided by the need to get such authorization either. The point here is that the model of political representation cannot be used in all instances of speaking for others, though it may prove instructive when we attempt to formulate responses to the problem.

A2 - Permutation

A historical and social analysis of the development and usages of language is a starting point to the 1AC—or else the AFF can never successfully combat Islamophobia and its effects on individuals

Marino, 5—philosophy professor at Macalester University (Lauren, 5/1/5, "Speaking for Others", Macalester Journal of Philosophy, Volume 14, Issue 1, Article 4, digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1016&context=philology)//twemchen

Speaker location is a recent yet important discussion in the philosophy of language. It was suggested by Linda Alcoff in her article "The Problem of Speaking for Others" that a speaker's location affects not only the meaning but also the truth of what is said.¹ With this in mind, there are two problems with speaking for other people that need to be resolved. The first is the relation of language to the self, and the access we have to the experience of others. The second is the political dimension that determines the effective and appropriate situations for speaking for others. I will argue that the self is constituted through language games and as such, when we speak for others we must be careful not to remove agency from the other, and force upon them our definition of who they are. I will argue that bell hooks' argument for the oppressed to create new language games through organic intellectuals is the best struggle in which the oppressed can engage. To determine the relationship between language and the self is to determine how language gains meaning. This is a strange endeavor to the nonphilosopher. Lay people don't need to question why others comprehend what they say. They are understood and understand others as well. To ask what they mean by their language is a superfluous investigation. Why? Because language hasn't failed yet. Words seem so organic that it is often difficult to step back and try to understand how they work. A theory of meaning is not necessary for words to work. Yet philosophy does ¹ Alcoff, Linda. "The Problem of Speaking for Others." Cultural Critique (Winter): 5-32. 1991 36 search for such a system. The danger is that philosophy will muddle a perfectly functional system. The initial understanding of language is implied in the philosophy of Descartes. Descartes views the mind as a private place. The mind has thoughts that it conveys to the world through language. I have a thought inside my private mind which I then translate into language. Words stand in for these private ideas, ideas to which only the speaker has access. The outside world cannot know my mind except through the language I use to describe it. Language therefore gains meaning directly from the Cartesian mind. Wittgenstein offers a different understanding of language and the self. He rejects the idea that language could gain meaning from a private objects in the mind of a speaker. He believes that language gains meaning through public use in a community of speakers. The classic example of this is Wittgenstein's king piece on a chessboard. To teach someone what a king is, we can point to a king and say, "This is a king," but she doesn't actually understand what the piece is until she understands the use of

the piece in the game. The game metaphor is extended to language. As in a game, the use of language must be rule guided. In order to communicate with each other, we need to understand the rules of communication. The rules of chess make the game and define a use for the term "king." When we understand the rules, we are initiated and can play chess ourselves. Language functions in the same way. There are multiple language games, each with their own context and rules of use. The rules of use are specific to each game. Like games, language games are created and die; they evolve until we have no use for them. There are multiple language games, each specific to their form. As a result, for Wittgenstein, there can be no private language that refers to objects accessible to the 37 speaker alone. In order to participate in a language game I have to be familiar with rules. I learn rules through socialization, because my community teaches me the rules. Just as I learned to play gin rummy by my family teaching the rules to me, my family also taught me how to use words in different language games. I was taught that the word believe in the sentence "I believe in God," was used differently than in the sentence "I believe you." I was initiated into the language games of religion and trust. But the rules I learned were contingent on my community. Correct usage was determined by the community's understanding of the rules. Understanding this correct usage is being initiated into the language game. As in regular games, I cannot play a language game when I do not know the rules. When I went to play gin rummy at a friend's house, I lost a hundred points for holding the queen of spades at the end of a hand. An alien rule to me, I was upset that I lost, and from my perspective unfairly. We were playing two different games, because the rules were different. Language works the same way. The sentence "I believe in God," means something different to a Catholic than to a Protestant. To understand the rules, we have to be initiated. Private language cannot determine meaning in the manner Wittgenstein describes and others cannot be initiated into a private language. The objects, the thoughts of a Cartesian mind, are in an exclusive space that others cannot enter. As such we have an epistemological privilege where our own minds are concerned. Whatever seems to be the case is the case. Because we individually determine the use of a private language, there is no way we can be wrong. If everything is in accordance with a rule, it is doubtful we have a rule at all. In fact, not only do we not have a rule but the language would be meaningless even for 38 the person whose language it is. Without a rule following, no public consensus can be reached. Without a rule, a word can have no regular use and hence no meaning. Language is used to make connections between individuals and this requires that we follow rules. Wittgenstein writes that "If language is to be a means of communication there must be agreement not only in definitions but also (queer as this may sound) in judgments."² To base a language game on something the individual has exclusive access to, is a failing language game. It cannot use language because, "the individual words of this language are to refer to what can only be known to the person speaking; to his immediate private sensations. So another person cannot understand the language."³ Meaning is lost. Private language cannot follow public rules and cannot produce meaning. The concept of a self within this framework shifts from Descartes self inside a private mind, to a self that is public, constituted within language games and the self becomes contingent. Each person is familiar with her own set of language games. While each person may have a unique combination of language games, none of the language games within the set is unique to that individual alone. There is no private self, within this understanding of language. Rather our experience is constituted through a public language. Therefore the self is not an isolated private mind, but rather the self is constituted by language games. Richard Rorty argues that a self constituted by language games is itself contingent, because if I change my languages games I change myself. This also means that selves cannot exist outside of language because ² Wittgenstein, Ludwig. *Philosophical Investigations*. Englewood, NJ: Prentice Hall. 1958 (#242) ³ *Ibid.* (#243) ³⁹ language comprises the self. In this interpretation, a private Cartesian self is nonsensical. The experience of oppression is usually perceived to be a private language. Only an individual knows how she is oppressed and how it affects her. The problem is that because no one else has access to my mind, whatever seems to be the case is the case.

Discourse comes first—Interrogation of metaphors challenges the root of oppressive policymaking discourses, and comes prior to creating social change

O'Brien, 9—associate professor at Southern Illinois University (Gerald V., Winter 2009, “Metaphors and the pejorative framing of marginalized groups: implications for social work education,” *Journal of Social Work Education*, 45.1, pg. 29-47, Gale Onefile)//twemchen

Rather than arguing about whether there are any bases in fact that undergird such presentations, we should consider such statements in their proper light, as propagandistic efforts to control the identity of a group of individuals for purposes of power augmentation by an opposition group and to foster their policymaking hegemony. Policy, as I attest in this article, begins with the attempt by stakeholders to control, manage, and wield words, images, and stories to present a desired means of imagining a social problem or community subgroup. Social workers who are unaware of this aspect of policy or who dismiss it as having minor importance put themselves at an extreme disadvantage in their efforts to have measurable positive impacts on the development of social policy within the context of a national landscape that increasingly favors style over substance. Although a number of social work and related writings have described the potential importance of metaphor analysis within the profession, few of these works touch on policy considerations. Normally, metaphor is discussed as a useful tool for micro- or mezzolevel intervention. Articles by Adams (1997) and Lyddon, Clay, and Sparks (2001), for example, provided examples of metaphors as a means of providing clients with increased awareness of their issues, as an unusual but potentially fruitful means of soliciting difficult information from clients, or, as Lyddon and his coauthors noted, for “introducing new frames of reference” (p. 269) from which clients can consider their issues or goals. Goldstein (1999) described root metaphors as basic truths about the world as social workers see it that informs their interactions with clients, and Duffy (2001) described various means of using metaphors as a form of group work. Educators in social policy should find ways to incorporate metaphor components within their syllabi and could even require students to include sections in policy papers on the perceptual images and media and stakeholder framings of specific client groups. Students need to understand that specific policies are developed with an image of the client or client group in mind. Different policies, even related to the same social problem, relate largely to differing images of the recipient class. As alluded to above, denigrating stereotypes often have an extremely long “shelf life” because the metaphors that are intrinsically related to those stereotypes become cultural images. Moreover, as noted above, these images are often transplanted from one out-group to another across time. As the importance and science of political rhetoric, including metaphors, have evolved, the image-making industry has boomed. This has, it should be mentioned, been pushed along by the vast expansion of new modes of information, especially over the Internet (e.g., blogs and Web sites such as YouTube). Because of the need to set forth the image that what they do is something other than manipulation of the public, these individuals normally present themselves in a more acceptable guise. A plethora of media consultants, legislative aides, think-tank staff, industrial and corporate public relations specialists, and other individuals spend a great deal of time and effort attempting to fashion and spread their preferred vision of the political landscape in ways that are both easily digestible for the general public and highly profitable for their employers or careers. Because policy analysis is impossible without considering important stakeholder groups, social work students need to see these individuals as strategic players in the political arena. It may do little good for social workers to become heavily involved further down the policy road (e.g., attempting to assist with the development, implementation, evaluation, and revision of policies) if the basic framing of issues and groups is left to others, because this framing forms the foundation onto which a policy structure is created.

Your first question should be the way that language is used – it’s the most concrete, immediate way to target and challenge oppression

Collins and Glover 2 (John Collins, Ass. Prof. of Global Studies at St. Lawrence, and Ross Glover, Visiting Professor of Sociology at St. Lawrence University, 2002, *Collateral Language*, p. 6-7, *The Real Effects of Language*)

As any university student knows, theories about the “social construction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruction) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, immediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (including genocide), the physical destruction of human communities, and the devastation of the natural environment. Indeed, if

the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the Soviet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s perception of the world around them; people are more likely to support acts of violence committed in their name if the recipients of the violence have been defined as “terrorists” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive effects that this kind of process has on the political culture of supposedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of violence can easily be made more palatable through the use of euphemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering language of “civilization” and “just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

A2 – Solvency Deficits

The alternative does not necessarily reject the elite’s ability to speak—rather, an analysis of our discourse can create organic intellectuals that creates a counter-language to bridge the oppressed and the oppressors

Marino, 5—philosophy professor at Macalester University (Lauren, 5/1/5, "Speaking for Others", Macalester Journal of Philosophy, Volume 14, Issue 1, Article 4, [//twemc hen](http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1016&context=philo)

The margin must produce organic intellectuals. It might be thought that these organic intellectuals should translate between language games. But as hooks points out, using “the oppressor’s language” is not adequate because it cannot articulate the experience of the oppressed. Yet, it is the only language game the oppressing can play. Organic intellectuals affect the center from the margins if they are able to incorporate multiple voices in the texts they create. The goal of the organic intellectual according to hooks is to “identify the spaces where we begin a process of revision” to create a counter-ideology. ⁸ Hooks relates this agency to language. “Language is also a place of struggle.”⁹ The counterculture can produce a counter-language, which is able to produce a new language to mediate between the margins and the center. Necessarily the new game must include portions of both old language games or no one will understand it. It must use old understandings to create Gramsci, Antonio. *The Prison Notebooks. The Intellectuals.* New York: International Publishers. 1971 p.3-23 ⁸ hooks, bell. “Choosing the Margin as a Space of Radical Openness.” *Yearning: Race, Gender and Cultural Politics. Between the Lines.* 1990. ⁹ *Ibid.* 45 new meanings. These counter-languages can function as the intermediary language games that the oppressed and the elites can be initiated simultaneously. A new language game must be created. A good example of this is Martin Luther King’s “I Have a Dream” speech. He used concepts of freedom and democracy familiar to the center to explain the experience of the oppressed within in the mainstream language game, as well

as created new metaphors and linguistic form, i.e. the preacher's sermon, to bring the voice of the oppressed and the oppressors into a realm of communication. (bell hooks uses the preachers sermon form in her refrain 'language is also a place of struggle'). 10 One famous metaphor is freedom as a bounced check to African Americans. This created a new understanding of the situation. It worked between the language of oppression understood by African Americans and the center's understanding of freedom and the promises of democracy. King was able to include multiple voices, building a bridge between the margin and the center. The conclusion of hooks is that the margin can be more than a place of oppression and alienation. It can be "a site of radical possibility, a space of resistance," that is not open to those in the center. It is the space to produce counter-hegemonic culture that the organic intellectual is looking for. The oppressed can retell their story, and if we accept Rorty's argument that the self is contingent, the oppressed create themselves in the process. To speak for the oppressed is to silence them. Moreover, in their absence of voice, we define them. We can define them in many ways, but they will always be a "they" and not an "us." They will be the other. We must have faith in the margins to produce new language games to communicate with us.

The alternative is to analyze and recognize the disparities that exist between the oppressed and the oppressors—only by allowing the oppressed to talk for themselves can we fully understand Islamophobia

Marino, 5—philosophy professor at Macalester University (Lauren, 5/1/5, "Speaking for Others", Macalester Journal of Philosophy, Volume 14, Issue 1, Article 4, [//twemc hen](http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1016&context=philo)

As far as my thoughts are concerned, my use of language to describe my internal feelings is the only language that can be used to describe them, and the distinction between correct and incorrect rule following collapses. This is not to say we should doubt a person when she says she feels oppressed. Rather, Wittgenstein believes this form of skepticism is embedded in a Cartesian understanding of the mind. When I speak, I play a language game that no one has been initiated into. I define meaning. This is suspect foundation for a language game, because language is not a private activity. We use language to make connections between individuals. The problem is that oppression takes the form of oppression of individuals. For example, torture is not a common experience within a community. The experience does not gain voice within a community because it is not an experience that others will share. Hence, no language can be developed to speak about it. However, there is hope within Wittgenstein's arguments if we apply a new political dimension with Rorty and Alcoff. These views of language implicate the philosophical relationship between language and the self. The Cartesian sense of self means that only I can accurately speak for myself, because my thoughts are in a private space no one else can enter. It is not created by speaking, but rather it simply exists as a stable entity. This extends to the problem of speaking for others, because only an oppressed group knows how they are oppressed and how it affects them. The problem is that 40 because no one else outside the group has access to their subjective state of oppression. The language they may use to express it functions as a private language to the rest of society. All specific language games functions this way. However, the language game the oppressed use to express their oppression is one that necessarily needs to transcend its community to spur change. But, no one but the oppressed can play it, and therefore no outside connection can be made. It cannot produce public meaning. However, if language gains meaning from use, then access to the private objects of the oppressed group's language game is not hopeless. There is no longer a private self but only the public self. We, including the oppressed, become our descriptions of ourselves. Groups can fall into dominant language games and descriptions, but in doing so we allow others to define who we are. We must determine what is true of and for ourselves. I conclude with Rorty that: It was Nietzsche who...suggested that we drop the idea of "knowing the truth."...He hope that once we realized that Plato's "true world" was just a fable, we would seek consolation...in being that peculiar sort of dying animal who, by describing himself in his own terms, had created himself. More exactly, he would have created the only part of himself that mattered by constructing his own mind. To create one's mind is to create one's own language. 4 There is no privileged truth but rather truth is relative to our adopted language games. Truth becomes not objective Truth, but something that is agreed upon; it is contingent. 4 Rorty, Richard. Contingency, Irony and Solidarity. Boston: Cambridge University Press. 1989 41 This brings us to the political issue. The intuitive response is to do everything possible to allow the oppressed to speak for themselves. This is not always possible. But, if language constitutes the self, then who can speak for the oppressed and how can she do so? Alcoff's understanding of speaking for others is

a good starting point. ⁵ Her general argument is that the location of the speaker affects the meaning and truth of what is said. Moreover, the location of the speaker affects the speech itself. Language is a creative activity and what we create is contingent on where we are located within society. Alcott's arguments can be added to Rorty's interpretation of the self. When we speak we are not only creating new truth relative to the language games we employ, but we create ourselves. Hooks uses this idea of selves to create a political program for oppressed groups. She extends the metaphor of language as a game. If language is a game then it has elements of competition and power, and even playfulness. These elements can be used to make a speech for others a speech to their advantage, but with a few caveats. The first is that we initially resist the urge to speak for others and listen to them. This ideally allows the speaker to share agency with the oppressed by including them in the creative process. Secondly, we must account for our location and context when we speak. President Bush's analysis of Iraq is very different from that of an Iraqi. Each should account for the way their location affects his speech. Third, the speaker must be responsible for her own speech. Speaking on behalf of someone else doesn't enable the speaker to speak without thought. Finally, the speaker must attempt to take account of the affects of the speech. Ultimately, we must recognize that speaking and silence are always a political decision. We must use our voice consciously. If the self is located within language games there is a commonality between those who share language games. This removes some of the barriers between selves and I do have access to the experience of those with whom I share language games. Sharing language games means sharing experience. I am able to speak for those who language games I play. There are some problems with this understanding. Alcott thinks membership in a group is not precise or determinate. It is unclear which groups I could belong to and which of those groups I should single out to affiliate myself. More importantly, membership in a group doesn't necessarily mean an authority to speak for the whole group. However, if we accept that the self is constituted within language, then those who share language games with me have direct access to my experience in away that no one can ever have access to a Cartesian mind. We do not need to ask for absolute identity, language and experience between speakers but just a commonality. Furthermore, Bernstein argues that we cannot speak without speaking for other people. ⁶ The speaker's location is necessarily a location in relation to other people. The relationship cannot be removed, and we cannot avoid it. Speaking at all makes speaking for others inevitable. We return to the intuitive response to the struggle of oppressed groups: have the group speak for itself. Speaking becomes a type of agency in which I construct myself because contrary to a Cartesian self, selves do not exist prior to or separate from language. To lose my speech is to lose myself. The oppressed have the ability to communicate with each other and through their language game they are able to discuss ⁶ Bernstein, Susan. ⁴³ their struggle with one another. Sharing languages games enables the oppressed to a specific, limited dimension of power. Their language game will always fail to communicate their struggle to those who have not been initiated into it. They have direct access to the experience of oppression and their agency, but they can only reach their own group. Those on the margin cannot reach those in the center. On the other hand, those in the center, the elites, share a language that can reach the majority of society. It is a language game they are familiar with and can use adeptly. However, they do not have the experience with or access to the language game of the oppressed. They have the power to use their language but nothing to say. The catch-22 is the choice between a group who embodies the agency and the dimensions of political struggle against oppression without a way to communicate it to the larger community, and a group with the language to reach society but is ignorant of the political struggle. There lies a need for a synergy between the experience of the oppressed on the margins and the language game of those in the center. The synergy requires a speaker who comes from the oppressed but has knowledge of the language game of the center. Such a person could incorporate the experience of the oppressed into a new language game that could be accessed by those in power. The concern is what is lost and sacrificed in translation.

A2 – Can't Speak

<read the block answer to “our speech act good”—they all apply>

The 1AC speech act is a tautological form of silencing—it stops the oppressed people to speak for themselves while speaking for them for personal goals

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, “The Problem of Speaking for Others,” Cultural Critique, No. 20, p. 5-32)//twemchen

So it might be argued that the retreat from speaking for others can be maintained without sacrificing political effectivity if it is restricted to particular discursive spaces. Neither Premise (1) nor Premise (2) entail reductionism or essentialism. They argue for the relevance of location, not its singular power of determination, and they are non-committal on how to construe the metaphysics of location. While the “Charge of Reductionism” response has been popular among academic theorists, what I call the “Retreat” response has been popular among some sections of the U.S. feminist movement. This response is simply to retreat from all practices of speaking for; it asserts that one can only know one's own narrow individual experience and one's "own truth" and thus that one can never make claims beyond this. This response is motivated in part by the desire to recognize difference and different priorities, without organizing these differences into hierarchies. Now, sometimes I think this is the proper response to the problem of speaking for others, depending on who is making it. We certainly want to encourage a more receptive listening on the part of the discursively privileged and to discourage presumptuous and oppressive practices of speaking for. And the desire to retreat sometimes results from the desire to engage in political work but without practicing what might be called discursive imperialism. But a retreat from speaking for will not result in an increase in receptive listening in all cases; it may result merely in a retreat into a narcissistic yuppie lifestyle in which a privileged person takes no responsibility for her society whatsoever. She may even feel justified in exploiting her privileged capacity for personal happiness at the expense of others on the grounds that she has no alternative. The major problem with such a retreat is that it significantly undercuts the possibility of political effectivity. There are numerous examples of the practice of speaking for others which have been politically efficacious in advancing the needs of those spoken for, from Rigoberta Menchu to Edward Said and Steven Biko. Menchu's efforts to speak for the 33 Indian communities facing genocide in Guatemala have helped to raise money for the revolution and bring pressure against the Guatemalan and U.S. governments who have committed the massacres in collusion. The point is not that for some speakers the danger of speaking for others does not arise, but that in some cases certain political effects can be garnered in no other way. Joyce Trebilcot's version of the retreat response, which I mentioned at the outset of this essay, raises other issues. She agrees that an absolute prohibition of speaking for would undermine political effectiveness, and therefore says that she will avoid speaking for others only within her lesbian feminist community. So it might be argued that the retreat from speaking for others can be maintained without sacrificing political effectivity if it is restricted to particular discursive spaces. Why might one advocate such a partial retreat? Given that interpretations and meanings are discursive constructions made by embodied speakers, Trebilcot worries that attempting to persuade or speak for another will cut off that person's ability or willingness to engage in the constructive act of developing meaning. Since no embodied speaker can produce more than a partial account, and since the process of producing meaning is necessarily collective, everyone's account within a specified community needs to be encouraged. I agree with a great deal of Trebilcot's argument. I certainly agree that in some instances speaking for others constitutes a violence and should be stopped

A2 – On Behalf Of...

A speech for the oppressed is to re-create their silence and force them to conform to our expectations and definitions

Marino, 5—philosophy professor at Macalester University (Lauren, 5/1/5, "Speaking for Others", Macalester Journal of Philosophy, Volume 14, Issue 1, Article 4, digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1016&context=philo)//twemchen

If the language games are so disparate that initiation in one, offers no insight into the rules of the other, than there is doubt that translation can be done at all. If translation cannot be done, the best to be hoped for is cooption forcing the margins into the mainstream. What then is the solution? I agree with bell hooks that **the oppressed must celebrate their position on the margins. The oppressed must produce intellectuals so that the dominated can speak to the dominating.** The idea goes back to Antonio Gramsci's concept of the organic intellectual. 7 The elites are indoctrinated in the ruling ideology and have an investment in the current order. **No matter how progressive their politics may be, the elite will always be the elite. Their investment in the current social order precludes offers of true systemic change.** Gramsci writes of the need for the working class to develop its own intellectuals who are organically tied to their class. This argument is similar to hooks' argument. **The margin must produce organic intellectuals.** It might be thought that these organic intellectuals should translate between language games. But as hooks points out, **using "the oppressor's language" is not adequate because it cannot articulate the experience of the oppressed.** Yet, it is the only language game the oppressing can play. Organic intellectuals affect the center from the margins if they are able to incorporate multiple voices in the texts they create. The goal of the organic intellectual according to hooks is to "identify the spaces where we begin a process of revision" to create a counter-ideology. 8 Hooks relates this agency to language. "Language is also a place of struggle."9 The counterculture can produce a counter-language, which is able to produce a new language to mediate between the margins and the center. Necessarily the new game must include portions of both old language games or no one will understand it. It must use old understandings to create 7 Gramsci, Antonio. The Prison Notebooks. The Intellectuals. New York: International Publishers. 1971 p.3-23 8 hooks, bell. "Choosing the Margin as a Space of Radical Openness." Yearning: Race, Gender and Cultural Politics. Between the Lines. 1990. 9 Ibid. 45 new meanings. These counter-languages can function as the intermediary language games that the oppressed and the elites can be initiated simultaneously. A new language game must be created. A good example of this is Martin Luther King's "I Have a Dream" speech. He used concepts of freedom and democracy familiar to the center to explain the experience of the oppressed within in the mainstream language game, as well as created new metaphors and linguistic form, i.e. the preacher's sermon, to bring the voice of the oppressed and the oppressors into a realm of communication. (bell hooks uses the preachers sermon form in her refrain 'language is also a place of struggle'). 10 One famous metaphor is freedom as a bounced check to African Americans. This created a new understanding of the situation. It worked between the language of oppression understood by African Americans and the center's understanding of freedom and the promises of democracy. King was able to include multiple voices, building a bridge between the margin and the center. The conclusion of hooks is that the margin can be more than a place of oppression and alienation. **It can be "a site of radical possibility, a space of resistance," that is not open to those in the center.** It is the space to produce counter-hegemonic culture that the organic intellectual is looking for. **The oppressed can retell their story, and** if we accept Rorty's argument that the self is contingent, **the oppressed create themselves in the process. To speak for the oppressed is to silence them. Moreover, in their absence of voice, we define them. We can define them in many ways, but they will always be a "they" and not an "us." They will be the other. We must have faith in the margins to produce new language games to communicate with us.**

The alternative is not a blanket rejection of the stories of the Other—but our links outline why their speech act is bad

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, "The Problem of Speaking for Others," Cultural Critique, No. 20, p. 5-32)//twemchen

III. In rejecting a general retreat from speaking for, I am not advocating a return to an unself-conscious appropriation of the other, but rather that anyone who speaks for others should only do so out of a concrete analysis of the particular power relations and discursive effects involved. I want to develop this point by elucidating four sets of interrogatory practices which are meant to help evaluate possible and actual instances of speaking for. In list form they may appear to resemble an algorithm, as if we could plug in an instance of speaking for and factor out an analysis and evaluation. However, they are meant only to suggest the questions that should be asked concerning any such discursive practice. These are by no means original: they have been learned and practiced by many activists and theorists.

Their intentions are irrelevant—their speech from a social location of privilege and knowledge imposes silence and racism on the silent Muslim Americans who have suffered from racial surveillance

Alcoff, 91—Associate Professor of Philosophy and Women's Studies and the Meredith Professor for Teaching Excellence at Syracuse University (Linda, Winter 1991, "The Problem of Speaking for Others," *Cultural Critique*, No. 20, p. 5-32)//twemchen

(1) The impetus to speak must be carefully analyzed and, in many cases (certainly for academics!), fought against. This may seem an odd way to begin discussing how to speak for, but the point is that the impetus to always be the speaker and to speak in all situations must be seen for what it is: a desire for mastery and domination. If one's immediate impulse is to teach rather than listen to a less-privileged speaker, one should resist that impulse long enough to interrogate it carefully. Some of us have been taught that by right of having the dominant gender, class, race, letters after our name, or some other criterion, we are more likely to have the truth. Others have been taught the opposite and will speak haltingly, with apologies, if they speak at all.¹⁶ At the same time, we have to acknowledge that the very decision to "move over" or retreat can occur only from a position of privilege. Those who are not in a position of speaking at all cannot retreat from an action they do not employ. Moreover, making the decision for oneself whether or not to retreat is an extension or application of privilege, not an abdication of it. Still, it is sometimes called for.

(2) We must also interrogate the bearing of our location and context on what it is we are saying, and this should be an explicit part of every serious discursive practice we engage in. Constructing hypotheses about the possible connections between our location and our words is one way to begin. This procedure would be most successful if engaged in collectively with others, by which aspects of our location less obvious to us might be revealed.¹⁷ One deformed way in which this is too often carried out is when speakers offer up in the spirit of "honesty" autobiographical information about themselves, usually at the beginning of their discourse as a kind of disclaimer. This is meant to acknowledge their own understanding that they are speaking from a specified, embodied location without pretense to a transcendental truth. But as Maria Lugones and others have forcefully argued, such an act serves no good end when it is used as a disclaimer against one's ignorance or errors and is made without critical interrogation of the bearing of such an autobiography on what is about to be said. It leaves for the listeners all the real work that needs to be done. For example, if a middle class white man were to begin a speech by sharing with us this autobiographical information and then using it as a kind of apologetics for any limitations of his speech, this would leave to those of us in the audience who do not share his social location all the work of translating his terms into our own, appraising the applicability of his analysis to our diverse situation, and determining the substantive relevance of his location on his claims. This is simply what less-privileged persons have always had to do for ourselves when reading the history of philosophy, literature, etc., which makes the task of appropriating these discourses more difficult and time-consuming (and alienation more likely to result). Simple unanalyzed disclaimers do not improve on this familiar situation and may even make it worse to the extent that by offering such information the speaker may feel even more authorized to speak and be accorded more authority by his peers. (3) Speaking should always

carry with it an accountability and responsibility for what one says. To whom one is accountable is a political/epistemological choice contestable, contingent and, as Donna Haraway says, constructed through the process of discursive action. What this entails in practice is a serious commitment to remain open to criticism and to attempt actively, attentively, and sensitively to "hear" the criticism (understand it). A quick impulse to reject criticism must make one wary. (4) Here is my central point. In order to evaluate attempts to speak for others in particular instances, we need to analyze the probable or actual effects of the words on the discursive and material context. One cannot simply look at the location of the speaker or her credentials to speak; nor can one look merely at the propositional content of the speech; one must also look at where the speech goes and what it does there. Looking merely at the content of a set of claims without looking at their effects cannot produce an adequate or even meaningful evaluation of it, and this is partly because the notion of a content separate from effects does not hold up. The content of the claim, or its meaning, emerges in interaction between words and hearers within a very specific historical situation. Given this, we have to pay careful attention to the discursive arrangement in order to understand the full meaning of any given discursive event. For example, in a situation where a well-meaning First world person is speaking for a person or group in the Third world, the very discursive

arrangement may reinscribe the "hierarchy of civilizations" view where the U. S. lands squarely at the top. This effect occurs because the speaker is positioned as authoritative and empowered, as the knowledgeable subject, while the group in the Third World is reduced, merely because of the structure of the speaking practice, to an object and victim that must be championed from afar. Though the speaker may be trying to materially improve the situation of some lesser-privileged group, one of the effects of her discourse is to reinforce racist, imperialist conceptions and perhaps also to further silence the lesser-privileged group's own ability to speak and be heard.¹⁸ This shows us why it is so important to reconceptualize discourse, as Foucault recommends, as an event, which includes speaker, words, hearers, location, language, and so on. All such evaluations produced in this way will be of necessity indexed. That is, they will obtain for a very specific location and cannot be taken as universal. This simply follows from the fact that the evaluations will be based on the specific elements of historical discursive context, location of speakers and hearers, and so forth. When any of these elements is changed, a new evaluation is called for. Our ability to assess the effects of a given discursive event is limited; our ability to predict these effects is even more difficult. When meaning is plural and deferred, we can never hope to know the totality of effects. Still, we can know some of the effects our speech generates: I can find out, for example, that the people I spoke for are angry that I did so or appreciative. By learning as much as possible about the context of reception I can increase my ability to discern at least some of the possible effects. This mandates incorporating a more dialogic approach to speaking, that would include learning from and about the domains of discourse my words will affect. I want to illustrate the implications of this fourth point by applying it to the examples I gave at the beginning. In the case of Anne Cameron, if the effects of her books are truly disempowering for Native women, they are counterproductive to Cameron's own stated intentions, and she should indeed "move over." In the case of the white male theorist who discussed architecture instead of the politics of postmodernism, the effect of his refusal was that he offered no contribution to an important issue and all of us there lost an opportunity to discuss and explore it. Now let me turn to the example of George Bush. When Bush claimed that Noriega is a corrupt dictator who stands in the way of democracy in Panama, he repeated a claim which has been made almost word for word by the Opposition movement in Panama. Yet the effects of the two statements are vastly different because the meaning of the claim changes radically depending on who states it. When the president of the United States stands before the world passing judgement on a Third World government, and criticizing it on the basis of corruption and a lack of democracy, the immediate effect of this statement, as opposed to the Opposition's, is to reinforce the prominent Anglo view that Latin American corruption is the primary cause of the region's poverty and lack of democracy, that the U.S. is on the side of democracy in the region, and that the U.S. opposes corruption and tyranny. Thus, the effect of a U.S. president's speaking for Latin America in this way is to re-consolidate U.S. imperialism by obscuring its true role in the region in torturing and murdering hundreds and thousands of people who have tried to bring democratic and progressive governments into existence. And this effect will continue until the U.S. government admits its history of international mass murder and radically alters its foreign policy.

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The aff's invocation of "islamophobia" lumps racist government policy with legitimate criticisms of Islam— it's an academically bankrupt and dangerous epistemology

Duss 13 (Matthew Duss. "Denying the Existence of Islamophobia." January 10, 2013. <http://thinkprogress.org/security/2013/01/10/1427861/denying-the-existence-of-islamophobia/>)/EMerz

I'm hesitant to wade into a discussion on a book I haven't yet read, but Jonathan Schanzer's review of Nathan Lean's "The Islamophobia Industry: How the Right Manufactures Fear of Muslims" in today's Wall Street Journal makes some pretty big claims about the term "Islamophobia" itself, so I'll confine my comments to those. "In reality," Schanzer writes, "Islamophobia is simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam": Those who deploy it see no difference between Islamism — political Islam and its extremist offshoots — and the religion encompassing some 1.6 billion believers world-wide. Thanks to this feat of conflation, Islamophobia transforms religious doctrines and political ideologies into something akin to race; to be an "Islamophobe" is in some circles today tantamount to being a racist. First, while Schanzer severely overstates it, **the problem of conflation is real.** I noted this in my critical review of scholar Deepa Kumar's "Islamophobia and the Politics of Empire," in which I wrote, "The problem with defining Islamophobia as broadly as Kumar does is that it threatens to divest the term of meaning": It is possible to condemn terrorism committed by Muslims in the name of religion, or to have serious concerns over the development of pluralistic democracy under Islamist-controlled governments, without being anti-Islam. **What defines Islamophobia is the belief that terrorist violence is somehow inherent to Islam, or that democracy is incompatible with correct Islamic practice.** In uncovering Islamophobia here, there, and everywhere, Kumar unfortunately gives form to the straw man arguments of actual Islamophobes, who often cry that they are being silenced for voicing any criticism of Muslims. Having said that, Schanzer's assertion about all of "those who deploy" the term is indefensibly broad. I doubt the Muslims of Murfreesboro, Tennessee, or Temecula, California, or South Arlington, Texas, or of the other American mosques that have endured bigoted attacks in recent years would agree with Schanzer's blithe dismissal of Islamophobia as "simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam." **Do some use accusations of Islamophobia to stifle legitimate criticism of Islam? Yes, certainly, just as some use accusations of anti-Semitism to stifle legitimate criticism of Israel** (as we've seen in the recent smear campaign against Secretary of Defense nominee Chuck Hagel). But the fact that some use such accusations cynically and recklessly doesn't mean that Islamophobia and anti-Semitism aren't real existing problems. As my co-authors and I noted in our 2011 report, "Fear, Inc," the term Islamophobia shouldn't be used lightly. We defined it as "an exaggerated fear, hatred, and hostility toward Islam and Muslims that is perpetuated by negative stereotypes resulting in bias, discrimination, and the marginalization and exclusion of Muslims from America's social, political, and civic life." We also showed that **there is a well-funded network of scholars and activists committed to promoting this fear, hatred, and hostility.** People can disagree on how serious or widespread a problem

Islamophobia actually is in the U.S. (my own view is that it is now on the wane), but Schanzer's argument that the whole thing is simply an invention of scheming Islamists and Arab governments is obvious nonsense.

It is an undeniable fact that gender inequality is disproportionately high in Muslim communities—the alternative is to use our position as students from the West to encourage a Muslim Reformation

Ali, 14—a fellow of the Belfer Center at Harvard's Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 4/10/14, "Here's what I would have said at Brandeis", The Wallstreet Journal, <https://www.aei.org/publication/heres-what-i-would-have-said-at-brandeis/>)/tamara&twemchen

On Tuesday, after protests by students, faculty and outside groups, Brandeis University revoked its invitation to Ayaan Hirsi Ali to receive an honorary degree at its commencement ceremonies in May. The protesters accused Ms. Hirsi Ali, an advocate for the rights of women and girls, of being "Islamophobic." Here is an abridged version of the remarks she planned to deliver. One year ago, the city and suburbs of Boston were still in mourning. Families who only weeks earlier had children and siblings to hug were left with only photographs and memories. Still others were hovering over bedsides, watching as young men, women, and children endured painful surgeries and permanent disfiguration. All because two brothers, radicalized by jihadist websites, decided to place homemade bombs in backpacks near the finish line of one of the most prominent events in American sports, the Boston Marathon. All of you in the Class of 2014 will never forget that day and the days that followed. You will never forget when you heard the news, where you were, or what you were doing. And when you return here, 10, 15 or 25 years from now, you will be reminded of it. The bombs exploded just 10 miles from this campus. I read an article recently that said many adults don't remember much from before the age of 8. That means some of your earliest childhood memories may well be of that September morning simply known as "9/11." You deserve better memories than 9/11 and the Boston Marathon bombing. And you are not the only ones. In Syria, at least 120,000 people have been killed, not simply in battle, but in wholesale massacres, in a civil war that is increasingly waged across a sectarian divide. Violence is escalating in Iraq, in Lebanon, in Libya, in Egypt. And far more than was the case when you were born, organized violence in the world today is disproportionately concentrated in the Muslim world. Another striking feature of the countries I have just named, and of the Middle East generally, is that violence against women is also increasing. In Saudi Arabia, there has been a noticeable rise in the practice of female genital mutilation. In Egypt, 99% of women report being sexually harassed and up to 80 sexual assaults occur in a single day. Especially troubling is the way the status of women as second-class citizens is being cemented in legislation. In Iraq, a law is being proposed that lowers to 9 the legal age at which a girl can be forced into marriage. That same law would give a husband the right to deny his wife permission to leave the house. Sadly, the list could go on. I hope I speak for many when I say that this is not the world that my generation meant to bequeath yours. When you were born, the West was jubilant, having defeated Soviet communism. An international coalition had forced Saddam Hussein out of Kuwait. The next mission for American armed forces would be famine relief in my homeland of Somalia. There was no Department of Homeland Security, and few Americans talked about terrorism. Two decades ago, not even the bleakest pessimist would have anticipated all that has gone wrong in the part of world where I grew up. After so many victories for feminism in the West, no one would have predicted that women's basic human rights would actually be reduced in so many countries as the 20th century gave way to the 21st. Today, however, I am going to predict a better future, because I believe that the pendulum has swung almost as far as it possibly can in the wrong direction. When I see millions of women in Afghanistan defying threats from the Taliban and lining up to vote; when I see women in Saudi Arabia defying an absurd ban on female driving; and when I see Tunisian women celebrating the conviction of a group of policemen for a heinous gang rape, I feel more optimistic than I did a few years ago. The misnamed Arab Spring has been a revolution full of disappointments. But I believe it has created an opportunity for traditional forms of authority—including patriarchal authority—to be challenged, and even for the religious justifications for the oppression of women to be questioned. Yet for that opportunity to be fulfilled, we in the West must provide the right kind of encouragement. Just as the city of Boston was once the cradle of a new ideal of liberty, we need to return to our roots by becoming once again a beacon of free thought and civility for the 21st century. When there is injustice, we need to speak out, not simply with condemnation, but with concrete actions. One of the best places to do that is in our institutions of higher learning. We need to make our universities temples not of dogmatic orthodoxy, but of truly critical thinking, where all ideas are welcome and where civil debate is encouraged. I'm used to being shouted down on campuses, so I am grateful for the opportunity to address you today. I do not expect all of you to agree with me, but I very much appreciate your willingness to listen. I stand before you as someone who is fighting for women's and

girls' basic rights globally. And I stand before you as someone who is not afraid to ask difficult questions about the role of religion in that fight. The connection between violence, particularly violence against women, and Islam is too clear to be ignored. We do no favors to students, faculty, nonbelievers and people of faith when we shut our eyes to this link when we excuse rather than reflect. So I ask: Is the concept of holy war compatible with our ideal of religious toleration? Is it blasphemy—punishable by death—to question the applicability of certain seventh-century doctrines to our own era? Both Christianity and Judaism have had their eras of reform. I would argue that the time has come for a Muslim Reformation. Is such an argument inadmissible? It surely should not be at a university that was founded in the wake of the Holocaust, at a time when many American universities still imposed quotas on Jews. The motto of Brandeis University is "Truth even unto its innermost parts." That is my motto too. For it is only through truth, unsparring truth, that your generation can hope to do better than mine in the struggle for peace, freedom and equality of the sexes.

Failure to interrogate sexual difference guarantees extinction and genocide

Irigaray, 91 (Luce, Famous french scholar, The irigaray Reader, p.33)

Even a vaguely rigorous analysis of claims to equality shows that they are justified at the level of a superficial critique of culture, and Utopian as a means to women's liberation. The exploitation of women is based upon sexual difference, and can only be resolved through sexual difference. Certain tendencies of the day, certain contemporary feminists, are noisily demanding the neutralization of sex [sexe]. That neutralization, if it were possible, would correspond to the end of the human race. The human race is divided into two genres which ensure its production and reproduction. Trying to suppress sexual difference is to invite a genocide more radical than any destruction that has ever existed in History. What is important, on the other hand, is defining the values of belonging to a sex-specific *genre*. What is indispensable is elaborating a culture of the sexual which does not yet exist, whilst respecting both *genres*. Because of the historical time gaps between the gynocratic, matriarchal, patriarchal and phallogocratic eras, we are in a sexual position which is bound up with generation and not with *genre* as sex. This means that, within the family, women must be mothers and men must be fathers, but that we have no positive and ethical values that allow two sexes of the same generation to form a creative, and not simply procreative, human couple. One of the major obstacles to the creation and recognition of such values is the more or less covert hold patriarchal and phallogocratic roles have had on the whole of our civilization for centuries. It is social justice, pure and simple, to balance out the power of one sex over the other by giving, or restoring, cultural values to female sexuality. What is at stake is clearer today than it was when *The Second Sex* was written.

Their refusal to integrate the perspective of Muslim women is another example of silencing—the alternative eavesdrops with permission—it uses our privileged positions as students to open discussion on the everyday experiences of these women

Dreher, 9—professor at University of Technology, Sydney (Tanja, "Eavesdropping with Permission: the Politics of Listening for Safe Speaking Spaces", Borderlands E-Journal, Volume 8 Number 1, www.borderlands.net.au/vol8no1_2009/dreher_eavesdropping.pdf)//twemchen

What's a middle class white feminist to do? Given these pitfalls, what is a middle class white woman to do? Is there any role for me in the work of creating safe spaces for new conversations? Scholarship which works across feminism, antiracism, postcolonial and critical race and whiteness studies offers many provocative suggestions. The tradition of transnational feminism tends to focus on strategies of alliances and intersectional politics.

while scholars engaging with whiteness and Indigenous sovereignties emphasise the need to unlearn privilege and give up power. Aileen Moreton-Robinson concludes her analysis of whiteness and Australian feminisms by arguing that, 'the real challenge for white feminists is to theorise the relinquishment of power' (2000: 186). In her analysis of speaking positions, the role of academic research and violence against Indigenous women, Sonia Smallacombe argues that the central challenge is 'whether feminists and their institutions interrogate their own power base and whether they are willing to move aside to give space for Indigenous women's voices' (2004: 51). Fiona Nicoll (2004) reflects on her own experiences as a middle-class white woman teaching critical race and whiteness studies in Indigenous sovereignties and suggests that this teaching must challenge students to locate 'their own position within racialised networks of power' and should 'shift focus from the racialised oppression of Indigenous Australians to the white middle-class subject position that is a direct product of this oppression'. According to Nicoll, 'the task of non-Indigenous students and teachers becomes that of observing and beginning to denaturalize the everyday invasiveness of policies and practices underpinned by patriarchal white sovereignty' (2004: 6). These are compelling reminders that white women must do their own race work and focus attention on their own privileges and power (see also Ratcliffe 2005: 5-6). This can be difficult and uncomfortable work, in which good intentions are deeply suspect. Alison Jones (1999) contends that 'even good intentions by the dominant group are not always sufficient to enable their ears to 'hear', and therefore for the other to 'speak'. Many authors analyse the ways in which racism is perpetuated under the guise of 'good intentions' and Damien Riggs (2004: 9) highlights Jane Haggis' suggestion that Australian critical race and whiteness studies 'should not be about making non-Indigenous people 'comfortable', but should instead continue to destabilise the assumptions of privilege that inform non-Indigenous belonging'. My involvement in this project, and the writing of this paper, has been uncomfortable and uncertain. I have experienced levels of panic far greater than my usual nervousness before public speaking — and this anxiety has manifested bodily, in sleeplessness and loss of appetite and nausea and shivering. Mindful of Sara Ahmed's (2004) analyses of 'bad feeling', I reflect on these discomforts as a register of the violent colonial histories and ongoing racisms which form the possibilities for action and change, rather than as markers of an end to or an overcoming of racism. Rather than transcending 'bad feeling' the challenge is to work to redistribute risk and discomfort as a means to developing better possibilities for listening and speaking.

Link - Kundnani

Kundnani's scholarship ignores the intricacies of the Muslim culture and fails to analyze gender hierarchy

Rashid, 14—a Research Associate in the Sociology Department at the University of Manchester, PhD in Sociology from the London School of Economics (Dr. Naaz, May 2014, "Book Review: The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror by Arun Kundnani", The London School of Economics and Political Science, blogs.lse.ac.uk/lsereviewofbooks/2014/07/08/book-review-the-muslims-are-coming-islamophobia-extremism-and-the-domestic-war-on-terror-by-arun-kundnani/)/twemchen

The issue of terrorism continues to dominate the news whether in relation to the allegations of extremism in Birmingham schools or the long term repercussions of young British Muslims going to fight in Syria and Iraq. What links these two stories is the common sense understanding about how people come to commit acts of terrorist violence. In his new book, *The Muslims are Coming*, Arun Kundnani's primary

focus is the 'radicalization thesis' which underpins the moral panics underlying both phenomena. That is, the idea that people become radicalised through exposure to 'extremist' ideologies which can then lead them to engage in acts of terrorism. Through his rigorously researched analysis of preventive counterterrorism measures in the UK and US, Kundnani skilfully and articulately deconstructs the central tenets of these dominant discourses regarding radicalisation and extremism. Kundnani's stated aims are to consider: firstly, how Islamic ideology has come to be regarded as the root cause of terrorism; and secondly, that acceptance of Muslims as citizens is predicated on them (us) distancing themselves from any particular set of ideological beliefs. He argues that "official and popular understandings of terrorism are more a matter of ideological projection and fantasy than of objective assessment." (p. 17). He suggests that the events in both Boston and Woolwich fit the "current war on terror paradigm of young Muslim men becoming radicalised through their exposure to Islamist ideology". This is despite the fact that in both instances, although not acting entirely alone, the perpetrators were amateurs with no connection to wider networks or terrorist cells. The transatlantic comparison allows Kundnani to showcase his detailed scholarship of policies, both in theory and in practice, weaving together the continuities and parallels between each country's experiences. Common to both countries is the underlying belief in 'the myth of radicalization'. As Kundnani writes, the term was little used prior to 2001, whereas by 2004 it "had acquired its new meaning of a psychological or theological process by which Muslims move toward extremist views"; so much so that by 2010 over 100 articles on the topic were being published in peer-reviewed academic journals each year (p 119). Despite this wealth of research, however, Kundnani argues that the underlying ideological assumptions mean that radicalization scholars systematically fail to address the reality of the political conflicts they claim to understand. Kundnani delineates the divergent histories of the UK and US's respective Muslim populations in the context of very different, albeit occasionally intertwined, histories of (neo)imperialism, migration, and racial politics. He goes on to suggest, however, that 2005 represented a watershed year in which the 7/7 bombings in London brought the UK into close alignment with the US. As a result, the substantive historical, socio-political and demographic differences fell away and the UK and the US were united, not only in their ideologically inspired military encroachments, but also in their preventive counter terrorism measures against 'home grown' terrorism. This is perhaps where it could be argued that the book's weakness lies. Kundnani's scrupulous attention to detail that so enriches his critique of the common sense logic regarding the relationship between radicalization and terrorism is absent in this analysis. If as he argues, the fundamental flaw with the radicalization thesis is its failure to take into account the wider socio- and geo-political context within which such political violence occurs, then equally, in order to assess the outcome of policies based on it, the localised differences between and within the US and UK surely warrant more nuanced analysis. At times he does address US-specific contexts such as the more overt tactics of create and capture used there, which almost amounts to the entrapment of potential terrorists. He also writes a coruscating indictment of Obama's term in office in which the militaristic jingoism of George Bush has become dangerously banal, bureaucratic, and routine, such that the practice and function of the anti-Muslim racism which has been fostered has rendered invisible "the violence of the US empire" (p 14). On balance, however, the differences between the two countries are flattened out and the differential country-specific impacts of such initiatives remain somewhat unexplored. In the British context for example, the Prevent agenda cannot be assessed in isolation from the community cohesion agenda which preceded it and broader debates on multiculturalism and Britishness which foreground it. An underexplored side effect of the Prevent agenda in the UK is its impact on 'inter community' relations given the particularities of the postcolonial British experience. Sikhs have not, for example, been widely 'misrecognised' as Muslims in the UK as they have in the US (where the 'Don't Freak I'm a Sikh' campaign emerged). Similarly, it is not clear whether Sikhs in the US have been drawn to far-right groups premised on an anti-Muslim platform as has occurred in the case of the BNP and the EDL in the UK. Given Kundnani's previous work for the anti-racist left organisation the Institute of Race Relations (IRR) as well as his earlier publications, such as *The End of Tolerance* and *Spooked!* – his analysis of such differences would undoubtedly have been astute. Furthermore, the book does not situate the radicalisation debate in relation to the wider cultural pathologisation of Muslims in both countries as well as across the globe for example, in relation to Muslim women, and the way in which these discourses are so heavily gendered. Nonetheless, given the virulent tenacity with which the violent extremism/radicalisation/counterterrorism discourse matrix permeates the public policy imaginary, in spite of little evidence to support the conceptual framework which underlies it, the book is a very timely intervention. Kundnani draws on a wide range of material to support his case, ranging from the work of Arendt to the analysis of populist representations of terrorism in TV series such as *Homeland* and *South Park*. There is also a wealth of research into and analysis of particular cases of counter terrorist activity and interventions which can challenge the established orthodoxies prevailing on both sides of the Atlantic (although these in depth examples might have benefitted from a more conventional bibliography and index). *The Muslims are Coming* should be required reading for officials and Ministers in the Home Office, Department of Communities & Local Government, the Department of Education, and the Department for Homeland Security, as well as for political commentators everywhere. However, for those engaged in critical studies of the racialised (and gendered) politics of the war on terror, fewer examples and more critical, country-specific analysis of the impact of such measures would have been welcome.

Link – Islamic Principles

Their 1ac proudly proclaims the ability of Islam to lead to self-discipline and cites Malcolm X—absent from that description is the truth the Koran and Sunna at the heart of contemporary Islam is usually quoted to justify misogynistic practices in the Muslim community

Ali, 7—a fellow of the Belfer Center at Harvard’s Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 8/2/7, “My View of Islam”, <https://www.aei.org/publication/my-view-of-islam/>)/tamara&twemchen

The undisputed definition of Islam by all her adherents is “submission to the will of Allah.” This divine will is outlined in the Koran and in the teachings and deeds of Muhammad, as recorded in the Hadith or Sunna. While the Koran is considered to be the true, undiluted word of God revealed to Muhammad through the angel Gabriel, the Sunna carry less weight and have always been a cause for disagreement amongst Muslim scholars. Theologians of Islam have, however, reached consensus on the authority of a set of six volumes from the Sunna called the Sahih Sita, or authentic six. On the issues of holy war (jihad), apostasy and the treatment of women, the Koran and Sunna are clear. It is the obligation of every Muslim to spread Islam to unbelievers first through dawa, or proselytizing, then through jihad, if the unbelievers refuse to convert. It is the obligation of the unbelievers to accept Islam. Exempted from this edict of conversion are the people of the book: Christians and Jews. Both peoples have a choice. They may adopt Islam and enjoy the same rights as other Muslims, or they may stick to their book and lead the life of a dhimmi (lower citizen). Legally, the rights of the dhimmi are not equal to those of a Muslim. For instance, a Muslim man may take a Jewish or Christian wife, but Jews and Christians are not allowed to marry Muslim women. If a Christian or a Jew kills a Muslim man, they should be killed immediately. In contrast, the blood of a Muslim should never be shed in recompense for the blood of Christians or Jews. The western world would be wise to recognize the realities of Islam, a religion laid down in writing over a millennium ago with violence and oppression at its heart. It is also the obligation of every Muslim to command virtue and forbid vice. Apostasy, the worst possible vice a Muslim can commit, should be punished by death. The punishment need not be carried out by a state, but can easily be enforced by civilians. When it is a question of Islamic law, justice is in the hands of every Muslim. As for the treatment of women, in the Koran and more elaborately in the Sunna, Islam assigns to girls a position in the family that requires them to be docile, makes them dependent on their male relatives for money and gives dominion over their bodies to these same male kin. In Islam there is a strict hierarchy of subservience. First and foremost, all humans are required to be the slaves of Allah. In Muslim societies, all children must obey their parents. Beyond this, women and girls must obey and serve without question their male guardians and especially their husbands. This decree of marital obedience is not in any way reciprocal. A woman in Islam is not competent and must always have a guardian. The responsibility of guardianship may pass from father to brother to uncle before a girl is married off, at which point she must answer to her husband. Marriage is typically arranged, with no choice given to the girl, and there is often an exchange of money in the process. Thus, under the religious rule of Islam, it is still common today that a woman’s rights are essentially sold to a man she may not know, and most likely does not love. As for education of girls under Islam, there is a clear program of indoctrination of inequality. Under Islam, education is the passing on of the rules of submission to the will of Allah. Intrinsic in this “education” is the dictation of gender roles. Girls are instructed in subservience first to God, then to the family and finally to the husband. There is strict emphasis on modesty, defined by virginity. A Muslim girl is taught to guard fiercely her virginity as an expression of loyalty to her creator and to her family and husband. This form of education hampers her chances of ever becoming self-reliant or financially independent. A woman’s lack of social equality and freedom is a direct consequence of the teachings of Islam. Under Islam, a wife must always ask her husband for permission and she must obey indefinitely. This stricture is lifted in the unique event that he asks her to forsake God, wherein she is allowed the right of disobedience. While it is true that in Islam, technically speaking, women have the right to trade and own property, the condition of total obedience to guardians makes this “freedom” hypothetical, at best. The goal of education given to girls under Islam is the achievement of control over female sexuality. The result of this indoctrination is that Muslim girls believe legitimate and often vocally defend their position of subordination. The lengths a Muslim society will go to in the pursuit of sexual control often cross into the territory of the absurd and, by western standards, criminal. In Islam the minimum age of marriage for a girl is after her first menstruation. Muhammad was engaged to his wife Aisha when she was six years old, and he married her (had intercourse with her) when she turned nine. Millions of Muslim men across the world follow Muhammad in this deed, one of the most prominent examples being the late Ayatollah Khomeini. Under sharia law (Islamic law), such as governs in Saudi Arabia,

Iran and parts of Nigeria, the civil rights of women are dramatically reduced. Threat of violent punishment in the form of whipping and stoning makes the prospect of financial independence and sexual freedom for women all but impossible. Miraculously, even in such harsh circumstances you will find women who are relatively well educated, have some say in choosing a husband and manage to earn a living. Let us be clear that these exceptions are due to the compassion and progressiveness of families who have been influenced by the West and not to rules derived from Islam. In the quest for reconciliation between Muslim and western societies, it is important to recognize that Muslims are as diverse as Islam is monolithic. Islam attempts to unify more than a billion people of different geographical origins, languages, ethnicities, and cultural and educational backgrounds into one religious tribe. And while I acknowledge that generally stereotyping believers is difficult since belief is subjective, for the sake of discussion I would like to distinguish between five types of Muslims. The first group includes those Muslims who leave the faith because they cannot reconcile it with their conscience or with modernity. This group is important for the evolution of the Islamic world because they ask the urgent and critical questions believers usually avoid. Ex-Muslims living in the west are just beginning to find their voice and to take advantage of the spiritual and social freedoms available to them. The second group is comprised of genuine Muslim reformers, such as Irshad Manji, who acknowledge the theological out-datedness of the Koranic commands and the immorality of the prophet. They tend to emphasize the early chapters in the Koran urging goodness, generosity and spirituality. They argue that the latter chapters wherein Islam is politicized and the concepts of sharia, jihad and martyrdom are introduced should be read in the context in which they were written, some 1,400 years ago. The third group is made up of those Muslims who support the gradual perpetuation and domination of Islam throughout the world. They use the freedoms offered in democracy to undermine social modernity and, though initially opposed to the use of violence, foresee that once the number of believers reaches a critical mass the last remnants of unbelievers may then be dealt with in violence, and sharia law may be universally implemented. Ayatollah Khomeini used this method successfully in Iran. Erdogan of Turkey is following in his footsteps. Tariq Ramadan, deeply rooted in his Muslim Brotherhood heritage, is devoted to such a program among European Muslims. The fourth group is the most obvious and immediately threatening. In this group we find a growing number of hard-line Muslims who have defined martyrdom as their only goal. This is an army of young men whipped into a frenzy of suicidal violence by power hungry clergy. These clergy have public platforms and work with impunity from institutions untouched and often funded by national authorities. The fifth group is largely ineffective and only threatening in their refusal to acknowledge the truth. Here we find the elite clergy who make a show of trying to reconcile Islam with modernity. They are motivated by self-preservation and have no interest in true reform. They take selective passages from the holy books to make a case for a peaceful Islam, ignoring the many passages inciting violence, such as those verses which command the death of apostates. It is through the first two of these five groups that progress and reform will come. As for the rest, the western world would be wise to recognize the realities of Islam, a religion laid down in writing over a millennium ago with violence and oppression at its heart.

Link—Silence

The 1ac spent 8 minutes creating a simplistic victim narrative that rightly calls out imperial policy but says nothing of the oppression and genuine terror many Muslim women face daily – their lack of discussion of the oppression of Muslim women isn't some innocent omission, it's rooted in Islam misogynist practices—the “rights” of American Muslims that the aff advocates for is at the dowry of Muslim women worldwide

TBOS, 14—Tall Black One Sugar (feminist blogger, 5/3/14,
<http://tallblackonesugar.wordpress.com/2014/05/03/misogyny-boko-haram-and-the-bigger-picture/>)/tamara&twemchen

We must understand how the struggle of Burkinabe women today is part of the worldwide struggle of all women and, beyond that, part of the struggle for the full rehabilitation of our continent. The condition of women is therefore at the heart of the question of humanity itself here, there, and everywhere. – Thomas Sankara Flight MH370 disappeared out of the sky and there was untold news coverage. Chaos erupts in Ukraine without Russia even using its military might. Daily coverage. A ferry containing hundreds of students sinks. Again untold coverage. Two hundred and thirty plus students are kidnapped from a school in Northern Nigeria. Minimal coverage. That is until social media kicked in demanding why the government of Nigeria and other surrounding governments have done nothing to step in and say or do anything. Of course William Hague and Gordon Brown have been vocal on this matter but by and large the #BringBackOurGirls campaign has pushed this issue into the spotlight where most media coverage both here in the UK, and by the sounds of it across the pond in the US, have been somewhat muted. The Nigerian government have been woeful in either addressing this publicly or corraling external support to help deal with this. Whilst Goodluck Jonathan (a misnomer if I ever seen one) and his staff swan around inept to tackle or investigate this further, a much bigger picture emerges here. That where women's lives are not considered as something worth worrying about. What if there were 200 plus foreign nationals? Blonde blue eyed

middle class girls? (Yes, I went there!) What if Boko Haram had hijacked a depot owned by any of the multinationals like Shell, etc? Dare I say it what would have happened if it were boys? One cannot help to think about the underlying misogyny which prevents this inaction. Violence against women is nothing new. We are inundated with other reports where rape, sexual slavery, and other abhorrent uses of physical force to subordinate women are prevalent. Whether it be in Congo, the shooting of the student Malala in Pakistan, or the recent trials in the UK were cases show that men of influence felt that it was the norm to take sexual advantage of younger women. To use and dispose of them as property. This mass kidnapping just goes to reinforce the twisted mindset prevalent not just in Nigeria but across the globe as a whole. There are those who will go even deeper to recognise that the US in part, helped to fund bodies like Boko Haram to destabilise Nigeria. Whether you side with Wikileaks on such a revelation or dismiss it as a conspiracy theory that still pales into insignificance when you realise the patriarchy of governance in Nigeria have done nothing of substance to tackle this crime. To actually lift a finger to rescue their daughters. Our daughters. What makes a group like Boko Haram fear a learned and educated woman so much that they will twist concepts of the Quran to their own end and wilfully abduct a whole generation of young ladies for their own causes? If some reports are to be believed to force some into marriage or sexual slavery. And all in the name of Allah. Go figure. Religion becomes but another vehicle to perpetuate misogyny.

2nc—Alt Wall

Islamic feminism should be your lens of analysis—this framework greater incorporates Muslim identity

Malik 10 (Waleed Malik, York University - Osgoode Hall Law School, Carleton University, "Islamic Feminism", Critique: A worldwide journal of politics, Fall 2010)//ASMITH

As has repeatedly been emphasized, the work carried out by "Islamic feminists" described in the previous sections has enormous potential for politics, in terms of altering notions of legitimate and illegitimate, not just in the lives of millions of individuals across the world but at the levels of institutions, states, and societies as well; but in a sense, the work can also be very limited if carried out just in the ivory towers of the academia. But there are a number of social changes happening within the Muslim world and a number of actors that promise to translate these ideas and the products of these intellectual exercises into some real social change. This change, however, will probably not be coming from within the official institutions of Islam, though it would be wrong to consider them as completely unchanging. Religious establishments have, for instance, moved beyond killing any woman who attempts to become a preacher. There are debates occurring within Shiite establishments over whether or not women should be allowed to reach the highest level of the clergy⁵¹ and recently, within the world of Sunni Islam, the United Arab Emirates (UAE) announced that it will soon appoint a female mufti, which is the highest category in the Sunni clergy, which is an extremely contentious first.⁵² Furthermore, women have been able to access institutions of religious education, allowing them a greater voice in religious debates,⁵³ and are also a growing presence in lower levels of religious organizations, such as lower level preachers, ceremonies held in people's homes, which allow them to play a greater, often crucial, role in the daily experience of religion for many people, including women.⁵⁴ But, by and large, these institutions are still almost entirely run by men, and remain some of the most traditional and conservative elements within their societies, so it

is probably naive to think that any great societal change will flow from their direction.⁵⁵ However, as previously mentioned, there has simultaneously been a “resurgence” of Islam and a “fracturing” of religious authority, which has meant that there has been a growth of organizations that in some way claim an Islamic identity and a growth in their ability to speak about religion in a way and with an authority that had once been the exclusive tool of the clergy.⁵⁶ For instance, after the Islamic Revolution in 1979, there was an obvious increase in the role of the clergy and of religion, but simultaneously there was an increase in welfare organizations, advocacy organizations, and magazines that allowed women a chance to further their voices and their interests on these matters. The fight for women’s rights in Iran has been waged both by secular organizations but also by Islamic ones, to the extent that during the Bonn Conference held in 2001 to determine the future of Afghanistan, a number of feminists there held up Iran as an example of a country where women’s rights, though still not adequately accepted or protected, had been greatly enhanced though an Islamic framework.⁵⁷ In fact, modern day Iran presents a number of examples that shed light on both the effectiveness of “Islamic feminism” as well as the difficulties and limitations it encounters as an environment where Islam has been used both by those who would seek to limit and reduce women’s rights and public role and those who are determined to expand it. In the aftermath of the revolution, the theocratic government that was formed held a neo-traditionalist perspective about Islam and its edicts on women, which assumed that there were some natural differences between the sexes due to which women were appropriate for certain roles (as wives and mothers) and men for others, and it was this perspective that led the government to try to force women out of the judiciary and out of regular employment, preventing them from receiving higher education in many fields and instituting many changes that dramatically scaled back advances women had made in previous decades.⁵⁸ However, the women of Iran, including Islamist ones, refused to accept such measures without a fight. Women, many of them from traditional backgrounds, had played an unprecedented role in the revolution and refused to be marginalized by the regime. When the government tried to force them out of the workforce they formed volunteer organizations (some of them for the war effort against Iraq and many of them with an obvious Islamic motivation) and engaged in activism to remain visible, and when the regime used their discourse of difference to exclude women, the few female members of parliament at the time used that as an argument for why women had to be included, to have different points of view. This fight was largely carried out by four women who were the members of parliament, the majlis, in the eighties and who had been deeply involved in the Islamic revolution. It was clear to them that the Islamic state that was emerging was radically different from what they had expected, and they were determined to have their voice heard in shaping it in a more just manner. And though they did not succeed in halting the conservative tide, they managed to win certain concessions such as having women play an advisory role in the judiciary and, slowly, they were able to remove some restrictions on women being able to work and gain a higher education.⁵⁹ However, greater change began to emerge in the late eighties and early nineties. The change was originally discernible in a number of magazines that had been set up by women to discuss women’s issues, and which often had clerics write for them. At this time there emerged a trend known as “new religious thinking” which argued the inequality that was associated with Islam was the result of a certain historical context in which those interpretations occurred, and that in truth there was no conflict (or rather an affinity) between gender

equality and Islam.⁶⁰ Ultimately the ideas of these magazines spread into society, into more mainstream newspapers, and eventually epitomized the reform movement. This was a movement that was based around the notion of “dynamic jurisprudence” and was exemplified by Mohammad Khatami’s overwhelming victory in the Presidential election of 1997. This was also an important moment for the women’s movement in Iran because Khatami, himself a cleric, had promised many reforms to encourage gender equality in order to gain the support of women, both Islamist and secular, which proved essential to his victory. And though his government saw both symbolic gains, such as by appointing the first female Vice-President in the history of the Islamic Republic, and meaningful improvements, in terms of providing greater education and employment opportunities for women and creating a less repressive environment, he was unable to push most of his reforms through against the wishes of the conservative clerics who held the power to veto all legislation; and ultimately, after the end of Khatami’s two terms, the movement fizzled out due to a combination of repression by the state, economic difficulties and an inability to deliver on many promises. Despite that, and though there was much it failed to tackle, the movement provided a hopeful glimpse of what could be achieved from an Islamic framework and it did make some meaningful improvements for the rights and status of Iranian women.⁶¹

Islamic Fem constructs new understandings and is the only way to disrupt patriarchy

Malik 10 (Waleed Malik, York University - Osgoode Hall Law School, Carleton University, “Islamic Feminism”, Critique: A worldwide journal of politics, Fall 2010)//ASMITH

That changed dramatically in the twentieth century. A massive explosion in literacy in the Muslim world meant that, for the first time, a large number of people were no longer reliant on the traditional clerical class in order to access the intellectual foundations of their faith. Authority in Islam “fractured”, a process that continues to take place today as more and more people turn to the sources of their religion themselves and formulate their own understandings of their religion rather than simply accepting what is handed down from the clerics.¹⁵ It has also mean that for the first time in Islamic history women are able to access the sources of Islam on their own in large numbers, and in doing so they are constructing a new understanding of the religion that is dramatically different from that produced in ninth century Arabia.¹⁶ Though a varied and extremely dissimilar group, almost all of the women who have turned to their faith in this manner (whether scholars or Islamist activists) argue that it is not Islam but rather an interpretation of it that is to blame for the oppression suffered by Muslim women. They argue that the Shariah was created by a group of men without any meaningful participation by women, who were in fact actively marginalized from the process of defining the faith,¹⁷ and that these men, from times and societies that were unabashedly misogynistic, read their patriarchal prejudices into a faith that had actually been progressive and empowering for women.¹⁸ Groups such as the Taliban, who justified their oppressive policies in the name of Islam, are condemned as actually perverting the religion in order to justify their patriarchal beliefs and the unequal power structure between the sexes that exists in traditional Afghan society.¹⁹ Some have gone so far as to argue that the real reason why the traditional understanding of Islam is so pernicious for women is because it is pervaded by values and attitudes of the jahiliyya, the pre-Islamic era of Arabia which is generally considered as the height of moral and social depravity in Islam, which the Prophet Muhammad tried but failed to eradicate and which reasserted themselves after his death through the “Islam” fashioned by the ulema and the

ayatollahs.²⁰ One scholar has, probably metaphorically, claimed that it was a “Satanic logic” that led jurists to insert their patriarchal assumptions when considering the rights of women in Islam, which have (with the passage of time and encouraged by prejudices of societies around them) acquired the status of a “neutral” and correct reading of the religion.²¹ All of these are very powerful condemnations and reveals the strength of these women’s conviction that it is not Islam, but rather a perversion of it, that would deny rights due to them. And there seem to be a number of examples, some of them remarkably blatant, that “Islamic feminists” could utilize to substantiate their claim that it is a perverted version of Islam that legitimizes the subjugation of women and that the religion should have and, but for a series of patriarchal interpreters would have, been very different. For instance, a Quranic verse instructing Muslims not to “pass on your wealth and property to the feeble-minded,” was interpreted by nearly all of the early commentators as referring to women and children, who were to be deprived of all inheritance, despite specific Quranic injunctions against such an interpretation and in direct contradiction to specific rights of inheritance laid out in Islam for women and children. Or when a person called Abu Said al-Khurdi swore he had heard the Prophet tell a group of women, “I have not seen anyone more deficient in intelligence and religion than you,” not only was his claim interpreted as describing the nature of all women across all times despite the lack of any indication of this sort in the saying, his claims and its interpretations were left unchallenged despite the fact that there is ample evidence that the Prophet Muhammad repeatedly sought the advice of his wives and other women, even in military matters.²² Or consider the treatment of Aisha, one of the Prophet’s wives and a prominent personality within early Islamic history, who is treated as an aberration for playing a public role (which is not true as shall be shown later) and who is condemned as being responsible for derailing the unity of the Muslim world and for single-handedly setting off all the conflict that has been experienced in the Muslim world by leading a rebellion against the fourth caliph, which is a ridiculous claim to make, and which is then interpreted as legitimating the exclusion of all Muslim women from the public realm, which does would not logically follow even if the first ridiculous claim was true.²³

Islamic Feminism resolves equity and tolerance

Mirza 08 (Qudsia Mirza is Frances Lewis Law Center Scholar-in-Residence at Washington and Lee University, School of Law, US.) (“Islamic Feminism & Gender Equality”, I S I M R E V I E W 2 1 / S P R I N G 2 0 0 8, pg 30-31)//ASMITH

The ethical project of Islamic feminism shares the central ideals and values of Islam itself—of justice, egalitarianism, equity, compassion, and tolerance. By opening up the question of who has the authority to interpret scripture, and by challenging the power of traditional interpretive communities and the producers of religious knowledge, Islamic feminists are at the forefront of the contemporary reformist movement. Writers such as Amina Wadud and Asma Barlas are conferring upon themselves the authority to challenge the monopoly of traditional interpreters of the Quran, whilst scholars such as Fatima Mernissi are engaged in contesting received notions of Hadith literature. All such scholars are engaged in revisiting

Islamic sources and actively furthering what has been succinctly termed the “democratization of ijtihad.”¹ Working within Islamic jurisprudence, this entails the use of an interpretive methodology, ijtihad (to strive for) to dynamically re-interpret foundational Quranic principles in order to bring about equal rights for women. Feminists look to the time of Islam’s origin and assert that women, who had played a significant role as the creators of oral texts, became invisible after the inception of Islam, both as originators and interpreters of such texts. Scriptural literature was then produced by men who incorporated their own restrictive assumptions and understanding of gender relations. Legal texts were also created in this way and a masculine bent was inscribed into the legal literature of that time, resulting in the atrophying of the egalitarian ethos of Islam.² Thus, the feminist project is based squarely upon an Islamic framework within which an ethically correct gender paradigm and resulting legal rights for women may be configured. The reform of Islamic law is seen as one of the principal means by which the discrimination women have suffered under certain interpretations of Islam can be addressed. In pursuance of this, feminists are advancing new interpretations of the sources of Islamic law, and theorizing a “liberatory praxis” with a “Quranic hermeneutics of liberation” at the vanguard of this endeavour. This means that writers such as Wadud and Barlas are utilizing the notion of ijtihad to establish interpretations of the Quran which bring to light the gender egalitarian impulse of the Quran. These new interpretations then form the basis for an emancipatory agenda for the establishment of equality. Therefore, this project encapsulates the vision of a post-patriarchal Islam which guarantees women legal and social rights, equal with men. This will only be possible, feminists argue, by liberating Islamic orthodox scripture from the stranglehold of male-centred interpretations that have become entrenched in the Islamic canon. Thus, by challenging traditional notions of authority, and deconstructing gendered Islamic discourses, Islamic feminists are producing interpretations of scripture that can be utilized for the radical re-configuration of gendered legal rights. However, despite this uniformity of aim, Islamic feminism is also characterized by great diversity of opinion. Therefore, it may be more appropriate to talk of Islamic feminisms which can be differentiated by cultural and regional, as well as significant doctrinal differences, which have led to divergent schools of thought. A number of writers have offered typologies of contemporary feminist thought and, broadly speaking, they can be divided into two main groups: first, those who see the “inequality” of the sexes in Islam as divinely ordained; and second, those who have engaged in progressive readings of the Quran and the Hadith to unearth the authentic configuration of women’s rights in Islam.

2nc—Chilling Effect

Discussion of Islam is often considered Islamophobic- that impedes understanding of the religion and its problems- it’s a reverse chilling effect

Benn 7 (Piers Benn. “On Islamophobia-phobia.” May 31, 2007.

<https://newhumanist.org.uk/articles/524/on-islamophobia-phobia> //EMerz

The act of hatred that destroyed the World Trade Center in New York led, unsurprisingly, to anti-Muslim feeling in both America and Britain, and the suspicion that it was carried out with the blessing of Islam. George W. Bush and Tony Blair hurriedly tried to counter this impression. They denounced anti-Muslim feeling and taunts and attacks on Muslims. Blair stated that the principles of Islam do not support the deliberate killing of innocent civilians 'Islam', he announced, means 'peace' and claimed that Muslims who support terrorist attacks are out of line

with the authentic teachings of their religion. In one way, Blair was right. Social psychology and everyday experience show us how easy it is to dehumanise an opponent and project onto him all our worst fears and fantasies. This primitive tendency appears on all sides, whether in the intractably paranoid world view of Osama bin Laden, or in the suspicion that all Muslims are somehow implicated in the attacks. It is unacceptable that the hatred of out-groups – in this case, 'infidels' – that led to the original horror should show itself, on the other side, in hatred of Muslims. At the same time, the attack provided various pundits and politicians with an excuse to reiterate their concerns about 'Islamophobia'. We often hear that Islamophobia is widespread in the British media and culture. As a result, considerable efforts are made to counter the image of Islam as an intolerant religion – a faith that supports terrorism, cuts off limbs, and subordinates women. 'Moderate' British Muslims are regularly summoned onto the media to represent Islam's acceptable face and to challenge these stereotypes – among them academics like Zaki Badawi and Ali Akbar, and well-known journalists such as Yasmin Alibhai-Brown, Rana Kabbani and Ziauddin Sardar. Furthermore, many politicians appear reluctant to say anything critical of Islam. In an edition of Radio Four's 'Any Questions' last Autumn, the panel was asked to respond to former Italian premier Silvio Berlusconi's reported claim that Western civilisation was superior to Islamic civilisation. The panel, which included Charles Kennedy and Chris Patten, was unanimous in pouring scorn on Berlusconi's remarks. Such an outburst, in their opinion, exemplified ignorant, crude, racist cultural imperialism. All of this raises two matters of concern. One is about the definition of Islamophobia, and the sloppy way in which the term is used. The other concerns the general indifference to intellectual matters of religious doctrine, truth and justification. 'Islamophobia' is a negatively loaded word. Not many people would admit to being Islamophobic, any more than they would admit to being homophobic. Indeed, there is an interesting parallel between the two concepts. Although 'homophobia' really means fear of homosexuals, it is now widely used to refer to any criticism of homosexuality. Many who use the word appear oblivious to the distinction between the fear (or hatred) of homosexual individuals, and disapproval of homosexual behaviour. Of course, one might argue that language evolves and words change their meaning. But this misses the point. There is a real distinction to be made here, which needs to be reflected in language. With Islamophobia, the same applies. It is essential to distinguish criticism of Islam both from fear of Islam, and from fear, hatred or contempt for Muslims. But all too often, moral criticism of Muslim practices, or scepticism about doctrines, is dismissed as Islamophobic. What would be a rational response to this? There are at least two strategies. One, as just suggested, is to deny any necessary connection between criticism of Islam on the one hand, and fear of Islam or contempt for Muslims, on the other. Another, more direct one would be to ask squarely whether Islamophobia, understood as fear of Islam, is wrong after all. After all, if Islam really does advocate jihad to achieve world domination (as is claimed, for example, in a Christian website devoted to rebutting Islamic doctrines: www.answering-islam.org), if it really does say that the testimony of a woman in court is worth half that of a man, and that Muslims should not befriend Jews or Christians, then why wouldn't fear or other negative reactions be entirely reasonable? The usual counter-argument is to deny the factual accuracy of these claims about Islamic doctrine and practice. Islamophobia is said to manifest itself in ignorant and prejudiced ideas of what 'true' Islam really teaches. And it is here that the debate gets interesting, and leads to the second worry I mentioned, about public and media indifference to solid issues of truth and justification in religious matters. Indulgent theological relativism The consensus against Islamophobia – call it 'Islamophobia-phobia' – often appears oddly unconcerned to inform itself of Muslim (or even Christian) theology. In place of informed tolerance we have an indulgent and ignorant theological relativism – call it 'religious correctness' if you like – disseminating the platitude that all the major world religions are more or less the same, with the same basic values. Why do people believe this? Partly because all religions that sustain human communities through the joys, sorrows, and uncertainties of life are likely to share certain values. For example, respect for life and property, the maintenance of retributive and distributive justice, and a concern to regulate sex will probably be found in most successful religions. Moreover, if, as many non-religious people say, it is morality that gives rise to religion rather than the other way round, we would expect the best (as well as the worst) elements of human motivation to find religious expression. So it is not surprising that Muslims who are naturally civilised and humane, like the Principal of the Muslim College in London, Zaki Badawi, tend to select the most compassionate elements in Islam as examples of its essential nature, and share many values with reflective and tolerant non-Muslims. But the idea that all religions are essentially the same is one that is rejected by clear-thinking Christians, Muslims (and others) alike. Of course, many secular people look upon internecine theological wrangles with amused condescension. However, it is of great importance both to Christians and to Muslims whether or not Jesus was divine and died for our sins, whether he rose from the dead, or whether the Koran was dictated by God. For these are issues about which orthodox Christianity and Islam are in fundamental disagreement. Their claims contradict one another; it follows that they cannot both be entirely authentic revelations. The liberal British media, anxious to distance itself from 'Islamophobia', plays these logical problems down, partly because it cannot be bothered to understand them, and partly because it cannot believe that some religious people are less wishy-washy than they are themselves. As a result, the intellectual debates we should be having get a

woefully inadequate hearing. The most fundamental problem is that of the claimed status of the Koran as the infallible, revealed word of God. All Muslims are committed to this claim, although there are disputes about interpretation and emphasis, just as there are about any other sacred book. The Koran has frightening things to say about the fate of those who do not believe in God and the Last Day, and there is considerable stress on hell: God is 'stern in retribution'. Of course, if these teachings are true, then we have very good prudential reasons for trying to acquire the beliefs in question, to avoid a truly terrible fate. But as students of Pascal's Wager know, this does not settle the evidential question of whether these claims are true. Indeed, Pascal, who famously advocated acquiring Catholic beliefs for reasons of prudence, would no doubt have judged Muslims susceptible to a similar fate, and Dante placed Mohammed in the lower circles of the Inferno, among other false prophets. Suppose one asks the simple questions: what grounds are there for believing that the Koran is an authentic revelation? How likely is it, that if there were a God with an extremely important message to deliver to humanity, he would have chosen to reveal it to one man, in the way he is said to have done to Mohammed? Why not, indeed, reveal it to a large number of people, who could then compare their revelations and agree on their content? And how easily could Mohammed's belief that he was a prophet have arisen, if he was not, in fact, a recipient of divine revelations? There is no obvious difficulty about this; apart from anything else, he is far from unique in believing himself the recipient of special revelations. Think of Joseph Smith or Sun Myung Moon. Of course, Christians have been familiar with similar challenges to their scriptures for nearly two hundred years, and have developed various apologetics. In any case, apart from some 'fundamentalists', most Christians (at least outside the USA) do not believe the Bible was dictated verbatim by God, though they do believe it is divinely inspired. Indeed, Christian 'fundamentalism' of the sort we see reported, especially in connection with 'young-earth' creationism, is a largely modern phenomenon, born as a reaction to the secularisation of Christian societies and the challenge of the Enlightenment. Islamic nations have barely been secularised, and there was no Islamic equivalent of the Reformation. Many who fear the rise of Islamophobia veer away from critical analysis of Islamic claims and practices, perhaps for fear of what they might find. They denounce critical scrutiny of Islam as somehow impolite, or ignorant of the religion's true nature. This is not intellectually or morally healthy. The real lesson of tolerance is that disputes should be settled by reasoned dialogue rather than abuse or violence, and that we should always accept that we may have much to learn from people whose beliefs initially appear strange. But these virtues are a far cry from the sentimental pretence that all claims to religious truth are somehow 'equal', or that critical scrutiny of Islam (or any belief system) is ignorant, prejudiced, or 'phobic'. By all means let us be well-informed about Islam, but let us not assume that once we are, we shall altogether like what we find.

2nc—Root Cause

The representations of terrorist threat and the fears that follow are based in gender—they're founded on a fundamental division between the sacred world of the mother that has been identified as the world of fundamentalism and the world of the west which is defined by reason and masculinity – this psychic division is the root of Western vs Eastern fundamentalist conflict.

Condren 2006 (Mary; "War, Religion, Gender and Psyche: An Irish Perspective," in Holy War and Gender: "Gotteskrieg" und Geschlecht"; http://mywebgrrl.ca/ifr/000_Berlin_Paper_Final.pdf)

The sacred world, the semiotic, is the psychic field of the Mother. Therefore, whereas killing or maiming the enemy is inevitable, terrorists usually uphold strict rules of sexual conduct. Terrorist legitimacy derives from their desperate efforts to establish their righteous relations within this field. Control of their women usually accompanies terrorism, underpinned by the most fundamentalist interpretations of religious texts. In terrorist warfare, underpinned by mythologies of self-sacrifice, especially where cultures have been subjected to colonial or imperial humiliation, masculinity is often damaged or much less secure. Establishing a high moral ground, or secure point of identity becomes the aim which is achieved effectively by controlling the bodies of women, and by denigrating and persecuting anyone (homosexuals) who threatens rigid gender boundaries. Sexual purity rather than sexual triumph is normative. In conventional warfare sexual triumph over women is the norm and is explicitly celebrated.

But since the strategies of religious and political fundamentalists are essentially female, fundamentalist regimes usually enforce the subordination of women, and the denigration or persecution of anyone (homosexuals) who threatens rigid gender boundaries. Securing such boundaries by controlling female bodies both symbolises and establishes a grammar of fundamentalism that is inter-religious and international. Fundamentalist regimes often attempt to uphold their regressive practices toward women on the grounds of ethnicity, religious freedom or human rights. In addition, religions often enjoy immunity from equality legislation, probably because of the unconscious awareness of how such religions legitimate the patriarchal assumptions at the heart of statehood. Feminist legal scholars must now be assisted in their efforts to explore and deconstruct the connections. 52 6. The Question of Representation Melanie Klein spoke of reparative strategies typical of the mother/infant relationship. The infant engages in attacks, phantasied or otherwise, on the mother's body, but, fears disintegration or retaliation. Unconscious guilt, and the strategies of reparation that accompany it play a major role in this dynamic, and often remain with us for the rest of our lives, feeding various religious fantasies. In Christian theology, according to Julia Kristeva, such reparation is directed toward God the Father, enabling the unconscious erasure of the mother from salvation history, and achieving the foundation of paternal law. 53 The strategy enables the paternal law to supersede the dangerous maternal semiotic energies, but also succeeds in permanently exiling women from culture, except insofar as they serve to uphold the status quo, preferably by becoming as men. Since the sacrificial dynamics and legitimating strategies of both conventional and terrorist warfare foster and depend on mythological religion, not surprisingly, in religious traditions based on sacrifice, women are not permitted to be religious officiators. The exclusion of women from significant participation in all the major religions has widespread implications that go way beyond church practice. Political and religious agencies often work hand in hand. Furthermore the strategies outlined here point to a grammar of political relationships that is inter-religious and international. The presence or absence of women in systems of representation does not automatically correlate either with the liberation or denigration of women: the variables are extremely complex. Nonetheless, given the analysis here, the effects of exclusively male systems of representation (such as an all male Trinity) must be interrogated for their psychic effects as they impinge upon the possible agency of sexed subjects. 7. The Maternal Debt Patriarchal culture thrives on the defiance of death and on spurious means to transcend death. Meanwhile, the weapons of mass destruction threaten the future of civilisation itself

2nc—Sequencing

A discussion of the brutal practice of muslim communities should come first

Ali, 7—a fellow of the Belfer Center at Harvard's Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 8/2/7, "Infidel" pg. 347-348)//tamara&twemchen

Muhammad attempted to legislate every aspect of life. By adhering to the rules of what is permitted and what is forbidden, we Muslims suppressed the freedom to think for ourselves and to act as we chose. froze the moral outlook of billions of people into the mind-set of . Arab desert in the seventh century. We were not just servants of Allah, re slaves. The little shutter at the back of my mind, where I pushed all my · sonant thoughts, snapped open after the 9/11 attacks, and it refused close again. I found myself thinking that the Quran is not a holy mandate. It is a historical record, written by humans. It is one version as perceived by the men who wrote it 150 years after the Prop Muhammad died. And it is a very tribal and Arab version of events. It spreads a culture that is brutal, bigoted, fixated on controlling women, and harsh in war. The Prophet did teach us a lot of good things. I found it spiri appealing to believe in a Hereafaet My life was enriched by the Qu injunctions to be compa(sjonate and show charity to others. Jjiere times when I, like inany otheilvluslims, found it too complicated to with the whole issue of war against the unbelievers. Most Musi' never delve into theology, and we rarely read the Quran; we are taught in Arabic, which most Muslims can't speak. As a result, most people think that Islam is about peace. It is from these people, honest and kind that the fallacy has arisen that Islam is peaceful and tolerant. But I could no longer avoid seeing the totalitarianism, the pure moral framework that is Islam. It regulates every detail of life and subjagtes free will. True Islam, as a rigid belief is system and a moral framework leads to cruelty. The inhuman act of those nineteen hijackers was the logical outcome of this detailed system for regulating human behavior. Their world is divided between "Us" and "Them"-if you don't accept Islam you should perish. It didn't have to be this way. The West underwent a period of religious warfare and persecution, but then society freed itself from the grip of violent organized religion. I assumed-I still assume-that the same process could occur among the millions of Muslims. we Muslims could shed our attachment..to those dogmas that clearly lead to ignorance and opression. In fact, I

thought, we were lucky: there were now so many books that Muslims could read them and leapfrog the Enlightenment, just as the Japanese have done.

2nc—Turns Case

Shielding Islam from criticism in the name of resisting Islamophobia prevents effective and sustainable challenges to Islamic hatred and turns the case

Deacon 14 (Liam Deacon. "Critiquing Islam or Islamophobia?" May 16, 2014.

http://www.huffingtonpost.co.uk/liam-deacon/islamophobia_b_4973979.html) //EMerz

For nine years in a row a controversial resolution on, "Combating Defamation of Religions," described by some as an, "international blasphemy law," has been consistently losing support in the United Nations General Assembly. Until 2010, the only religion mentioned in the legislation was Islam, when the authors of the legislation, the Organisation of the Islamic Conference, invented the terms; "Judeophobia and Christianophobia," to quell criticism. Domestically too, the term Islamophobia has come under intense scrutiny, just this week. Opinion is sharply divided. The discourse here in the UK often mirrors the international debate. In one camp, the appropriateness of the terms very existence is questioned; critics lambast the fact that in reality there is no equivalent terminology in existence to describe those who critique other ideologies and religions (other than Anti-Semitism, of course). They say it is telling of the particular defensiveness and privilege that Islam demonstrates and is often afforded. Others, however, maintain that the phenomena is one of the most concerning and potentially dangerous of our age. They contend that the recent increase in Islamophobia is akin to the rise of Anti-Semitism in the last century and portray Islamophobia as a current of hate, engulfing Europe and risking unrest, conflict even. There is truth on both ends of this dialectic. Islamophobia clearly exists. It is a genuine phenomenon. A 'phobia' is an irrational fear or hatred of something - one need only browse the Internet momentarily before confronting a plethora of overtly irrational, hateful and inflammatory views directed towards Muslims. On the other hand, **the term is very commonly misappropriated to deflect genuine and much needed criticism of Islam. And it is grossly misappropriated when used to scare and accuse those interested in discussing theology, ethics and progress of racism and bigotry.** However, misappropriation of the term is so common, and confusion so easy, because alongside the rising tide of irrational Islamophobia described by Ansar, there is an increasing need for a rational critique Islam (a process Ansar is deeply involved in himself). Religions are not static or homogeneous. They change / evolve over time and at any one time there is often a plurality of voices within any religion advocating differing interpretations. Rigorous and continuous criticism is an important catalyst for this ongoing process. Denying the need for such a critique, and assuming Islam is static and unchanging, is as crude and misleading as islamophobia itself. Religion is a historical process of change and modernization. Many early religions described man's relationship with nature. There were Gods of sun, thunder and earth. Later, religions are often seen to embody man's relationship with the state. The god of Athena, say, represented to the Greeks their relationship with the polis. Later, the great monotheistic religions of Islam and Christianity began to function as

the Polis itself. Church and state became one; it was the fear of God, rather than the Police, that kept citizens in line and it was parish / sharia courts who made judicial rulings. After coming to dominate politics in Europe, Christianity did not give up its political power lightly. From Galileo to Copernicus, for centuries, owners of any voice of decent were persecuted. It was a long and bloody battle before Christianity began to communicate with post enlightenment thought. Christianity was battered and berated into submission by a reformation, enlightenment and a well-established tradition of biblical criticism. The result was the subdued and less political Christianity we know today (maybe not so in America). The simple fact is that Islam is not as far through this stage of its historical development, through which it will be brought to communicate with post enlightenment thought and secular politics, as Christianity, which began it in the 17th century. Comparatively, very little is known about the true origins of the Koran. Historians such as Patricia Crone and Tom Holland have only recently begun this mammoth task. Historical and Archeological examinations of the Bible helped Christians a great deal in reconciling their views with the realities of the modern world. Hopefully the same can be true for Islam. As I've said, **Islam is far from monolithic; Muslim feminists and gay rights activists are a historical fact. But today, particularly since the Islamic resurgence, Islam is dominated by conservative, and primarily male, voices.** Such voices have been politicizing the religion and pushing an oppressive, conservative social agenda. **This has resulted in the social regression we see in Iran and more recently, Turkey and Egypt. Critiquing the authoritarian, misogynistic and homophobic values of these interpretations of Islam is of pivotal importance for the survival and wellbeing of millions of people worldwide.** Another issue at hand is the confluence of Islamic culture with Islamic faith. If such a critique is to be as successful as it has been for Christianity then it is likely that many Muslims, especially those living in the west, will come to reject the dogmatism of religion and embrace Agnosticism and Atheism. It is critical that Apostates of Islam can hold on to their cultural identity despite losing their faith. It's been decades since people, un-ironically, discussed 'Christendom' or 'Christian culture' instead of 'western culture,' and it's time Islamic culture was more commonly afforded such respect, as something quite distinct from mere faith. **As conservative Muslim populations living inside western liberal democracies become more vocal and politicized, it must be remembered that a central condition of freedom of religion is the freedom of others to criticize your religion.** New Atheism and 'Dawkinism' are consistently more abrasive and less patient with conservative religious views. If every time the two groups come into conflict commentators call it Islamophobia, the true meaning and importance of the word will very soon be lost. I must stress, none of what is said above is written to suggest that the majority of Muslims today are not already moderate and do not accept post-enlightenment thought. Rather, **if we are to begin to see the end of political Islam and the small but significant strains of radical Islam that western media is so obsessed with, then a vigorous and open discussion must be had about Islam.** At a time when genuinely Islamophobic views are on the rise, keeping such a rational discussion distinct from genuinely Islamophobic, irrational prejudice will be increasingly difficult.

Islamophobia studies squelch discussion about legitimately dangerous countries and silences Muslim activists- this rhetoric is what extremists want- lack of criticism sets Islam up for failure

Schanzer 13 (Jonathan Schanzer. "A Nasty Neologism." January 9, 2013.

<http://www.wsj.com/articles/SB10001424127887324391104578227543258640614>)/E Merz

"The enemy of America is not our many Muslim friends," President George W. Bush declared soon after the 9/11 attacks. Mr. Bush's statement set the tone for the tumultuous decade to come, one in which the nation prosecuted a war on terrorism in two Muslim lands while taking great pains to protect the rights of Muslim Americans. Yet if the author Nathan Lean is to be believed, Americans today are caught in the grip of an irrational fear of Islam and its adherents. In his short book on the subject, Mr. Lean, a journalist and editor at the website Aslan Media, identifies this condition using the vaguely medical sounding term "Islamophobia." It is by now a familiar diagnosis, and an ever widening range of symptoms—from daring to criticize theocratic tyrannies in the Middle East to drawing cartoons of the Prophet Muhammad—are attributed to it. In reality, **Islamophobia is simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam.** Those who deploy it see no difference between Islamism—political Islam and its extremist offshoots—and the religion encompassing some 1.6 billion believers world-wide. Thanks to this feat of conflation, Islamophobia transforms religious doctrines and political ideologies into something akin to race; to be an "Islamophobe" is in some circles today tantamount to being a racist. American Islamophobia, Mr. Lean claims, is fomented by a "small cabal of xenophobes." "The Islamophobia Industry: How the Right Manufactures Fear of Muslims" is less a book than a series of vignettes about some of these antagonists, who are "bent on scaring the public about Islam." His Islamophobic figures and institutions range from political leaders like Mr. Bush, Sen. John McCain and New York Mayor Rudy Giuliani, who, Mr. Lean says, have "harnessed Muslims and Islam to terrorism"; to the pro-Israel community, which is alleged to be animated by a "violent faith narrative" and funded by magnates who inject "eye-popping cash flows into the accounts of various fear campaigns"; to pretty much everyone who campaigned in 2010 against the construction of the so-called Ground Zero Mosque near the site of the 9/11 attacks in lower Manhattan. Mr. Lean tars with the same brush the likes of the scholar Daniel Pipes and the Muslim activist, physician and U.S. Navy veteran Zuhdi Jasser. Mr. Pipes, the author writes, is "deeply entrenched in the business of selling fear." He portrays Dr. Jasser as a puppetlike figure, "a 'good Muslim,' one that openly and forcefully denounced various tenets of his faith." These are crude and uncharitable caricatures of these men. Mr. Pipes was one of the first Western commentators to raise the alarm about the subterranean spread of extremist attitudes in both the Middle East and among some Muslim communities in the West. Dr. Jasser, a devout Muslim, is the founder of the American Islamic Forum for Democracy, an organization that advances the notion that "the purest practice of Islam is one in which Muslims have complete freedom to accept or reject any of the tenants or laws of the faith no different than we enjoy as Americans in this Constitutional republic." Both men argue that the real contest is the serious war of ideas raging within Islam itself, between the forces of liberalism and pluralism and those of obscurantism. To Mr. Lean, though, any such distinction is simply a false perception manufactured by Islamophobes. Thus the author

fails to grapple with the fact that, unlike average Muslims, Islamist terror groups like al Qaeda, Hamas and Hezbollah do commit unspeakable acts of violence in the name of Islam—actions that surely help account for why many Americans (49%, according to a 2010 poll) hold an unfavorable view of Islam, even when they view favorably Muslims that they personally know. Mr. Lean also can't seem to tell the difference between Islamist organizations and ordinary Muslims. Consider his view of the Council on American Islamic Relations, a self-proclaimed civil-rights organization that wields outsize influence on questions of Muslim integration in the U.S. Mr. Lean barely mentions CAIR and, when he does, it is in invariably glowing terms. The author lauds "cooperation between the FBI and CAIR" that supposedly "led to the capture of five American Muslim men in Pakistan suspected of trying to join radical, anti-American forces." But he neglects to mention that CAIR was named by federal prosecutors as an unindicted co-conspirator in the Holy Land Foundation terror-finance trial of 2007. The same group, according to an unclassified State Department cable, sought to raise \$50 million for an Islamophobia campaign from Saudi Arabia and the United Arab Emirates. **Islamist states and groups have been at the forefront of promoting the concept of Islamophobia.** As far back as 1999, the United Association for Studies and Research, a group founded by Hamas leader Mousa Abu Marzook, published a book that purported to expose "The Truth Behind the Anti-Muslim Campaign in America." After 9/11, Muslim states mounted a campaign to characterize the fear of Muslim violence as blind hatred. In 2004, United Nations Secretary-General Kofi Annan assured the world that U.N. "special rapporteurs continue to monitor the exercise and infringements of this right [freedom of religion], and to recommend ways to combat Islamophobia." According to anti-Islamophobia crusaders, though, even questioning the origins of the concept is itself a form of Islamophobia. **Such dogmatism chills the crucial conversations that need to take place about Islamism here in the West.** It also does a profound injustice to liberal Muslims around the world. After all, if Islam is dominated by its most violent and illiberal elements, and questioning these forces is deemed by intellectual elites to be a form of racism, then reform-minded Muslims really stand no chance.

A2.Cherry Picking

Even if limited experiences don't speak to the structural truth of Islam, they reveal personal struggles we have to recognize— it's the same reason your authors that reveal the stories of individual Muslim Americans is key to breaking down the Surveillance State

Kundnani, 14—professor at New York University (Arun, 3/28/14, "No NSA reform can fix the American Islamophobic surveillance complex", The Guardian, www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex)/twemchen

Better oversight of the sprawling American national security apparatus may finally be coming: President Obama and the House Intelligence Committee unveiled plans this week to reduce bulk collection of telephone records. The debate opened up by Edward Snowden's whistle-blowing is about to get even more legalistic than all the parsing of hops and stores and metadata. These reforms may be reassuring, if sketchy. But for those living in so-called "suspect communities" - Muslim Americans, left-wing campaigners, "radical" journalists - the days of living on the receiving end of excessive spying won't end there. How come when we talk about spying we don't talk about the lives of ordinary people being spied upon? While we have been rightly outraged at the government's warehousing of troves of data, we have been less interested in the consequences of mass surveillance

for those most affected by it – such as Muslim Americans. In writing my book on Islamophobia and the War on Terror, I spoke to dozens of Muslims, from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question[ing] every student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials. There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions. There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association. And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government. These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher. A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?" This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power.

A2 Getting Better

Woman in Islam are treated like second class citizens. The way Islam is practiced has as gone as far as to say that women are worth half of a men. They're even less than ¾ as slaves were ruled.

Beyer, 2K1 (Lisa, Beyer served as Time bureau chief in Jerusalem[2] for much of the time between the two Persian Gulf Wars. In 2000, she left Jerusalem to begin working in New York as a Senior Editor for TIME magazine.[1], Nov. 25, "Women of Islam", <http://content.time.com/time/world/article/0,8599,185647,00.html>)//tamara&twemchen

For his day, the Prophet Muhammad was a feminist. The doctrine he laid out as the revealed word of God considerably improved the status of women in 7th century Arabia. In local pagan society, it was the custom to bury alive unwanted female newborns; Islam prohibited the practice. Women had been treated as possessions of their husbands; Islamic law made the education of girls a sacred duty and gave women the right to own and inherit property. Muhammad even decreed that sexual satisfaction was a woman's entitlement. He was a liberal at home as well as in the pulpit. The Prophet darned his own garments and among his wives and concubines had a trader, a warrior, a leatherworker and an imam. Of course, ancient advances do not mean that much to women 14 centuries later if reform is, rather than a process, a historical blip subject to reversal. While it is impossible, given their diversity, to paint one picture of women living under Islam today, it is clear that the religion has been used in most Muslim countries not to liberate but to entrench inequality. The Taliban, with its fanatical subjugation of the female sex, occupies an extreme, but it nevertheless belongs on a continuum that includes, not so far down the line, Saudi Arabia, Kuwait, Pakistan and the relatively moderate states of Egypt and Jordan. Where Muslims have afforded women the greatest degree of equality--in Turkey--they have done so by overthrowing Islamic precepts in favor of secular rule. As Riffat Hassan, professor of religious studies at the University of Louisville, puts it, "The way Islam has been practiced in most Muslim societies for centuries has left millions of Muslim women with battered bodies, minds and souls." Part of the problem dates to Muhammad. Even as he proclaimed new rights for women, he enshrined their inequality in immutable law, passed down as God's commandments and eventually recorded in scripture. The Koran allots daughters half the inheritance of sons. It

decrees that a woman's testimony in court, at least in financial matters, is worth half that of a man's. Under Shari'a, or Muslim law, compensation for the murder of a woman is half the going rate for men. In many Muslim countries, these directives are incorporated into contemporary law. For a woman to prove rape in Pakistan, for example, four adult males of "impeccable" character must witness the penetration, in accordance with Shari'a. Family law in Islamic countries generally follows the prescriptions of scripture. This is so even in a country like Egypt, where much of the legal code has been secularized. In Islam, women can have only one spouse, while men are permitted four. The legal age for girls to marry tends to be very young. Muhammad's favorite wife, A'isha, according to her biographer, was six when they wed, nine when the marriage was consummated. In Iran the legal age for marriage is nine for girls, 14 for boys. The law has occasionally been exploited by pedophiles, who marry poor young girls from the provinces, use and then abandon them. In 2000 the Iranian Parliament voted to raise the minimum age for girls to 14, but this year, a legislative oversight body dominated by traditional clerics vetoed the move. An attempt by conservatives to abolish Yemen's legal minimum age of 15 for girls failed, but local experts say it is rarely enforced anyway. (The onset of puberty is considered an appropriate time for a marriage to be consummated.) Wives in Islamic societies face great difficulty in suing for divorce, but husbands can be released from their vows virtually on demand, in some places merely by saying "I divorce you" three times. Though in most Muslim states, divorces are entitled to alimony, in Pakistan it lasts only three months, long enough to ensure the woman isn't pregnant. The same three-month rule applies even to the Muslim minority in India. There, a national law provides for long-term alimony, but to appease Islamic conservatives, authorities exempted Muslims. Fear of poverty keeps many Muslim women locked in bad marriages, as does the prospect of losing their children. Typically, fathers win custody of boys over the age of six and girls after the onset of puberty. Maryam, an Iranian woman, says she has stayed married for 20 years to a philandering opium addict she does not love because she fears losing guardianship of her teenage daughter. "Islam supposedly gives me the right to divorce," she says. "But what about my rights afterward?" Women's rights are compromised further by a section in the Koran, sura 4:34, that has been interpreted to say that men have "pre-eminence" over women or that they are "overseers" of women. The verse goes on to say that the husband of an insubordinate wife should first admonish her, then leave her to sleep alone and finally beat her. Wife beating is so prevalent in the Muslim world that social workers who assist battered women in Egypt, for example, spend much of their time trying to convince victims that their husbands' violent acts are unacceptable.

A2 K = Islamophobic

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Kundnani, 14—professor at New York University (Arun, 3/28/14, "No NSA reform can fix the American Islamophobic surveillance complex", The Guardian, www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex)/twemchen

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student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials. There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions. There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association. And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government. These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher. A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?" This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power.

A2 Not All Islam!

Islam oppresses women and instills a society of gender inequality—this must be evaluated before the pervasive surveillance system—or else the women's struggles will never be evaluated

Ali, 7—a fellow of the Belfer Center at Harvard's Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 8/2/7,

"Infidel" pg.347-348)//tamara&twemchen

Death lures many others to take their own lives in order to escape a dismal reality. For many women, because of the perception of lost honor, death comes at the hands of a father, brother, or husband. Death comes to young women giving birth to new life, leaving the new-born orphaned in the hands of strangers. For those who live in anarchy and civil war, as in the country of my birth, Somalia, death is everywhere. When I was born, my mother initially thought death had taken me away. But it didn't. When I got malaria and pneumonia, I recovered. When my genitals were cut, the wound healed. When a bandit held a knife to my throat, he decided not to slit it. When my Quran teacher fractured my skull, the doctor who treated me kept death at bay. Even with bodyguards and death threats I feel privileged to be alive and free. When I took the train to Amsterdam thirteen years ago, I took a chance at a life in freedom, a life in which I would be free from bondage to someone I had not chosen, and in which my mind, too, could be free. I first encountered the full strength of Islam as a young child in Saudi Arabia. It was very different from the diluted religion of my grandmother, which was mixed with magical practices and pre-Islamic beliefs. Saudi Arabia is the source of Islam and its quintessence. It is the place where the Muslim religion is practiced in its purest form, and it is the origin of much of the fundamentalist vision that has, in my lifetime, spread far beyond its borders. In Saudi Arabia, every breath, every step we took, was infused with concepts of purity or sinning, and with fear. Wishful thinking about the peaceful tolerance of Islam cannot interpret away this reality: hands are still cut off, women still stoned and enslaved, just as the Prophet Muhammad decided centuries ago. The kind of thinking I saw in Saudi Arabia, and among the Muslim Brotherhood in Kenya and Somalia, is incompatible with human rights and liberal values. It preserves a feudal mind-set based on tribal concepts of honor and shame. It rests on self-deception, hypocrisy, and double standards. It relies on the technological advances of the West while pretending to ignore their origin in Western thinking. This mind-set makes the transition to modernity very painful for all who practice Islam. It is always difficult to make the transition to a modern world. It was difficult for my grandmother, and for all my relatives from the miye. It was difficult for me, too. I moved from the world of faith to the world of reason—from the world of excision and forced marriage to the world of sexual emancipation. Having made that journey, I know that one of those worlds is simply better than the other. Not because of its flashy gadgets, but fundamentally, because of

its values. The message of this book if it must have a message, is that we in the West would be wrong to prolong the pain of that transition unnecessarily, by elevating cultures full of bigotry and hatred toward women to the stature of respectable alternative ways of life. People accuse me of having interiorized a feeling of racial inferiority, so that I attack my own culture out of self-hatred, because I want to be white. This is a tiresome argument. Tell me, is freedom then only for white people? **Is it self-love to adhere to my ancestors' traditions and mutilate my daughters? To agree to be humiliated and powerless? To watch passively as my countrymen abuse women and slaughter each other in pointless disputes?** When I came to a new culture, where I saw for the first time that human relations could be different, would it have been self-love to see that as a foreign cult, which Muslims are forbidden to practice? **Life is better in Europe than it is in the Muslim world because human relations are better, and one reason human relations are better is that in the West, life on earth is valued** in the here and now, **and individuals enjoy rights and freedoms that are recognized and protected by the state. To accept subordination and abuse because Allah willed it-that, for me, would be self-hatred.** The decision to write this book didn't come to me easily. Why would I expose such private memories to the world? I don't want my arguments to be considered sacrosanct because I have had horrible experiences; I haven't. In reality, my life has been marked by enormous good fortune. How many girls born in Digfeer Hospital in Mogadishu in November 1969 are even alive today? And how many have a real voice? I also don't want my reasoning to be dismissed as the bizarre ranting of someone who has been somehow damaged by her experiences and who is lashing out. **People often imply that I am angry because I was excised, or because my father married me off. They never fail to add that such things are rare in the modern Muslim world. The fact is that hundreds of millions of women around the world live in forced marriages, and six thousand small girls are excised every day. My excision in no way damaged my mental capacities; and I would like to be judged on the validity of my arguments, not as a victim. My central, motivating concern is that women, in Islam are oppressed.**

A2 Not Just Islam

as a victim. My central, motivating concern is that **women, in Islam are oppressed.**

Not all cultures are equal—Fundamentalist Islam teachings oppress women and are underdeveloped

Ali, 7—a fellow of the Belfer Center at Harvard's Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 8/2/7,

"Infidel" pg. 295-296)//tamara&twemchen

I wanted Muslim women to become more aware of just how bad, and how unacceptable, their suffering was. I wanted to help them develop the vocabulary of resistance. I was inspired by Mary Wollstonecraft, the pioneering feminist thinker who told women they had the same ability to reason as men did and deserved the same rights. Even after she published *A Vindication of the Rights of Women*, it too more-than-a century before the suffragettes marched for the vote. I knew that **freeing Muslim women from their mental cage would take time**, too. I didn't expect immediate waves of organized support among Muslim women. **People who are conditioned to meekness, almost to the point where they have no mind of their own** sadly **have no ability to organize or will to express their opinions** when I worked at the Labor Party think tank, trying to talk about these issues, **people always accused me of failing to back up my arguments with data.** But **hard numbers were completely unavailable.** When I tried to find out about **honor killings, for instance--how many girls were killed every year in Holland by their fathers and brothers because of their precious family honor--civil servants at the Ministry of Justice would tell me 'We don't register murders based on that category of motivation it would stigmatize one group in society.'** The Dutch government counted the number of drug-related killings and traffic accidents year, but not the number of honor killings, because no **Dutch wanted to recognize that this kind of murder happened on a regular basis.** Even Amnesty International didn't keep statistics on how women

around the world were victims of honor killings. They could tell you how many men were imprisoned and tortured, but they couldn't keep tabs on the number of women flogged in public for fornication or executed for adultery. That wasn't their subject. I decided that if I were to become a member of the Dutch Parliament it would become my holy mission to have these statistics registered. I wanted someone, somewhere, to take note every time a man in Holland murdered his child simply because she had a boyfriend. I wanted someone to register domestic violence by ethnic background- and abuse, and incest- and to investigate the number of excisions of little girls that took place every year on Dutch kitchen tables. Once these figures were clear, the facts alone would shock the country. With one stroke, they would eliminate the complacent attitude of moral relativist who claimed that all cultures are equal. The excuse that nobody knew would be removed. If I were in Parliament, I could try to act on my beliefs, not just them. And Neelie was right: although the Labor Party had seemed the right party for me, and although I was truly loyal to Paul and Job Cohen, many things about me had never fit with Labor's. Social democracy is grounded in the rights of groups of people, individuals. The Liberal Party may not have been as ideal as its philosophy was grounded in the values of personal freedom ideas felt comfortable there. I was a one-issue politician, I decided. I am still. I am also so that this is the largest, most important issue that our society and planet will face in this century. Every society that is still in the rigid grip of Islam oppresses women and also lags behind in development. Most these societies are poor; many are full of conflict and war. Societies that respect the rights of women and their freedom are wealthy and peaceful. I decided I would go wherever I had the capability to effect it. If the Liberal Party was offering me a platform to stand on, then so. I phoned Paul Kalma and told him I would be leaving both the Party and my job.

A2 Perm

The 1AC's unquestioning endorsement of Islam is another form of oppression of women— we must first re-evaluate the context of the Quran to contemporary politics and gender equality instead of combating Islamophobia

Ali, 7—a fellow of the Belfer Center at Harvard's Kennedy School of Government and founder of the AHA Foundation (Ayaan Hirshi, 8/2/7,

"Infidel" pg.313-314)//tamara&twemchen

In the film Theo and I made, Submission: Part One, is first and foremost about the relation of the individual with Allah. In Islam, unlike in Christianity and Judaism, the relationship of the individual to God is one of total submission, slave to master. To Muslims, worship of God means total obedience to Allah's rules and total abstinence from the thoughts and deeds that He has declared forbidden in the Quran. To modernize Islam and adapt it to contemporary ideals would require a dialogue with God, even disagreement with God's rules; but as Islam is conceived, any kind of disagreement with Allah is insolence because it assumes equality with Him. The Quran tells a vivid story about how Satan was expelled from the realm of angels after Allah created Adam. Allah ordered all the angels to bow to Adam, but Satan refused to obey. He talked back to Allah: Why should he, an elevated angel, bow down to a creature made of mud? Allah threw Satan out of Paradise, and from then on Satan has tried to lure Adam and his offspring from the Straight Path. For a human being to doubt any of Allah's rules is to fall into Satan's clutches. Probably every Muslim is taught that story, and as a child I thought of it often. Now, as an adult, I felt that liberation of Muslim women must be preceded by liberation of the mind from this rigid, dogmatic obedience to Allah's dictates. Allah is constantly referred to in the Quran as "the most compassionate, the most merciful"; He also says several times that he has given us a will of our own. In that case, I wonder, why would He mind a little debate? When I sat down to write the script for our film, I decided to use the format of prayer to bring about dialogue with Allah. I pictured a woman standing in the center of a room. In the four corners of the room, four women depict restrictive verses from the Quran. The woman in the middle of the room is veiled, but her veil is transparent at the front, opaque at the back. The transparency is necessary because it challenges Allah to look at what he created: the body of woman. On her torso is written the opening verse of the Quran, the "Sura Fatiha," which every Muslim is required to recite first, at every prayer: In the name of God, the merciful, the beneficent. Praise be to God, the Lord of the worlds, the merciful, the

beneficent, ruler of the day of judgment! Thee we serve and Thee we ask for aid. Guide us in the right path, the path of those to whom Thou art gracious; not of those with whom Thou art wroth; nor of those who err. 314 The woman observes the rules of prayer: her head is lowered and her gaze is fixed on the front of the mat, where she will place her forehead: when she bows to express total obedience. But after she recites the Suro. Fatiha, she does something unusual: she raises her head. The camera to the first woman, who tells Allah that she has obeyed all his injunctions but she now lies in a corner, bleeding. She has fallen in love, and for she has been flogged. She ends, very simply, with the sentence, "I may no longer submit." Another of the women is repelled by the odor of her husband. She has been forced to marry him and now is forced to submit to him for the Quran says, When your wives have purified themselves, ye may approach them in any manner, time or place. A third woman is beaten by her husband at least once a week: As to those women on whose part you fear disobedience and conduct, admonish them, scourge them and banish them to beds apart. A fourth a young girl who lives cloistered in her own home. She has been raped by her uncle, and now she is pregnant; she will be punished for having an outside marriage. I called the film Submission, Part One, because submission to Islam causes many other kinds of suffering. I saw this as the first in a series of films that would tackle the master-slave relationship of God and individual. My message was that the Quran is an act of man, not God. We should be free to interpret it; we should be permitted to apply it to the modern era in a different way, instead of performing painful contortions to try to recreate the circumstances of a horrible distant past. My intention was to liberate Muslim minds so that Muslim women and Muslim men, too, might be freer. Men, too, are forced to obey Islamic laws. It was a simple film to make. Theo wasn't interested in writing up proposals for grants and subsidies: he said we should just make a ten-minute film and see what happened. I finished the script at the end of July. Theo rented a studio and hired an actress and a makeup woman, and a few props. We did discuss the danger of making a film with this message. He had already spoken out about Islam, I knew how dangerous it was. I told Theo; I wanted him to keep his name off the project. But Theo called himself the village idiot. He said, "Nobody shoots the village idiot." He believed that I was the one who would be attacked, and nobody would bother with him. The movie almost didn't happen.

“Islamophobia” Word PIC

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_____ and I advocated the entirety of the first affirmative constructive without their use of the word ‘Islamophobia.’

The usage of the term ‘Islamophobia’ is inappropriate, undermines anti-semitism, causes homogenization and essentialism, hinders freedom of expression, and generalizes the concept of Islam based oppression

Lorente 10 (Javier Rosón Lorente, PhD. in Social Anthropology from the University of Granada and is currently researcher at Casa Árabe e Instituto Internacional de Estudios Árabes y del Mundo Musulmán (Spain). Discrepancies Around the Use of the Term “Islamophobia”, The Omar Khayyam Center for Integrative Research in Utopia, Mysticism, and Science, HUMAN ARCHITECTURE: JOURNAL OF THE SOCIOLOGY OF SELF-KNOWLEDGE, VIII, 2, FALL 2010, 115-128)//ASMITH

As mentioned above, there is another order of criticism or discrepancy toward the term Islamophobia, which though fully linked to ethnic, religious and cultural aspects, is in itself used as individual criticism over the use of this terminology. Such is firstly the case of ‘etymological/ terminological criticism.’ From this viewpoint, the terms ‘anti-Muslim racism,’ ‘anti- Arab’ or even ‘intolerance against Muslims’ 18 are clearer than the term Islamophobia for various reasons. On the one hand, use of the word ‘phobia’ in the concept is not considered appropriate, as it would imply the existence of a sort of mental illness (phobia: obsessive aversion to someone or something and/or compulsive irrational fear); on the other, the term Islamophobia is not considered ‘ideal,’ for there is no specific rejection of Islam as a religion, but rather a rejection of Muslim individuals or collectives or those defined as such. This kind of criticism even makes an analogy between the word Islamophobia and the word ‘anti-Semitism,’ arguing that from a grammatical standpoint anti-Semitism should signify a prejudice against Semitic peoples in general, even though it is exclusively used to refer to hostility against the Jews. In this regard, the grammatically incorrect Islamophobia would require the 150 years which the term ‘anti-Semitism’ needed to become grammatically acceptable, except that Jews recognize themselves and are recognized as being a single ethnic group, contrary to the case of Muslims.

Parallel to this, inclusion of the word ‘Islam’ in the word Islamophobia raises another kind of discrepancy: based on an undeniable question, the religious, racial, cultural and ethnic diversity of the groups ‘supposedly’ the object of Islamophobia, the term Islamophobia homogenizes everything associated to Islam and therefore to Muslims. In this homogenization process the diversity of communities and individuals is essentialized, and distinct and differentiated processes are eventually included in a same concept. It is held in turn that widespread use of the term Islamophobia by distinct communities may also essentialize internal plurality at local, regional, national and international level. Other terms which semantically attempt to approach the national particularities or ‘realities’ (besides the more extended ‘anti-Arab anti-Muslim racism’) are becoming alternative though critical lines vis-à-vis usage of the term Islamophobia. For example ‘Islamfeindlichkeit’ in the

German context literally means hostility to Islam, or its rejection, but not phobia in the sense of fear, or 'maurofobia/morofobia' in the Spanish case.

Second, we should look at 'criticism' linked to the 'identity-building process' which initially does not reject use of the term, but does question the generalization and value of same, as well as its ability to describe the social reality in a non-essentialized manner. This criticism is meant to show both the use and abuse of a terminology— Islamophobia—which we ourselves have constructed. This identity-building presumes that the term Islamophobia is not put up in a 'one-way' manner addressed to Muslim communities and/or individuals, but rather that the prejudice we are dealing with is very likely two-way. According to this thesis, the term Islamophobia is not complete, given that to understand it we should delve into the contemporary public discussion regarding 'Islam' and 'West,' and also delimit the confusing 'inter-relational' debate being generated. From this point of view both sides have a tendency to essentialize from the 'Muslim' and 'Western' standpoint both the Muslim population and the rest of the non- Muslim population. On the one hand there is widespread social 'alarmism' based on the 'threat' of how Islam presents the Western world¹⁹, and on the other, how from the West²⁰ it is presented to Muslims. The 'simplification' from the West's viewpoint involves a number of prejudices regarding many aspects associated to the world around Islam: to think that all (or most) Muslims are terrorists; to consider widespread the 'degree of aggressiveness' disseminated by news media with respect to Arab countries; to think that the universal denial of human rights encompasses the whole Arab world; and to think that the billion Muslims, their social and ethnic groups, are all the same. Likewise and bilaterally there is a process of essentialization by Muslims vis-à-vis the West—the a priori Muslim 'simplification' of a comprehensive and uniform 'West,' along with the stereotyped idea of a single unitary and universal Muslim identity extended to all Muslims, their holy texts and their culture²¹. In this regard, before the distinct processes of Western social and religious intolerance, processes whose tangible result is seen in conflicts which reject the 'other' and are in turn the root of Islamophobia, an endless number of responses to social exclusion have been generated, such as signs of power loss and de-structuring of the bases of identity thought, beyond the 'hardening' of Western ideological postures and the root of the very concept of Islamophobia.

Thirdly, we encounter criticism or discrepancies which consider use of the term Islamophobia to be unmerited, along with its respective symbolic burden, as it 'hinders' the freedom of expression of certain sectors and/or social players. This debate initially emerged as criticism of the Runnymede Trust report. Those who currently hold up the lack of freedom of expression to justify the insistence or imprecision of the term Islamophobia make biased use of the sectors, Muslim or not: for example, the Mohammed caricatures controversy (2005), the film Fitna (by Dutch far-right MP Geert Wilders) or the theatre play The Satanic Verses using the book of the same title by Salman Rushdie, which opened in Germany on 30 March 2008, etc. These and other social players hold that the charge of Islamophobia hampers their freedom of expression. They ironically point to the 'freedom of expression' enjoyed by people who want to condemn or denounce discourses and acts, such as the 'Islamophobia Award' granted by the Islamic Human Rights Commission, a British organization. On this point, we must note that freedom of expression, albeit vital for democratic life, should not be deemed an absolute universal value. It should be wielded within established legal frameworks and under the appropriate ethical and legal

responsibility of the different social players involved. This means that Islamophobic speeches cannot be justified through recourse to the protection of fundamental rights.²² In fourth and last place we should take into account differences regarding the term Islamophobia in the framework of 'ideological discourse.' This criticism is grounded in the eagerness of researchers and/or academics to demonstrate that Islamophobia exists in the society they are studying; they go so far as to generalize and make universal considerations with no criteria whatsoever regarding both the phenomenon and the distinct readings associated to same. This generalization causes the term Islamophobia to lose its original meaning, distorting the observed reality. From this point of view criticism is addressed to our inability to differentiate between discourse and practice—at the level of discourse not everything can or should be called Islamophobia. This implies veiled criticism of how the term Islamophobia has grouped such a variety of forms of discourse and acts, aiming to show that any act marked as Islamophobic proceeds from a same ideological core²³, which has distorted and/or lost its original meaning. This 'criticism' aims to show that indiscriminate use of this terminology is not positive and that 'not all Islamophobic acts or incidents are Islamophobia.' To avoid this 'generalization,' it holds that all the observable and related nuances of acts marked as Islamophobic must be studied in depth, as it would be wrong to have to choose between Islamophobia or 'nothing.' To that end, it proposes distinguishing, per national specificity, between academic discussions about Islam and modernity; public debates about whether Islam recognizes the principle of separation of church and state; the public clamour which essentializes Islam; and the forms of inciting hatred, such as discourse associated to the death of Theo van Gogh, etc.

This is a *pre-requisite* to effectively challenging anti-Muslim violence

Edvardsson 08 (Linda Edvardsson, "Islamophobia – Features of Islamophobia and Strategies against it" Malmö University Department of International Migration and Ethnic Relations IMER 91-120 Fall 2008 Master Thesis)

There is ultimately a need to address Islamophobia; both on a social level and also within a legal discourse and this need have descriptively been told by two imams alongside a theoretical foundation. The imams have demonstrated that 'bad news' and negative images are in fact causing more disfavour than what everyday life might do. The media can therefore become a dual force in which negative images are flourishing and being rooted, yet at the same time a constitution that can cause the opposite. This relationship is depending on which news that is more favoured in that given time and/or place that one is referring to. In Sweden it has been demonstrated through both the imam's voices and a theoretical framework that Islamophobia is not so obvious and a prominent feature in everyday life, rather, lies beneath the surface and are characterised in Swedish media. Yet, mental and physical damage cannot be excluded.¹⁶⁸ For instance, one of the imams stated that it is always a struggle to tell the truth about Islam and also mentioned the segregation within Swedish labour market and housing. The imam also spoke of the importance of what is prioritised by the police and other authorities and that this eventually decides if, how and when Islamophobia can be prevented and eliminated.¹⁶⁹ Both the imams did not identify that Islamophobia is so apparent in Sweden, in contrast to other countries. Yet underline that Islamophobia could have crucial effects on both Muslims and the society in general. For instance, they both mention the incident with the Danish newspaper and media's role

whereas Muslims ought not to react against these kinds of things, instead work as good ambassadors or good employees.¹⁷⁰ One of the imams mentioned that there are differences between those acts against Islam itself and those acts that are against the Muslims.¹⁷¹ Hitherto, this research mainly underlined the phobia against the religious practice rather than 'the ethnic phobia'; although, the need to address Islamophobia must maybe start with a separation between what we mean with the concept Islamophobia. In order to address more specifically the acts that is carried out. Higher attention must therefore be drawn to if Islamophobic acts are anticipated against one's ethnic or religious belonging. Ergo a separation must maybe be realised, before Islamophobia can be solved. In this manner, an extension of Islamophobia such as, Muslimophobia might be plausible as it depicts a phobia against one's ethnic belonging. This phobia might reveal a fear or hostility against Muslim culture, countries, lifestyles, traits etcetera. This extension of Islamophobia, **Muslimophobia, can perhaps make it easier to erase some misunderstandings thus easier being decreased and grasped which methods that ought to be used more specifically.** After all, within the racialisation process it can be evident that the religion Islam and its various ethnic followers are categorised as one group and/or one identity. It also portrays a discourse in which all groups become homogenous and static hence neglect perspectives that sees ethnicity and culture as dynamic elements. Strategies and efforts against Muslimophobia can therefore reduce influences and stereotypes caused by, for instance, the essentialist view. This also emphasises the need to divide what the struggle is against more detailed. **Then it might be easier to solve those effects caused by Islamophobia and implement new laws that react against it more effectively.** After all, Karaman revealed experiences where some situations had been hard to interpret as Islamophobia or a dangerous and reckless game by some teenagers; as misunderstandings can easily cause more damage than good. However, clearly it has been verified that there is a need to address Islamophobia both within the media, the labour market, housing, medical care, schools and so forth. Most importantly, as the imams also declared, it is maybe time to embrace and highlight the positive attributes of Islam and the Muslim population instead of always doing the opposite.

2nc Islam K NB

Labeling discussion of terror as 'Islamophobic' stifles discourse about terrorism and problematic parts of extremism

Spencer 11 (Robert Spencer. "A Response to Matt Duss: A Defamation By Any Other Name." October 19, 2011. <http://www.nationalreview.com/corner/280529/response-matt-duss-defamation-any-other-name-robert-spencer>)//EMerz

Indicative of Matt Duss's dishonesty in his response to the article I co-wrote with David Horowitz about the manipulative neologism "Islamophobia" is his initial labeling of us as "anti-Muslim activists" and his characterization of our work as "the dissemination of hateful anti-Muslim ideas." This appellation is not only inaccurate; it is highly defamatory, as it is intended to mislead Duss's readers into assuming that we oppose a group of people out of sheer racism or bigotry, rather than opposing a radically intolerant and oppressive ideology. In reality, neither David Horowitz nor I are "anti-Muslim," as I have stated many

times. It is neither “anti-Muslim” nor “hateful” to stand for human rights for all people, including Muslims, and to defend the freedom of speech, the freedom of conscience, and equality of rights for women, all of which are denied under traditional forms of sharia. Duss claims that we are part of “an organized campaign to spread misinformation about the religious faith of millions of Americans” — while denying that he is “peddling ‘conspiracy theories’” about us. He makes much of the fact that the reliably Leftist Anti-Defamation League has smeared us also, asking rhetorically, “Should the Anti-Defamation League also be lumped among the ‘jihadist apologists?’” Why not? Why should it be surprising that an organization that consistently follows a far-Left political line would follow it in this also? Above all, like the CAP report itself, Duss does not and cannot provide any evidence either that an “organized campaign to spread misinformation” exists, or that anything that Horowitz or I or any of the other targeted “Islamophobes” have said is false. He does try, however. He quotes, as if it is self-evidently false, my statement that Islam “is the only major world religion with a developed doctrine and tradition of warfare against unbelievers,” but offers no refutation of it. If Duss can produce evidence of another major world religion with a developed doctrine or tradition of warfare against unbelievers (the Crusades, for those who may wish to toss them in here, did not proceed on the basis of any such Christian doctrine; no sect of Christianity ever taught as a matter of faith that believers were obligated to make war upon unbelievers), or that the sects of Islam and schools of Islamic law do not contain such developed doctrines and traditions, I will duly retract. But with Al-Azhar University, the most prestigious institution in Sunni Islam, endorsing (as conforming “to the practice and faith of the orthodox Sunni community”) a manual of Islamic law that declares that Muslims must wage war “upon Jews, Christians, and Zoroastrians . . . until they become Muslim or pay the non-Muslim poll tax,” Duss may find such a refutation rough going. Duss shows a similar lack of knowledge of Islamic doctrine and law when he attempts to refute my statement that “there is no form of sharia that does not contain . . . [the] death penalty for apostasy” by asserting that I am “obviously ignorant of the manner in which Islam is practiced by millions of sharia-adherent Muslims in the United States.” The ignorance is his: more Muslims in the U.S. do not adhere to sharia in its fullness, as no less an authority than the Ground Zero Mosque imam Faisal Abdul Rauf recently affirmed when he said that “the only truly clashing area” between Islamic law and modern Western society “is the penal code, and no Muslim has the intention of introducing that to America.” So if Rauf affirms that Muslims in America do not adhere to the sharia penal code, and Duss affirms that Muslims in America are “sharia-adherent,” whom should we believe? I will go with the internationally renowned imam over the non-Muslim Leftist ideologue, thank you. And as for whether or not there is actually a form of sharia, that is, a school of Islamic jurisprudence, that does not teach that apostates deserve death, I challenge Duss to find it. But he will search in vain. Duss then claims that “the unmistakable implication of these claims is that all observant Muslims should be viewed with suspicion simply by virtue of being observant Muslims,” and that “that’s obviously Islamophobic.” In reality, **the unmistakable implication of these facts is only that there are aspects of traditional Islamic law that are incompatible with constitutional values.** Here again, Rauf himself says nothing less. Is he, too, an “Islamophobe”? In concluding his new smear piece, Duss complains that National Review published our article in the first place, and pleads that we be read out of honorable American conservatism. Here he exposes his real agenda in all its ugliness. Duss’s Center for American Progress, the Hamas-linked Council on American-

Islamic Relations (CAIR), and other leftist and Islamic-supremacist groups are conducting an ongoing campaign to discredit and marginalize everyone who dares to stand up against the jihad and Islamic supremacism. They are bent on destroying every last individual who does not adopt a warmly positive stance toward the spread of sharia in the West and all other manifestations of the advancing jihad. The stakes are very high. If we don't resist this Islamic supremacist thuggery, Duss and his Islamic-supremacist allies will succeed in stamping out all discussion of the truth about Islam and jihad, thereby rendering us mute and defenseless before its advance. That's why we have to resist now, at every step, and continue to expose this propagandistic "Islamophobia" campaign.

2nc Language First

Your first question should be the way that language is used – it's the most concrete, immediate way to target and challenge oppression

Collins and Glover 2 (John Collins, Ass. Prof. of Global Studies at St. Lawrence, and Ross Glover, Visiting Professor of Sociology at St. Lawrence University, 2002, *Collateral Language*, p. 6-7, *The Real Effects of Language*)

As any university student knows, theories about the "social construction" and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruction) are "just" talking about language, as opposed to talking about the "real world." The essays in this book, by contrast, begin from the premise that language matters in the most concrete, immediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (including genocide), the physical destruction of human communities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the Soviet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of "manufacturing consent" and shaping people's perception of the world around them; people are more likely to support acts of violence committed in their name if the recipients of the violence have been defined as "terrorists" or if the violence is presented as a defense of "freedom." Media analysts such as Noam Chomsky have written eloquently about the corrosive effects that this kind of process has on the political culture of supposedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of violence can easily be made more palatable through the use of euphemisms such as "pacification" or, to use an example discussed in this book, "targets." It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of "vital interests" and "surgical strikes" and the flattering language of "civilization" and "just" wars, we would be less likely to avert our mental gaze from the physical effects of violence.

2nc S Wall

We'll isolate 8 reasons why the word 'Islamophobia' is bad—any of them outweighs the solvency deficit

Richardson 12 (Robin Richardson, a director of the Insted consultancy. He was director of the Runnymede Trust, 1991–96, and editor of report of the Commission on the Future of Multi-Ethnic Britain) ("Islamophobia or anti-Muslim racism – or what? – concepts and terms revisited", autumn 2012)//ASMITH

The disadvantages of the term Islamophobia are significant. Some of them are primarily about the echoes implicit in the concept of phobia. Others are about the implications of the term Islam. For convenience, they can be itemised as follows. **1. Medically, phobia implies a severe mental illness of a kind that affects only a tiny minority of people.** Whatever else anxiety about Muslims may be, it is not merely a mental illness and does not merely involve a small number of people. **2. To accuse someone of being insane or irrational is to be abusive and, not surprisingly, to make them defensive and defiant.** Reflective dialogue with them is then all but impossible. **3. To label someone with whom you disagree as irrational or insane is to absolve yourself of the responsibility of trying to understand, both intellectually and with empathy,** why they think and act as they do, and of seeking through engagement and argument to modify their perceptions and understandings. **4. The concept of anxiety is arguably more useful in this context than the concept of phobia.** It is widely recognised that anxiety may not be (though certainly may be) warranted by objective facts, for human beings can on occasions perceive dangers that do not objectively exist, or anyway do not exist to the extent that is imagined. Also it can sometimes be difficult to identify, and therefore to name accurately, the real sources of an anxiety. **5. The use of the word Islamophobia on its own implies that hostility towards Muslims is unrelated to, and basically dissimilar from, forms of hostility such as racism, xenophobia, sectarianism, and such as hostility to so-called fundamentalism** (Samuels 2006). **Further, it may imply there is no connection with issues of class, power, status and territory; or with issues of military, political or economic competition and conflict.** **6. The term implies there is no important difference between prejudice towards Muslim communities within one's own country and prejudice towards cultures and regimes elsewhere in the world where Muslims are in the majority, and with which 'the West' is in military conflict or economic competition.** **7. The term is inappropriate for describing opinions that are basically anti-religion as distinct from anti-Islam.** 'I am an Islamophobe,' wrote the journalist Polly Toynbee in reaction to the Runnymede 1997 report, adding '... I am also a Christophobe. If Christianity were not such a spent force in this country, if it were powerful and dominant as it once was, it would still be every bit as damaging as Islam is in those theocratic states in its thrall... If I lived in Israel, I'd feel the same way about Judaism'. **8. The key phenomenon to be addressed is arguably anti-Muslim hostility, namely hostility towards an ethno-religious identity within western countries (including Russia), rather than hostility towards the tenets or practices of a worldwide religion.** **The 1997 Runnymede definition of Islamophobia was 'a shorthand way of referring to dread or hatred of Islam – and, therefore, to fear or dislike of all or most Muslims'.** In retrospect, it would have been as accurate, or arguably indeed more accurate,

to say 'a shorthand way of referring to fear or dislike of all or most Muslims – and, therefore, dread or hatred of Islam'.

2nc Islam K NB

Islamophobia studies squelch discussion about legitimately dangerous countries and silences Muslim activists- this rhetoric is what extremists want- lack of criticism sets Islam up for failure

Schanzer 13 (Jonathan Schanzer. "A Nasty Neologism." January 9, 2013.

<http://www.wsj.com/articles/SB10001424127887324391104578227543258640614>)//E Merz

"The enemy of America is not our many Muslim friends," President George W. Bush declared soon after the 9/11 attacks. Mr. Bush's statement set the tone for the tumultuous decade to come, one in which the nation prosecuted a war on terrorism in two Muslim lands while taking great pains to protect the rights of Muslim Americans. Yet if the author Nathan Lean is to be believed, Americans today are caught in the grip of an irrational fear of Islam and its adherents. In his short book on the subject, Mr. Lean, a journalist and editor at the website Aslan Media, identifies this condition using the vaguely medical sounding term "Islamophobia." It is by now a familiar diagnosis, and an ever widening range of symptoms—from daring to criticize theocratic tyrannies in the Middle East to drawing cartoons of the Prophet Muhammad—are attributed to it. In reality, **Islamophobia is simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam.** Those who deploy it see no difference between Islamism—political Islam and its extremist offshoots—and the religion encompassing some 1.6 billion believers world-wide. Thanks to this feat of conflation, Islamophobia transforms religious doctrines and political ideologies into something akin to race; to be an "Islamophobe" is in some circles today tantamount to being a racist. American Islamophobia, Mr. Lean claims, is fomented by a "small cabal of xenophobes." "The Islamophobia Industry: How the Right Manufactures Fear of Muslims" is less a book than a series of vignettes about some of these antagonists, who are "bent on scaring the public about Islam." His Islamophobic figures and institutions range from political leaders like Mr. Bush, Sen. John McCain and New York Mayor Rudy Giuliani, who, Mr. Lean says, have "harnessed Muslims and Islam to terrorism"; to the pro-Israel community, which is alleged to be animated by a "violent faith narrative" and funded by magnates who inject "eye-popping cash flows into the accounts of various fear campaigns"; to pretty much everyone who campaigned in 2010 against the construction of the so-called Ground Zero Mosque near the site of the 9/11 attacks in lower Manhattan. Mr. Lean tars with the same brush the likes of the scholar Daniel Pipes and the Muslim activist, physician and U.S. Navy veteran Zuhdi Jasser. Mr. Pipes, the author writes, is "deeply entrenched in the business of selling fear." He portrays Dr. Jasser as a puppetlike figure, "a 'good Muslim,' one that openly and forcefully denounced various tenets of his faith." These are crude and uncharitable caricatures of these men. Mr. Pipes was one of the first Western commentators to raise the alarm about the subterranean spread of extremist attitudes in both the Middle East and among some Muslim communities in the West. Dr. Jasser, a devout Muslim, is the founder of the American Islamic Forum for Democracy, an organization that advances the notion that "the purest practice of Islam is one in which Muslims have complete freedom to accept or reject any of the tenants or laws of the faith no

different than we enjoy as Americans in this Constitutional republic." Both men argue that the real contest is the serious war of ideas raging within Islam itself, between the forces of liberalism and pluralism and those of obscurantism. To Mr. Lean, though, any such distinction is simply a false perception manufactured by Islamophobes. Thus the author fails to grapple with the fact that, unlike average Muslims, Islamist terror groups like al Qaeda, Hamas and Hezbollah do commit unspeakable acts of violence in the name of Islam—actions that surely help account for why many Americans (49%, according to a 2010 poll) hold an unfavorable view of Islam, even when they view favorably Muslims that they personally know. Mr. Lean also can't seem to tell the difference between Islamist organizations and ordinary Muslims. Consider his view of the Council on American Islamic Relations, a self-proclaimed civil-rights organization that wields outsize influence on questions of Muslim integration in the U.S. Mr. Lean barely mentions CAIR and, when he does, it is in invariably glowing terms. The author lauds "cooperation between the FBI and CAIR" that supposedly "led to the capture of five American Muslim men in Pakistan suspected of trying to join radical, anti-American forces." But he neglects to mention that CAIR was named by federal prosecutors as an unindicted co-conspirator in the Holy Land Foundation terror-finance trial of 2007. The same group, according to an unclassified State Department cable, sought to raise \$50 million for an Islamophobia campaign from Saudi Arabia and the United Arab Emirates. **Islamist states and groups have been at the forefront of promoting the concept of Islamophobia.** As far back as 1999, the United Association for Studies and Research, a group founded by Hamas leader Mousa Abu Marzook, published a book that purported to expose "The Truth Behind the Anti-Muslim Campaign in America." After 9/11, Muslim states mounted a campaign to characterize the fear of Muslim violence as blind hatred. In 2004, United Nations Secretary-General Kofi Annan assured the world that U.N. "special rapporteurs continue to monitor the exercise and infringements of this right [freedom of religion], and to recommend ways to combat Islamophobia." According to anti-Islamophobia crusaders, though, even questioning the origins of the concept is itself a form of Islamophobia. **Such dogmatism chills the crucial conversations that need to take place about Islamism here in the West.** It also does a profound injustice to liberal Muslims around the world. After all, if Islam is dominated by its most violent and illiberal elements, and questioning these forces is deemed by intellectual elites to be a form of racism, then reform-minded Muslims really stand no chance.

A2 Defintions of Islamophobia

Having one authors' interp of islamophobia demonstrates the link, it doesn't answer it – even *your* authors can't agree on a common interpretation of what islamophobia is and what it means – i.e. Kumar describes it in terms of prejudice and Kundnani describes it as structural racism – this all just proves our arg that the word 'Islamophobia' is extremely broad

Lorente 10 (Javier Rosón Lorente, PhD. in Social Anthropology from the University of Granada and is currently researcher at Casa Árabe e Instituto Internacional de Estudios

Árabes y del Mundo Musulmán (Spain). Discrepancies Around the Use of the Term “Islamophobia”, The Omar Khayyam Center for Integrative Research in Utopia, Mysticism, and Science, HUMAN ARCHITECTURE: JOURNAL OF THE SOCIOLOGY OF SELF-KNOWLEDGE, VIII, 2, FALL 2010, 115-128)//ASMITH

Nowadays and as a result of the September 11, March 11 and June 7 attacks, the “circle has closed” vis-à-vis Western prejudices, greatly strengthening the “essentialist stigmatization of the Muslim world”²: the entire immigrant population living in neighbourhoods and cities has come to be identified and compared with ‘the terrorist,’ and a national and international alarmism has emerged, leading to the rejection of Muslim communities and anything associated to Islam. For this reason Muslims in Europe have been particularly liable to be targeted by diverse prejudices and stereotypes, gradually consolidating use of the term Islamophobia and hence Islamophobic acts. However, although the concept is increasingly widespread, it seems especially hard to define in practice just what Islamophobia is, as it is often put on a par with other processes such as racism (anti- Maghrebi, anti-Muslim, anti-Arab, etc), hostility to Islam and xenophobia, etc., and confused with or likened to terms such as ‘Maurophobia,’ ‘Moorophobia’ or ‘Arabophobia.’ This has given way to a wavering definition, with no consensus as to either its definition or legal formulation, reaffirming both the emerging and changing social reality and the broad ignorance at different levels over what is taking place in our societies, regions and neighbourhoods, etc. Parallel to this a line of thinkers and academics has emerged³, who assert that use of the term Islamophobia is increasingly more controversial, given that it often serves to contain very diverse phenomena running from xenophobia to the fight against terrorism. Although the term mainly refers to instilled fear and/or hostility towards Islam, it also encompasses the practical consequences of such hostility vis-à-vis discrimination (both positive and negative), prejudices, discourse and the less favourable treatment of Muslim individuals and communities, and the exclusion of same from political/social mainstreams. In this article we shall deal with this sort of criticism and/or discrepancies around use of the term Islamophobia, though not without making clear that from our standpoint the term was coined because there is a new reality which needs a name. This reality must be described and defined, for objectively⁴ the prejudice against Muslims has grown considerably and so quickly and exponentially that in recent years a new term had to be coined into the vocabulary, able to identify and act against a wide range of acts and attitudes which particularly oppose the Arab and/or Muslim communities residing in Europe and the West.

The meaning of Islamophobia varies enormously

Lorente 10 (Javier Rosón Lorente, PhD. in Social Anthropology from the University of Granada and is currently researcher at Casa Árabe e Instituto Internacional de Estudios Árabes y del Mundo Musulmán (Spain). Discrepancies Around the Use of the Term “Islamophobia”, The Omar Khayyam Center for Integrative Research in Utopia, Mysticism, and Science, HUMAN ARCHITECTURE: JOURNAL OF THE SOCIOLOGY OF SELF-KNOWLEDGE, VIII, 2, FALL 2010, 115-128)//ASMITH

Terms/concepts are theoretical constructions derived from a given reality which can capture and synthesize aspects of that reality. They can respond to social constructions resulting from processes of interaction among different individuals (their own identity and practices) or to his-toric constructions which in an adjustable manner are organized and

modified in time and in space. Presumably we should understand the term Islamophobia to be a way to 'read' what is going on, a way to express the (current) reality and account for its practices. In other words, Islamophobia is a term/concept we have constructed to weld together a 'universal container' of social practices and meanings, regardless of the contextual conditions upon which those built until present have been based. These conditions are diverse in their 'form and content,' such as the different degrees of associationism, technical components, inclusion policies, specific and differentiated mass media treatment, etc. They encompass⁵ an infinite number of acts and attitudes which have no need to be highlighted or signified according to the daily logic of 'minorities and majorities,' but which are rather clear acts of exclusion and a broad state of 'uncertainty' centred especially on the more significant 'other' and currently and historically essentialized per the keys of what we take to be Islamophobia. Attacks (verbal, physical, on private property of the 'other,' etc.), negative stereotypes, mimesis and comments in the discourse of various social players, job discrimination, bureaucratic disregard and delay regarding the construction of mosques, prayer rooms and cemeteries, etc., and even the non-recognition of a distinctive identity, both ethnic and religious, are examples of what all too often happens in our societies with respect to a certain population—a minority 'we' identify as foreign (even if Spanish), Arab and/or Muslim. Although the term in both its 'practical' and theoretical facet seems objectively defined, as to what is or is not an "Islamophobic" act and/or attitude, it is nevertheless roundly criticized by some analysts/academics due to its ambiguity and the scant consensus over its definition, and to its application or general acknowledgment. This non-definition gives rise to three main currents of criticism, mostly interrelated: religious, racial and ethno-cultural. There is also another order of criticism which can involve etymology, identity, politics, freedom of expression and ideological discourse, etc., which complete and/or complement the distinct discrepant lines around its use. To this criticism we must add differential and contextual aspects, many of which are wielded against 'universal' use of the term. Yet we must make clear a priori that the contextual importance—specifically regarding criticism addressed to use or not of the term Islamophobia—is relative from the moment that the basis for such discrimination, above all due to 9/11, has varied. While initial prejudice was directed against historically stigmatized populations, such as the Maghrebi and especially Moroccan population in the Spanish case, prejudice now encompasses the Muslim population in general, regardless of where the people subject to Islamophobic acts come from. Moreover, one might say that Islamophobia at present is basically addressed to people we have defined as Muslims, independently of whether or not they are, and independently of their own self-description. In the Spanish context we can find an example of this in Sub-Saharan ethnic communities (as in other contexts, the stigmatized ethnic population can be another⁶)—the Senegalese, for instance. In this case, the 'host society' has established no mechanical relationship whereby any 'Black' Senegalese identified as Muslim, yet there is a cause-effect reaction whereby most Moroccans or Maghrebis (formerly colonized and not 'submissive') are Muslims, even if the 'departure point' for both groups is the same (in this case Sunni, etc.)—the same which in the other would apply to Mouride Muslims of the Wolof ethnic group, or those pertaining to the Tijaan (Tijaniyyah) confraternity, etc. This leads to reflection on the processes of identity-building versus the 'other,' via which in most cases the place of origin is not distinguished: one does not know what the invented enemy is, neither culturally nor ethnically, as suspicion is extended to anything that 'sounds' Arab,

Muslim or 'Islamic,' beyond 'sure' analyses regarding the construction of otherness. To that end, the 'only good Muslim,' one not subject to the prejudices and judgments of the surrounding society, is the one not identified as such or who simply keeps out of the limelight or hides his/her respective identity. However, this is not entirely valid, given that the 'Muslimness' label, which identifies and at times categorizes or serves to discredit an individual or community, goes beyond its own bounds, given that it depends on other factors and perhaps the biased view we have of the 'us' against the other.

A2 k2 Challenge Racism

The word 'Islamophobia' triggers rejection, rather than acceptance, and fails to include other forms of prejudice- over use of the term only weakens the movement

Allen 07 (CHRIS ALLEN, a Lecturer in Social Policy. He is based in the Institute of Applied Social Studies, School of Social Policy at the University of Birmingham where he is the Acting Director of Undergraduate Social Policy Programmes and Programme Lead on the Policy, Politics & Economics (PPE) programme)("ISLAMOPHOBIA AND ITS CONSEQUENCES", 2007, Centre for European Policy Studies (CEPS))//ASMITH

However both the report and its model have failed to stand the test of time and a detailed analysis highlights a number of serious flaws.²⁰ The most obvious disadvantage of the term is that it is understood to be a 'phobia'. As phobias are irrational, such an accusation makes people defensive and defiant, in turn making reflective dialogue all but impossible. Likewise, Islamophobia as a separate and stand-alone concept implies that prejudice against Muslims is unrelated to other forms of prejudice, for example prejudice based around physical appearance and skin colour; prejudice against immigrants; prejudice against military, religious or economic rivals; and prejudices around class, power and status. The separateness of the concept can also imply that Muslims themselves want to be 'separate' or 'different' even, thereby failing to recognise or accept the 'similarities' and 'overlaps' that also exist. Relevant to the contemporary climate in particular is that the continued use or over-use of the term prevents - either inadvertently or deliberately, depending upon the sources in question, legitimate criticisms of Muslims being voiced, let alone attended to. Elsewhere it has been used far too indiscriminately and inappropriately, failing to differentiate between opinions that are antireligion per se from those that are specifically anti-Islam. For example, 'I am an Islamophobe, yes,' said Polly Toynbee in the Guardian newspaper, 'But I am a Christophobe and Judeophobe too'.²¹ As Halliday has argued, the key phenomenon to be addressed is an anti-Muslim hostility directed at an ethno-religious identity rather than the tenets of a religion.²² In terms of the Runnymede model and Rokeach's Dogmatism Scale upon which it was based therefore, "the instrument does not measure up to the theory".²³ As regards Islamophobia per se, the same is blatantly true: the instruments we have to define, identify and explain it neither measure up to the theory nor are they entirely bias-free. Despite being able to identify incidents, events and expressions of what we might simplistically suggest as being 'Islamophobia', as the EUMC 9/11 report noted, "these were not necessarily in themselves the reason for any attacks...". Islamophobia seemed to be the "...stimulant" underpinning them.²⁴ Consequently, what

was thought to be known about Islamophobia failed to provide any insight or explanation as to why Islamophobic retaliatory acts ensued or why such a phenomenon exists. Consequently, we are trying to locate something that we maybe do not adequately understand, hence Maussen's comments. Nonetheless, the EUMC's 9/11 report does offer some respite from this lack of clarity. As it stated: [N]either exhaustive nor conclusive...[it did] clarify some of the common trends and themes that were apparent in the wake of September 11. No single explanation can completely account for the events that followed those in the US, but this does allow an insight into a certain identifiable phenomenon...²⁵ Most important therefore is the report's categorical and justifiable conclusion that a "certain identifiable phenomenon" was evident.²⁶ In doing so, and in contrast to the Runnymede model, the report differentiated the manifestations – the 'common trends and themes' – from what it saw as the phenomenon of Islamophobia itself, neither concluding nor making the assumption that the manifestations or forms of that 'certain identifiable phenomenon' were either that which constituted it or defined it.

A2 Homogenizing Bad

The term 'Islamophobia' causes homogenization of Islam identity and enforces the concept of the other – prevents successful results

Halliday 99 (FRED HALLIDAY is Professor of International Relations at The London School of Economics and Political Science.)("Islamophobia' reconsidered", 1999, Ethnic and Racial Studies, 22:5, 892-902, DOI: 10.1080/014198799329305)//ASMITH

Such historicization and disaggregation is relevant to the issue of what to term prejudice against Muslims.⁶ That there is such a thing as denoted by the term 'Islamophobia' is undoubtedly true. Recent examples in the British press are not hard to find.⁷ Elsewhere we can see similar trends: in Denmark the People's Party has made such hostility central to its programme; ⁸ in 1998 Hollywood produced an alarmist film, *The Siege*, focusing on Islamic terrorism, in marked contrast, be it said, to its indulgent treatment of Irish republicanism. Nor is this specific to the Christian or Jewish world: perhaps the most striking instance of hostility to Muslims today is to be found in India. The BJP ran for re-election in 1997 on three anti-Muslim issues: rebuilding the Temple at Ayodhya, removing separate legal codes for Muslims, and ending the special status of Kashmir. Other BJP policies – renaming Bombay after a Hindu goddess, rewriting history books – follow a similar logic. The positing of a continuous, historic, past of confrontation may not only be historically inaccurate but may ascribe cause to religion, an eternal factor, where other, more contingent and contemporary causes, may be at work. It also misses the point about what it is that is being attacked: 'Islam' as a religion was the enemy in the past: in the crusades or the reconquista. It is not the enemy now: Islam is not threatening to win large segments of western European society to its faith, as Communism did, nor is the polemic, in press, media or political statement, against the Islamic faith. There are no books coming out questioning the claims of Muhammad or the Koran. The attack now is against not Islam as a faith but Muslims as a people, the latter grouping together all, especially immigrants, who might be covered by the term. Equally, the 'Islamophobic' attack is against states which may be

among the most secular in the world, as Saddam Hussein's is. If we take the study as one of negative stereotyping, of what in German is called the Feindbild, the enemy image, then the enemy is not a faith or a culture, but a people. Hence the more accurate term is not 'Islamophobia' but 'anti-Muslimism'. Use of the term 'Islamophobia' may also convey two other, misleading associations. One is that the term reproduces the distortion, already discussed, that there is one Islam: that there is something out there against which the phobia can be directed. This serves not only to obscure diversity, but also to play into the hands of those, within the Muslim communities, who wish to reply to this attack by offering their own selective interpretation of the tradition, be this on women, rights of free speech, the right to renounce religion or anything else. 'Islamophobia' indulges conformism and authority within Muslim communities: one cannot avoid the sense, in regard to work such as the Runnymede Report, that the race relations world has yielded, for reasons of political convenience, on this term. Use of the term 'Islamophobia' also challenges the possibility of dialogue based on universal principles. It suggests, as the Runnymede and Wilton Park reports do, that the solution lies in greater dialogue, bridge building, respect for the other community: but this inevitably runs the risk of denying the right, or possibility, of criticisms of the practices of those with whom one is having the dialogue. Not only those who, on universal human rights grounds, object to elements in Islamic or other traditions and current rhetoric, but also those who challenge conservative readings from within, can more easily be classed as Islamophobes.⁹ The advocacy of a dialogue, one that presupposes given, homogeneous, communities places the emphasis on understanding the 'other', rather than on engaging with the ways in which communities, national and religious, violate universal rights. The danger in these reports is that they are denied, if not monopolized, by representatives of religious bodies, and of community organizations, who apply to them the conventions of inter-faith dialogue: ¹⁰ the churches have a role, in educating their own people about the faith, but also about the everyday lives and political grievances, of other faiths, Muslims included. This cannot and should not be at the expense of a critical examination of how these religions treat their members. 'Islamophobia' may also **have confusing practical results. The grievances voiced by Muslims in any society may relate directly to religious matters: of school curriculum, dress, diet, observance of ceremonial days. But much of what is presented as the Islamic critique of the West has little or nothing to do with religion: it is secular, often nationalist, protest and none the less valid for that. Support for Palestine, denunciations of Western hegemony in the oil market, solidarity with Iraq, opposition to Soviet involvement in Afghanistan, denunciations of cultural imperialism, protests at double standards on human rights – these are all part of the 'Muslim' indictment of the West, but are not necessarily religious in content, or specific to the Muslim world.** The Chinese denunciation of Western human rights interference, on the ground that it violates sovereignty, is the same as the Iranian. It has little to do with belief, and a lot to do with political power in the contemporary world. Similarly, within Western society, issues of immigration, housing, employment, racial prejudice, anti-immigrant violence are not specifically religious: the British term 'Paki' can, in a racist attack by white youth, as easily denote a Hindu, a Sikh or a Christian from Tamil Nadu as a Muslim. Nor should the international implications of all this be overlooked, not least because they so directly affect the level of dialogue within Western societies: the violation of human rights, in the name of religion or secular power, is found in many Muslim as in non-Muslim societies. The analysis within the West of attitudes to Islam, and of renderings of Islamic

tradition, cannot be divorced from what is going on within Muslim societies themselves: here horrendous violations of human rights are being committed, against Muslims, in the name of religion. The fight against fundamentalism is not, as Bobby Sayyid presents it, between the West and the Muslim world, but within the Muslim world itself: the briefest acquaintance with the recent history of Iran, Afghanistan, Pakistan, Egypt or Algeria would bear this out. Those who protest the loudest about such violations are inhabitants of these countries, that is to say, Muslims themselves. Their protests are framed in universal terms, and demand a universal response.¹¹ This is as true for political prisoners, trade unionists, journalists, women, as it is for representatives of ethnic groups within Muslim countries who are denied recognition and group rights. There are, as in any discussion of human rights, dif.cult issues here – relating to accuracy of information, approach, impartiality. But to deny their right to make these protests, on the grounds that there can only be one Muslim voice, or that their invocation of universal principles violates tradition, is a paradoxical conclusion for those who begin by protesting at non- Muslim discrimination against Muslims. ‘Islamophobia’, like its predecessor ‘imperialism’, can too easily be used to silence critics of national states and élites.

Terror DA

CT Good—1nc**

Religion stokes violent extremism—counterterrorism policies are key

Rashi, 14—freelance journalist and writer for the Huffington Post (Tanjil, 3/16/14, "'The Muslims are Coming!', by Arun Kundnani", Financial Times, www.ft.com/intl/cms/s/2/af5ef4c6-aa15-11e3-8bd6-00144feab7de.html)//twemchen

**edited for language

In truth, counterterrorism policies targeting Muslims are a legitimate response to homegrown extremism, from the murder of Fusilier Lee Rigby to the 366 (by one count) British citizens waging jihad in Syria. Furthermore, the victims of the 2005 London bombings bear witness to the reality of radicalism bred at home. At best, Kundnani's argument is compelling in its dissection of governments' disproportional responses. He estimates the FBI has one counter-terrorism agent per 94 Muslims in the US, which approaches a Stasi-esque ratio of spies to citizens. He shows that authorities keep drawing spurious lists of suspected radicals; one in the UK included almost 300 children under 15. A commonplace at the core of Kundnani's critique is that radicalism is mainly the byproduct of western foreign policy. "Religion had nothing to do with this," according to Kundnani, citing a conspirator in the London bombings. This view is undermined by the existence of two generations of British Muslims predating the war on terror – men who fought in Afghanistan in the 1980s and in Bosnia in the 1990s. The diminution of religion's role in stoking radicalism is as inaccurate as UK Labour politicians' denial that wars in Iraq and Afghanistan acted even as recruiting sergeants. Kundnani scrutinises responses to terrorism better than outlining its causes. He probes the mutations of liberalism in the face of Islam, resulting in "war on terror liberals" for whom liberalism "became an ideology of total war", from the UK Labour party's interventionist foreign policy to Martin Amis's innumerate paranoia about Muslim birth rates. Liberals hold up the Enlightenment, conservatives "campaign to defend Judeo-Christian identity" – both banners explicitly excluding Muslims; both groups inclined, Kundnani writes, to see "terrorists motivated by fanaticism inherent to Islam". History offers correctives to these narratives, demonstrating varieties of Islam being as rooted in rationalism as the Enlightenment; the Enlightenment being as tied to terror as Islam (the word "terrorism" itself was first used during The Terror of the Enlightenment-inspired French revolution). The Muslims are Coming! lacks optimism but there is every reason to believe "Muslim" might one day be suffixed to "Judeo-Christian" when de-scribing the west's culture and values. Note how one prominent French intellectual writes about Europe's growing population of a certain religious minority: "All of them are born with raging fanaticism in their hearts." The author of these unenlightened remarks? Voltaire. His subject? The Jews.

A2 Ks/D—Overview

If we win the radicalization thesis is true, i.e. that ISIS really is trying to recruit lone wolf terrorists, it's proof we need at least some agent infiltrators, material support legislation and community engagement. They eliminate all of those – even if those should be *reduced* because they're overused, an inevitability as more suspects are investigated and then disqualified, the plan leaves us dangerously vulnerable to the next Charlie Hebdo or Boston bombing.

This answers most of their Ks and proves we overcome most logical defense. Terrorists wouldn't need to launch some 9/11 style cross-border attack, they'd just need to flip one impressionable young activist into doing something catastrophic and provide them the basic know-how and resources in constructing WMDs – we've done tons of work on the case supporting this

Capability and motivation for attacks exist—European terrorists prove and are on the rise **Uhlmann, 8**—research associate at the Institut für Europäische Politik in Berlin (Milena, Summer 2008, pp. 31-37, "European Converts to Terrorism", The Middle East Quarterly, www.meforum.org/1927/european-converts-to-terrorism)//twemchen

Conversion to Islam among native Europeans is on the rise. Many converts live at peace within their native societies; some convert only for marriage, and reject neither contemporary culture nor Europe's Judeo-Christian values. A minority, however, embraces radical interpretations of Islam and can pose a security risk. The involvement of Muslim converts in recent terrorist attacks has raised concern in Europe about these "converts to terrorism." While intelligence agencies and security services track international communications and guard borders, such homegrown terrorists pose just as potent a threat to the security of Western democracies. European security services and politicians remain unprepared to handle this growing phenomenon. A Growing Problem In Europe, there is very little hard data on conversion to Islam due to the difficulty of gathering proper statistics. Because Muslim communities usually have an informal structure and no formal clergy, most do not keep records. In France, for instance, state agencies do not record citizens' religious affiliations; to do so, French officials say, would counter France's commitment to secularism. In German registration offices, Muslim residents are included in a pool of "diverse religious affiliations." [1] German converts apparently account for only a small portion—between 12,000 and 100,000—of Germany's total Muslim population of 2.8-3.2 million, [2] which itself comprises less than 4 percent of the total population of Germany. In 2006, the Federal Ministry of the Interior commissioned a study from the Zentralinstitut Islam-Archiv Deutschland (ZIIAD) to determine the number of converts, but amid suspicion over the ZIIAD's methodology, discounted as exaggerated its findings and ended its relationship with the institute. [3] Nevertheless, it appears that both conversions and Islamist outreach to converts is increasing. Thomas Hamza Fischer, founder of the Islamisches Informationszentrum (IIZ) in Ulm, a city in Baden-Württemberg known for its radical Islamist scene, died fighting in Chechnya. [4] The IIZ's journal, Denk mal Islamisch (Think Islamic) is geared to converts, addressing issues such as emotional and personal support. The police, the German Federal Office for the Protection of the Constitution (FOC), as well as the Islamisches Informationszentrum's neighbors say that more German converts have visited the center since summer 2007 than they had in seasons past. [5] Apparently anticipating a ban by the Bavarian Ministry of Interior, the IIZ dissolved in October 2007. [6] In recent years, police and intelligence services have become increasingly aware of the threat of homegrown terrorism. In 2003, Judge Jean Louis Bruguière, the former French investigating magistrate in charge of counterterrorism affairs, observed that Al-Qaeda had increased its recruiting efforts in Europe and in particular was on the lookout for women and converts to Islam. [7] In March 2004, the Dutch General Intelligence and Security Service (AIVD) released an analysis of jihadi recruits' backgrounds, [8] and the following year, the British Home and Foreign Offices released a similar study. [9] In August 2007, the New York Police Department released a report on radicalization within Western societies, focusing on trends in homegrown terrorism and emphasizing the increasing role of converts in terror plots. [10] Wolfgang Schäuble, Germany's federal minister of the interior, argues that the prevalence of homegrown jihadis is increasing. [11] Germaine Maurice Lindsay, also known as Abdullah Shaheed Jamal, was one of four terrorists who detonated bombs on the London Underground and on a bus in central London, July 7, 2005, killing fifty-six (including themselves) and injuring more than 700. Lindsay, who changed his name after his conversion to Islam, was born in Jamaica. The 2004 murder of Dutch filmmaker Theo Van Gogh, the Madrid train bombings the same year, and the following year's attacks on London's Tube and bus system demonstrate that European citizens and residents can conduct horrendous acts against their respective countries. The culmination of this trend will be the planning of and participation in such attacks by European converts to Islam. On September 4, 2007, the German security services arrested three men for plotting car bomb attacks in Germany targeting the U.S. military base at Ramstein and pubs and nightclubs frequented by Americans. [12] Two of the three were German-born converts to Islam. [13] This plot was not the first involving German converts. In 1997, Israeli security services detained Steven Smyrek at Ben Gurion International Airport as he tried to enter Israel to survey possible Hezbollah terror targets. [14] Christian Ganczarski, a Polish immigrant of German descent who had converted to Islam in 1986, played a major role as the intermediary between Al-Qaeda's leadership and the suicide bomber who carried out the 2002 bombing of a Tunisian synagogue in Djerba, which killed twenty-one people. [15] In 2006, the German police arrested Sonja B., a 40-year-old German convert who sought to travel to Iraq with her 1-year-old son and to carry out a suicide attack. [16] For Islamist terrorists, the European convert is a prized recruit, at ease

in society, cognizant of informal rules and opportunities, and able to move freely without arousing suspicion. Their citizenship enables them to travel freely under the terms of the European Schengen agreement and, in many cases, the U.S. visa waiver program.^[17] Richard Reid, a British convert to Islam who attempted to blow up an airliner with explosives hidden in his shoes and boarded a flight to the United States under the visa waiver program, highlighted the threat of European converts to terrorism to both their own homelands and U.S. security. Short of requiring visas for British, French, and German passport holders, U.S. authorities have requested that airlines provide detailed passenger rosters for incoming flights to the United States. European carriers have followed suit. Identifying Terrorist Converts European security services are unsure of how to address the problem of radicalized converts largely due to their uncertainty about how to integrate competing security and civil liberties interests. On one hand, the abandonment of passport control posts along internal European borders—the heart of the European integration process—needs to be addressed; EU states must adjust to the fact that criminal enterprises span borders. On the other hand, the European public distrusts any measure that might lead European institutions, let alone a European intelligence service, to increase surveillance, especially given the opacity of EU decision-making. At the national level, however, there is perhaps a greater sense of urgency in monitoring converts to terrorism. In September 2007, Günther Beckstein, the Bavarian minister of the interior, proposed registering and observing every convert to Islam in Germany in order to determine whether the future Muslim would pursue a liberal or an Islamist orientation.^[18] This suggestion provoked an uproar. Critics said it put converts under general suspicion, undercut religious dialogue, and contradicted the principle of religious freedom. Such populist tactics, though, are likely to be counterproductive. Nothing is gained by placing converts under surveillance simply because they married a Muslim or found religious satisfaction through Islamic theology. Such tactics might backfire if they alienate the convert, and they would require a massive investment in intelligence gathering for a questionable return. They would also be domestically unpopular: Europeans would certainly argue that turning all converts to Islam into terrorism suspects runs counter to the ideals of European liberalism. Profiling potential terrorists, however, should not be taboo. Doing so requires an understanding of the mentality of both the individual convert and of the group into which the individual converts. Many converts embrace their new faith with zeal, and Islamist groups can channel this fervor into a process of quick radicalization.^[19] New converts are often less proficient in religious matters than religious leaders but are eager to fill in the gaps, making them susceptible to indoctrination by organizations like the Islamisches Informationszentrum. In larger cities such as Berlin, advocates of various Islamic trends often recruit new converts. Among the most aggressive are the Salafists.^[20] Converts wanting to explore and learn more about their new religion are often attracted to fundamentalist interpretations as they seek "pure" and "true" Islam. Jihadi websites reinforce this search—indeed, this was how Sonja B., the would-be Iraq suicide bomber, discovered militant Islam.^[21] Foreign scholarships also provide a means of recruitment. After his conversion but prior to becoming involved in terrorism, Ganczarski, the German Al-Qaeda intermediary, studied Islam on a scholarship at the University of Medina, described by the Deutsches Orient-Institut as a "recruiting pool" for Islamists.^[22] After his arrest, Ganczarski said there had been a recruitment wave for such scholarships in Germany in the mid-1990s, focusing on young converts. After he returned from Saudi Arabia where he probably became radicalized, he went on to Chechnya and Pakistan as well as Afghanistan^[23] where he met Osama bin Laden.^[24] Apparently, Saudi Arabia provided thousands of such scholarships.^[25] The background of the convert is as important as the nature of the absorbing group. Those who convert to Islam for practical purposes, for example, to marry a Muslim woman, seldom become extremists. Others are predisposed to radicalism. Smyrek is an extreme example: He was always a radical and actively sought out Islamist terror groups in order to become a suicide bomber. The convert's socioeconomic background is another vital factor. Conversion is, in part, a migration from one worldview to another,^[26] described by sociologist Thomas Luckmann as a decision to go shopping in a supermarket of religious goods.^[27] As the individual tries to reconcile his old and new belief systems, he selects explanations that best meet his needs. Sometimes, this involves the endorsement of terrorism as a means of righting perceived wrongs. Motives to Convert Because Islam often has a negative reputation in Europe, conversion to Islam enables the convert to project sentiments of rebellion. Indeed, Olivier Roy from the French Centre National de la Recherche Scientifique has suggested that radical Islam is tantamount to a protest identity.^[33] Some converts emphatically champion Islam as the best alternative to post-industrial Western society. Such is the rationale for Murad Wilfried Hofmann,^[34] a former German diplomat who converted to Islam in 1980 and has since acted as an intellectual leader for German converts. Ayyub Axel Köhler, the current chairman of the Zentralrat der Muslime in Deutschland, who converted to Islam in 1963, has remarked that Islam is a way of life and thus offers its adherents the chance to avoid the alienation of life in Western societies.^[35] If the numbers of conversions to Islam in the West are on the rise, the cultural criticism underlying such conversions becomes especially relevant. Identity issues play an important role, as does globalization and modern communications, which have allowed the exploration of new identities. When societies lose their coherence, threats increase from within.^[36]

Anti-Blackness

Link—Junior Partners

Appeals to solve oppression of society's junior partners is always underwritten by a supplemental anti-blackness which masks the prison-slave and the prison-slave-in-waiting
Wilderson, 7

(Frank B. Wilderson III 2007. Warfare in the American Homeland: Policing and Prison in a Penal Democracy. Duke University Press. pg 23 –kpcb)

There is something organic to civil society that makes it essential to the destruction of the Black body. Blackness is a positionality of "absolute dereliction" (Fanon), abandonment, in the face of civil society, and therefore cannot establish itself, or be established, through hegemonic interventions. Blackness cannot become one of civil society's many junior partners: Black citizenship, or Black civic obligation, are oxymorons. In light of this, coalitions and social movements, even radical social movements like the Prison Abolition Movement, bound up in the solicitation of hegemony, so as to fortify and extend the interlocutory life of civil society, ultimately accommodate only the satiable demands and finite antagonisms of civil society's junior partners (i.e., immigrants, white women, and the working class), but foreclose upon the insatiable demands and endless antagonisms of the prison slave and the prison-slave-in-waiting. In short, whereas such coalitions and social movements cannot be called the outright handmaidens of white supremacy, their rhetorical structures and political desire are underwritten by a supplemental anti-Blackness.

Link—Law

The aff's call for legal relief is the perfection of slavery

Farley 5 [Boston College (Anthony, "Perfecting Slavery",
<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1028&context=lsfp>)]

Slavery is **with us still**. We are **haunted** by slavery. We are **animated** by slavery. **White-over-black is slavery** and segregation and neosegregation **and every situation in which the distribution of material or spiritual goods follows the colorline**. The movement from slavery to segregation to neosegregation to whatever form of white-over-black it is that may come with post-modernity or after is not toward freedom. **The movement from slavery to segregation to neosegregation is the movement of slavery perfecting itself**. White-over-black is neosegregation. White-over-black is segregation. White-over-black is slavery. All of it is **white-over-black, only white-over-black, and that continually**. The story of progress up from slavery is a lie, the longest lie. **The story of progress up from slavery is told juridically in the form of the rule of law**. Slavery is the rule of law. And **slavery is death**. **The slave perfects itself as a slave when it bows down** before its master of its own free will. That is the moment in which the slave accomplishes the impossible reconciliation of its freedom **with its unfreedom by willing itself unfree**.³ When exactly does this perfection of slavery take place? **The slave bows down before its master when it prays for legal relief, when it prays for equal rights, and**

while it cultivates the field of law hoping for an answer. The slave's free choice, the slave's leap of faith, **can only be taken under conditions of legal equality. Only after emancipation and legal equality, only after rights, can the slave perfect itself as a slave.** Bourgeois legality is the condition wherein equals are said to enter the commons of reason⁴ or the kingdom of ends⁵ or the New England town meeting of the soul **to discuss universalizable principles, to discuss equality and freedom.** Much is made of these meetings, these struggles for law, these festivals of the universal. Commons, kingdom, town meeting, there are many mansions in the house of law, but **the law does not forget its father,** as Maria Grahn-Farley observes: **The law of slavery has not been forgotten by the law of segregation; the law of segregation has not been forgotten by the law of neosegregation. The law guarding the gates of slavery, segregation, and neosegregation has not forgotten its origin;** it remembers its father and its grandfather before that. **It knows what master it serves; it knows what color to count.**⁶ **To wake from slavery is to see that everything must go, every law room, every great house, every plantation, all of it, everything.** Requests for equality and freedom will always fail. Why? Because **the fact of need itself means that the request will fail.** The request for equality and freedom, for rights, **will fail whether the request is granted or denied. The request is produced through an injury.**⁸ **The initial injury is the marking of bodies for less—less respect, less land, less freedom, less education, less.** The mark must be made on the flesh because that is where we start from. Childhood is where we begin and, under conditions of hierarchy, that childhood is already marked. The mark organizes, orients, and differentiates our otherwise common flesh. The mark is race, the mark is gender, the mark is class, the mark is. The mark is all there is to the reality of those essences—race, gender, class, and so on—that are said to precede existence. The mark is a system.⁹ Property and law follow the mark. And so it goes. There is a pleasure in hierarchy. We begin with an education in our hierarchies. We begin with childhood and childhood begins with education. To be exact, education begins our childhood. We are called by race, by gender, by class, and so on. **Our education cultivates our desire in the direction of our hierarchies.** If we are successful, **we acquire an orientation that enables us to locate ourselves and our bodies vis-à-vis all the other bodies that inhabit our institutional spaces. We** follow the call and move in the generally expected way. **White-overblack is an orientation, a pleasure, a desire that enables us to find our place, and therefore our way, in our institutional spaces.** This is why no one ever need ask for equality and freedom. This is why the fact of need means that the request will fail. The request for rights—for equality—will always fail because there are always ambiguities. To be marked for less, to be marked as less than zero, to be marked as a negative attractor, is to be in the situation of the slave. The slave is not called. The slave is not free. The slave is called to follow the calling that is not a calling. The slave is trained to be an object; the slave is trained, in other words, to not be. The slave is death. Death is the end of ambiguity. To be in the situation of the slave is to have all the ambiguities organized against you. But there are always ambiguities, one is always free. How, then, are the ambiguities organized? How is freedom ended? **The slave must choose the end of ambiguity, the end of freedom, objecthood.** The slave must freely choose death. **This the slave can only do under conditions of freedom that present it with a choice.** The perfect slave gives up the ghost and commends its everlasting spirit to its master. **The slave's final and perfect prayer is a legal prayer for equal rights.** The texts of law, like the manifest content of a dream, perhaps of wolves, may tell a certain story or an uncertain story. The certainty or uncertainty of the story is of absolutely no consequence. The story, the law, the wolves' table manners, do not matter. The story, the law, the story of law, the dream of wolves,¹⁰ however, represents a disguised or latent wish that does matter. **The wish is a matter of life or death.** We are strangers to ourselves. **The dream of equality, of rights, is the disguised wish for hierarchy.** The prayer for equal rights is the disguised desire for slavery. **Slavery is death. The prayer for equal rights, then, is the disguise of the deathwish. The prayer for equal rights is the slave's perfect moment.** The slave's perfect prayer, the prayer of the perfect slave, is always answered. **The slave, however, knows not what it does when it prays for rights, for the slave is estranged from itself.** Of its own inner strivings it knows not. The slave strives to be property, but since property cannot own property the slave cannot own its inner strivings. The slave strives to produce the final commodity—law. In other words, the slave produces itself as a slave through law. **The slave produces**

itself as a slave (as a commodity) through its own prayer for equal rights. And that prayer is all there is to law. The slave bows down before the law and prays for equal rights. The slave bows down before the law and then there is law. There is no law before the slave bows down. The slave's fidelity becomes the law, and the law is perfected through the slave's struggle for the universal, through the slave's struggle for equality of right.

The slave prays for equality of right. Rights cannot be equal. Its perfect prayer is answered; the law's ambiguities open, like the gates of heaven, just above its head. And all of the white-over-black accumulated within the endless ambiguities of law rains down. White over-black is slavery and slavery is death. Death is the end of forever. The end of forever is perfection and perfection, for us, seems divine, beyond the veil, beyond death; hence, the end of forever.

Link—State

We cannot resolve anti-blackness through the state because of the institutions ethics and acting through the state makes anti-blackness worse because it erases the existence of the black body – the state forecloses the possibility of humanity for those in the non-human positionality

Wilderson, 10

(Award-winning author of Incognegro: A Memoir of Exile and Apartheid. He is one of two Americans to hold elected office in the African National Congress and is a former insurgent in the ANC's armed wing, 2010 (Frank B. III "Introduction: Unspeakable Ethics" Red, White, & Black: Cinema and the Structure of U.S. Antagonisms, Pg 15-16)

Regarding the Black position, some might ask why, after claims successfully made on the state by the Civil Rights Movement, do I insist on positing an operational analytic for cinema, film studies, and political theory that appears to be a dichotomous and essentialist pairing of Masters and Slaves? In other words, why should we think of today's Blacks in the US as Slaves and everyone else (with the exception of Indians) as Masters? One could answer these questions by demonstrating how nothing remotely approaching claims successfully made on the State has come to pass. In other words, the election of a Black President aside, police brutality, mass incarceration, segregated and substandard schools and housing, astronomical rates of HIV infection, and the threat of being turned away en masse at the polls still constitute the lived experience of Black life. But such empirically based rejoinders would lead us in the wrong direction; we would find ourselves on "solid" ground, which would only mystify, rather than clarify, the question. We would be forced to appeal to "facts," the "historical record," and empirical markers of stasis and change, all of which could be turned on their head with more of the same. Underlying such a downward spiral into sociology, political science, history, and/or public policy debates would be the very rubric that I am calling into question: the grammar of suffering known as exploitation and alienation, the assumptive logic whereby subjective dispossession is arrived at in the calculations between those who sell labor power and those who acquire it. The Black qua the worker. Orlando Patterson has already dispelled this faulty ontological grammar in Slavery and Social Death, where he demonstrates how and why work, or forced labor, is not a constituent element of slavery. Once the "solid" plank of "work" is removed from slavery, then the conceptually coherent notion of "claims against the state"—the proposition that the state and civil society are elastic enough to even contemplate the possibility of an emancipatory project for the Black position—disintegrates into thin air. The imaginary of the state and civil society is parasitic on the Middle Passage. Put another way: no slave, no world. And, in addition, as Patterson argues, no slave is in the world. If, as an ontological position, that is, as a grammar of suffering, the Slave is not a laborer but an

anti-Human, a positionality against which Humanity establishes, maintains, and renews its coherence, its corporeal integrity; if the Slave is, to borrow from Patterson, generally dishonored, perpetually open to gratuitous violence, and void of kinship structure, that is, having no relations that need be recognized, a being outside of relationality, then our analysis cannot be approached through the rubric of gains or reversals in struggles with the state and civil society, not unless and until the interlocutor first explains how the Slave is of the world. The onus is not on one who posits the Master/Slave dichotomy, but on the one who argues there is a distinction between Slaveness and Blackness. How, when, and where did such a split occur? The woman at the gates of Columbia University awaits an answer.

Root Cause**

Islamophobia is instrumentalized across cultures and societies by association with *blackness*—even if Islamophobia is a branch of the tree, anti-black racism is the root

Love 09 (Erik Love, an ISPU Fellow and an Assistant Professor of Sociology at Dickinson College in Pennsylvania, received his MA and Ph.D. in sociology from the University of California at Santa Barbara.) (Confronting Islamophobia in the United States: framing civil rights activism among Middle Eastern Americans, 23 Sep 2009. Patterns of Prejudice, Vol. 43, Nos 3-4, 401-425, DOI: 10.1080/00313220903109367)//ASMITH

Before examining details of Islamophobic discourse in the United States, a sketch of current Middle Eastern American demographics will be useful. However, even without taking into consideration important issues of gender, sexuality and hybrid identities, there is great diversity across Middle Eastern American communities, and space constraints do not permit a full discussion of the contemporary demographics of these groups. Groups in the United States who trace their heritage to southern Asia*/a region usually defined to include Afghanistan, Bangladesh, Bhutan, India, Pakistan, Nepal and Sri Lanka*/are quite diverse and difficult to describe in general terms. Aside from the many national-origin groups elided under the pan-ethnic label 'South Asian', there are several ethnic groups from this region that are well represented in the United States, including Bengali, Pashtun and Punjabi Americans. In terms of religion, immigrants from this region belong to many denominations of Islam and Christianity, and there are Sikh, Hindu, Parsi and other religious identifications as well.¹⁹ Socio-economically, South Asian Americans have one of the highest levels of education and income of any demographic group, but the most recent (since 1990) immigrants from this region are more often working-class and relatively less well off financially.²⁰ The category 'Arab' similarly defies easy definition. There is considerable disagreement among people who trace their heritage to the Arab world about whether everyone from an Arab country should identify as Arab, or whether Arab ethnicity is purely voluntary. In terms of demographics, Arab Americans today include families who moved to the United States as many as five or six generations ago, and there are also a significant number of recent (post-1970) immigrants from the more than twenty nations in the Arab world.²¹ In terms of religion, Arab Americans belong to many different religious communities, including several denominations of Christianity and Islam, along with Judaism and other faiths. The largest nationality groups among Arab Americans include Lebanese, Syrians, Palestinians, Egyptians, Iraqis and people from Gulf states like Yemen and the United Arab Emirates. Socio-economically, Arab Americans have similar characteristics to

South Asian Americans. Arab Americans who immigrated earlier in the twentieth century tend to have higher educational attainment and income levels than the average American family, while the most recent immigrants tend to have a range of socio-economic class backgrounds.²² Further complicating the demographic picture are the many Americans who trace their heritage to parts of the Middle East (including parts of the Arab world) and do not identify as Arab American. These include Iranians, Turks, Assyrians, Chaldeans, Druze, Kurds, Copts and people who identify with many other ethnicities, religions and nationalities. The demographics of these communities in the United States are often the inverse of that found in their nations of origin, as minority populations in the Middle East, particularly in terms of religious identification, tend to emigrate in higher numbers.²³ Detailed demographic information on these communities is particularly difficult to find, since most surveys overlook them or simply count them as 'Arabs'.²⁴ In terms of religion, these Middle Easterners belong to several denominations of Islam as well as Christianity, Judaism, Zoroastrianism and other religions as well. Neither can Muslim Americans be easily categorized: there are Muslim Americans in every demographic group, and they follow several different Islamic traditions (or denominations) while holding a wide range of personal religious beliefs within those traditions. Rendering a coherent description of Muslim American communities is particularly difficult because surveys about religious identity are notoriously inaccurate and contradictory. Still, there is considerable recent literature describing Muslim American demography in terms of ethnicity and nationality, socio-economic class, geographic concentration and political tendencies.²⁵ There have been substantial changes in Muslim American demographics in a short period of time. One widely cited recent survey from the Pew Research Center reports that some two-thirds of immigrant Muslim Americans are first-generation immigrants, with more than a third of those arriving after 1990. In terms of numbers, the survey reports that the largest ethnic group of Muslim Americans are from South Asia and Iran, followed by families from the Arab world. The survey also reports that many Muslims migrated from Europe, and there are also many Muslim converts representing all heritages and backgrounds.²⁶ Prior to the most recent migration of Muslims to the United States after 1990, **the largest subgroup under the Muslim American umbrella were those Muslims who also identified as African Americans, a group sometimes referred to as 'indigenous Muslims'.**²⁷ There are significant differences between immigrant and indigenous Muslim Americans, in terms of theology, socio-economic status and political involvement. In short, there is vast diversity among Middle Eastern Americans. But in spite of the diversity across all these groups, the ideology of race means that any of these groups is a potential target of American Islamophobia.

A2 Coalitions

Islamophobia is only a manifestation of racialization—the fact that Middle Easterners are deemed white by law means they could never include other minorities in their struggle against law

Love 09 (Erik Love, an ISPU Fellow and an Assistant Professor of Sociology at Dickinson College in Pennsylvania, received his MA and Ph.D. in sociology from the University of California at Santa Barbara.) (Confronting Islamophobia in the United States: framing civil

rights activism among Middle Eastern Americans, 23 Sep 2009. Patterns of Prejudice, Vol. 43, Nos 3-4, 401-425, DOI: 10.1080/00313220903109367)//ASMITH

Approaching Islamophobia as a product of racial dynamics in the United States brings certain analytical advantages. First, this approach draws on a wealth of knowledge about race and ethnicity to explain how Islamophobia does not always target Islam and Muslims per se, but instead takes on the familiar pattern of racial scapegoating: fear and hatred, prejudice and discrimination directed towards groups crudely demarcated primarily by physical appearance.⁵ Race clearly plays a role when Sikh American and African American Muslim children are harassed in similar ways in classrooms, when Syrian Americans along with Pakistani Americans have to present themselves to immigration authorities for 'special registration', when Lebanese American and Iranian American workers lose their jobs for the same discriminatory reasons, and when Chaldean churches and Sunni mosques alike are vandalized and receive the same kinds of hate mail. These kinds of incidents, which impact on a large range of communities in spite of their diversity, occur primarily **as a result of the racial lens through which Americans understand the world.** The ideology of race is understood as a flexible social construct, subject to modification through the work of actors who target the state as they seek recognition and redress.⁶ The process of racialization profoundly affects all individuals in the United States, because each person is perceived to belong to socially constructed racial categories. The categories themselves change over time, as do the criteria for membership in any particular category; people recognized as belonging to the Irish race, for example, later became 'white' due to changes in the predominant racial ideology. These identity categories take on meaning and have material consequences via state policy and resource provision, through representations in cultural space and through the organization of institutions in civil society. The prevailing 'racial order' at any point in history indicates the schema or hierarchy of recognized racial identity categories, created through a 'compromise between racial movements and the state'.⁷ From the latter part of the twentieth century to the present day (the so-called 'post-civil rights era'), the 'racial pentagon' of black, white, Latino, Asian and Native American has been described as the prevailing list of recognized racial identity categories in the United States.⁸ Where do individuals and groups affected by racialized Islamophobia 'fit'? According to the United States Census, people from the broadly defined Middle Eastern region legally count as racially white. This creates a paradox, as described by John Tehranian: On one hand, [Middle Eastern Americans] suffer from the types of discrimination that face minority groups. On the other hand, formally speaking, Middle Easterners are deemed white by law. This dualistic and contested ontology of the Middle Eastern racial condition creates an unusual paradox. Reified as the other, Americans of Middle Eastern descent do not enjoy the benefits of white privilege. Yet, as white under the law, they are denied the fruits of remedial action.⁹ The unclear position caused by this racial paradox*/in terms of citizenship, rights and identity*/of migrants and their descendants who came to the United States from North Africa and western and southern Asia, a large region now vaguely defined as the Middle East, dates back to the eighteenth century if not earlier. The groups under the Middle Eastern racial umbrella often have little in common with one another except that, in the United States, Islamophobia lumps them together and makes them targets of discrimination and racism. In other words, 'Islamophobia' is the latest term for a centuries-long history of American state policy, cultural discourses and discriminatory practices that enforce racial boundaries around Middle Easterners in America.

Foucault

1nc—Foucault Link

The aff's invocation of state reform perpetuates the same governmentality that drove the ethnicization, racialization and culturalization of Islamophobia in the first place – we don't need to win an alt if we win we turn the case

Kaya 11 (Ayhan Kaya, Willy Brandt Professor at Malmö University, and Professor of Politics at Istanbul Bilgi University)(“Islamophobia as a form of Governmentality: Unbearable Weightiness of the Politics of Fear”, Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 1/11, 2011, Malmö Institute for Studies of Migration, Diversity and Welfare (MIM))//ASMITH

As a discourse that travels between state, civil society, and citizens, that produces and organizes subjects, and that is used by subjects to govern themselves, islamophobia could also be seen to embody what Foucault formulated as a distinctive feature of modern governmentality. An analysis of modern ‘government’ needs to pay particular attention to the role accorded to ‘indirect’ mechanisms for aligning economic, social and personal conduct with socio-political objectives. Today, political power is exercised through a set of multiple agencies and techniques, some of which are only loosely associated with the executives and bureaucracies of the formal organs of state (Miller and Rose, 2011: 26). The state is not the source or agent of all governing power, nor does it monopolize political power; rather, the powers and rationalities governing individual subjects and the population as a whole operate through a range of formally nonpolitical knowledges and institutions. The ensemble of legal and nonlegal, pedagogical, cultural, religious, nationalist, and social discourses of Islamophobia together produce what Foucault understands as the signature of modern governmentality. According to Foucault, modern governmental rationality is simultaneously about individualizing and totalizing: that is, about finding answers to the question of what it is for an individual, and for a society or population of individuals, to be governed or governable (Gordon, 1991: 36). Simultaneously totalizing and individualizing, gathering and distinguishing, and achieving each effect through its seeming opposite, Islamophobia emerges as one technique in an arsenal for organizing and managing large and potentially disruptive populations. As such, it is a strand of biopower, that modality of power so named by Foucault because it operates through the orchestration and regulation of life rather than the threat of death (Brockling et al., 2011; Miller and Rose, 2008; Brown, 2006). The orchaestration and regulation of life in modern societies is operationalized by the states through multiple forms of governmentality ranging from nationalism to Islamophobia, or from racism to multiculturalism. Michel Foucault defines governmentality as the ensemble formed by the institutions, procedures, analyses, and reflections, the calculations and tactics that allow this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security. In other words, governmentality refers to the practices which characterise the form of supervision a state exercises over its subjects, their wealth, misfortunes, customs, bodies, souls and habits (Foucault, 1979). It is the conduct of conduct, that is to say a form of activity aiming to shape, guide or affect the conduct of individuals or groups. The semantic linking of governing (gouverner) and modes of thought (mentalité) indicates that it is not possible to

study the technologies of power without an analysis of the political rationality underpinning them. In this sense, according to Michel Foucault, modern societies can be understood only by reconstructing certain techniques of power, designed to observe, monitor, shape, discipline, or control the behaviour of individuals situated within a range of social and economic institutions such as the school, the factory, the prison, the media, and the church. Foucault (2007) discerned three inter-related meanings of security: 1) sovereignty confirmed through the enactment of law on the population within a territory; 2) discipline consisting of techniques of individualization directed at making individual subjects docile, conformists and governable; 3) security as an abstraction of the diversity within a population that can be statistically conceived and managed through the guidance of the human sciences such as demographics, economics, and administrative sciences. The key issue here is not the increasing control of the state over its population, but the shifting emphasis in the 'ethos' and 'art' of governing. For example, following the Foucaultian perspective, one could trace the shift from the administrative state of the past shaped by the police and discipline, to one in which governmental power is dispersed through society by way of professional power at different sites such as education, health, correction systems, media, and fear (Truong and Gasper, 2011). Contemporary states are more inclined to use multiple governmentalities to control and rule the masses. These multiple governmentalities could range from the processes of securitization of migration (Doty, 2000; Huysmans, 2006; Walters, 2006; Kaya, 2009) to the growing political discourse of tolerance (Brown, 2006), or from multiculturalism (Povinelli, 2002) to Islamophobia. As Miller and Rose (2011: 17) put it very well, governmentalities change by entering into periods of criticism and crisis, where multiple perceptions of failure come together, and where alternatives are proposed – for the failures of one mode of governing are opportunities for the formulation of another. The ways in which multiple forms of governmentality are being performed by the states demonstrate to us that there are two sides to governmentality. Firstly, the term refers to a specific form of representation: government defines a discursive field such as prevention of migration or “combating Islamic terrorism” in which exercising power is rationalized. This occurs by the description of concepts, the specification of objects and borders, the provision of fears, arguments and justifications. In this manner, government defines a problem to be addressed and offers certain strategies for handling the problem. And secondly, Foucault uses the term government in a more general context in the ways in which it was used until the 18th century. Government was a term discussed not only in political tracts, but also in philosophical, religious, medical and pedagogic texts. This is why, Foucault defines government as conduct, or, more precisely, as “the conduct of conduct” and thus as a term which ranges from “governing the self” to “governing others”. In other words, in his history of governmentality Foucault endeavours to show how the modern sovereign state and the modern autonomous individual codetermine each other's emergence (Foucault, 1979). **Islamophobia as a form of governmentality is being manufactured in parallel with the growing stream of ethnicization, racialization and culturalization of what is social and political in the west since the early 1990s** (Brown, 2006). This stream is advocated by several politicians, public servants, bureaucracy, judiciary, police and the media in order to hold socio-economically and politically deprived migrants and their descendants responsible from their isolation, exclusion, poverty, unemployment, unschooling and any kind of failure in everyday life (Balibar, 2004: 37-38). The process of ethnicizing, racializing

and culturalizing what is social and political is not only shaped by dominant political discourses with a great conservative tone, but also by the enormous demographic changes, led by the dissolution of the Eastern Block in late 1980s and early 1990s (Brubaker, 1991; and Kaya, 2009). The year 1989 signalled the very beginning of a new epoch that resulted in massive migration flows of ethnic Germans, ethnic Hungarians, ethnic Russians and Russian Jews from one place to another.²⁴ The post- Communist era has also brought about a process of re-homogenization in western nation-states like Germany, Austria, France, Italy, Belgium and the Netherlands. Political instability and ethnic conflicts in the former Eastern Bloc (USSR and former Yugoslavia) on the other hand pushed some ethnic groups to immigrate to Western European countries in which they could find ethnic affinities. The mobility of millions of people has stimulated nation-states to ethnicise their migration policies in a way that approved the arrival of co-ethnic immigrants, but disapproved the status of existing immigrants with different ethno-cultural and religious background from that of majority society. Nation-states were not suitably equipped in the 1990s to absorb the spontaneous arrival of so many immigrants. This period of demographic change in Western Europe occurred in parallel with the rise of heterophobic discourses such as the 'clash of civilisations', 'culture wars', 'religious wars' and 'Islamophobia', as well as with the reinforcement of restrictive migration policies and territorial border security vis-à-vis the nationals of countries outside the European space.

****solvency**

**some cards from the islamophobia header apply to CVE as well

cve aff

CVE prevents cooperation and precludes analysis of bigger terror threats

Southers, 2015 [Director of Homegrown Violent Extremism Studies at USC, adjunct prof at USC]

(Erroll, 7/16, "Rethinking Countering Violent Extremism Programs,"
securitydebrief.com/2015/07/16/rethinking-countering-violent-extremism-
programs/#axzz3h2ec63r0)

In 2003, in an effort to reduce the risk of "al Qaeda-inspired" recruitment, radicalization and related terrorist incidents, the United Kingdom launched the Preventing Violent Extremism Strategy (Prevent). It was considered one of the best in the world when it was first implemented. At its core, Prevent focused on radicalization and recruitment prevention (rather than simply HVE detection) and acknowledged the importance of enlisting the community in the fight against terrorism. In the words of Charles Farr, the head of the U.K.'s Office for Security and Counter-terrorism, Prevent was "the Government's recognition that as a nation, we cannot arrest our way out of the terrorist threat we face" nor can we "protect ourselves physically to the point where the threat is mitigated entirely."

That is sage wisdom for America's challenges with terrorism, but we need to also look at the results of the British program. The Prevent strategy was criticized (and ultimately failed in its initial form) for four primary problems: The strategy's concept of radicalization: There was a lack of consensus or conceptual clarity on the definition of radicalization. A narrow focus on Muslims: The original program looked exclusively at the Muslim community, essentially labeling all Muslims as potentially "at risk" while ignoring other groups engaged in extremist activities. The implementation methodology: The program funded efforts in Muslim communities based on the size of the Muslim population in a given area. Inasmuch as the additional risk factors were ignored (particularly other sources of extremism), the community perceived that the program was intended to "spy on Muslims." Negative program consequences: In considering the Muslim population (irrespective of behavior), the program inadvertently created a relationship of mistrust. This compromised the goal of community engagement and support and potentially helped create an environment ripe for extremist recruitment based on the resentment of the British government. One major error with Prevent was a failure to engage stakeholders before implementation so as to determine challenges unique to the communities it was meant to help. What is more, evaluation of Prevent occurred only after widespread criticism of the strategy's shortcomings. At that point, the challenge became not just creating an effective strategy but also rebuilding the community trust that is central to addressing HVE. Looking to the United States, it would seem we are heading down a similar (and ultimately futile) path. The much-debated CVE Pilot Programs in Los Angeles, Minneapolis and Boston have engendered widespread backlash in those cities because the perception is that CVE is focused exclusively on Muslim populations. Yet, in Britain, we saw how approaching communities based on religion or country of origin neutralizes an effort before it gets out of the gate. To be sure, Muslim-identity extremism is a threat, but it is not the only nor even the greatest threat. Consider two recent studies assessing the threat from HVE: In 2014, a National Consortium for the Study of Terrorism and Responses to Terrorism (START) Center's report found that law enforcement views the anti-government Sovereign Citizen movement as the top terrorist threat, followed by Muslim extremists and militia/patriot group members. In 2015, the New America Foundation reported that since September 11, 2001, nearly twice as many victims have been killed by anti-government adherents, white supremacists and other non-Muslim extremists than by radical Muslims: 48 were killed by non-Muslim extremists, compared with 26 self-proclaimed jihadists. As explained in my book, Homegrown Violent Extremism, terrorism is the product of an alienated individual, a legitimizing ideology and an enabling environment. The environment (i.e., the community) is most susceptible to positive influence to reduce the risk of HVE. The issue of an enabling environment must be addressed in terms of enhancing social morality, responsibility and community integrity, with the intended outcome of facilitating community-based efforts to identify and explore solutions to continuing challenges. If CVE becomes synonymous with countering violent Muslim extremism, we are doomed to fail and will not even address the greatest terrorist threats in this country. The United States can enhance its security posture by implementing strategies that work with communities. It begins with those residents having a seat at the table to contribute to policy development, implementation and evaluation that will ultimately affect them. The community holds the key to the success of any program intended to counter violent extremism. Let's get this right.

fails – broadly allows government to crush all dissent or inevitably targets only Muslims
Saylor, 2015, [directs the department to monitor and combat Islamophobia at the Council on American-Islamic Relations]

(Corey, July 15, "Is countering violent extremism ready for a \$40 million investment?" The Hill thehill.com/blogs/congress-blog/civil-rights/247908-is-countering-violent-extremism-ready-for-a-40-million)

House Homeland Security Committee Chairman Mike McCaul's (R-Texas) proposed new Office for Countering Violent Extremism (CVE) in the Department of Homeland Security would redirect 40 million taxpayer dollars over four years into a dubious expansion of government programming. We all want to prevent violent extremism. But currently, CVE programming fails to provide meaningful solutions that would substantively interdict barbaric acts. A 2014 National Counterterrorism Center (NCTC) document titled 'Countering Violent Extremism' serves as food for thought. Its expert authors say CVE's ends are "not easy to quantify." This means return-on-investment metrics will be elusive. The report authors then offer risk factors to help public service providers identify at-risk youth such as "Parent-Child Bonding, Empathic Connection," "Presence of Emotional or Verbal Conflict in Family" and "Parent Involvement in Child's Education." As these factors encompass issues with which most American families have struggled at some point, their use in identifying at-risk individuals is nearly non-existent. On this subject, McCaul's proposal assigns the office to the task of "identifying risk factors that contribute to violent extremism." But such efforts at classification have already been attempted. In 2008, the UK's counter-intelligence and security agency, M15, concluded that "it is not possible to draw up a typical profile of the 'British terrorist' as most are 'demographically unremarkable.'" Similarly, in its 2010 report titled "Preventing Violent Extremism," Britain's House of Commons' Communities and Local Government Committee said, "Regarding the Government's analysis of the factors which lead people to become involved in violent extremism, we conclude that there has been a pre-occupation with the theological basis of radicalisation, when the evidence seems to indicate that politics, policy and socio-economics may be more important factors in the process." This pre-occupation with religion raises another problem with expanding the scope of DHS programming. While the security field's current focus is on Daesh (ISIS), this has not and will not always be the case, and we join other security and civil liberties organizations in our concern that the program's scope may be expanded at-will in ways not envisioned by its current advocates. In February, 2009 the Missouri Information Analysis Center (MIAC), a DHS "fusion center," issued a report labeling common ideologies or affiliations as warning signs of being a "right-wing extremist" or member of a domestic paramilitary group. According to the MIAC report, any U.S. citizen could potentially be a domestic terrorist if they are in favor of "strong state rights," hold "anti-abortionist" or "anti-Immigration" views, are in strong opposition to "the collection of federal income taxes" or "the Federal Reserve Banks," or support third-party presidential candidates like Ron Paul. The report also noted that "It is not uncommon for militia members to display Constitutional Party, Campaign for Liberty or Libertarian material" or the "Gadsden Flag." Setting the enormous costs of monitoring everyone who dislikes paying their taxes or votes for Ron Paul aside, such broad-swath categorizations of what might constitute subversive behavior risk criminalizing anyone who holds views with which the government disagrees, a chilling prospect. Finally, it is worth noting what has already happened on the ground in those areas in which CVE programming has been proposed; after all, CVE can only work if it is widely accepted as effective by the communities in which it would profess to build ties. Last year, former U.S. Attorney General Holder announced a CVE initiative, designating Los Angeles, Boston, and Minneapolis as pilot cities. While the program was supposed to target all forms of violent extremism, in practice only Muslims were actually examined. In all three cities, local Muslim community leaders, who have longstanding records of supporting efforts to make our nation more secure, engaged in the U.S. attorney-led meetings aimed at shaping local CVE frameworks. In time, however, they distanced themselves from the project as they formed a deeper understanding of CVE's problematic realities. In Los Angeles, both the Islamic Shura Council of Southern California, an umbrella organization of mosques and Muslim organizations serving the Muslims of Southern California, and the Muslim Student Association of the West Coast (MSA West) voted to oppose the narrow scope of the federal government's CVE program. In Minnesota, nearly 50 Muslim organizations joined together to urge law enforcement to "consider our grave concerns" and discontinue this stigmatizing, divisive, and ineffective initiative. A "top leader of Boston's Muslim community" opted against the local framework because it targeted only American Muslims and was "founded on the premise that your faith determines your propensity towards violence." Given that one of the goals of violent extremists is to transform our nation into their vision of an authoritarian state, Americans must be vigilant that the measures we fund

to stop them do not ultimately themselves fulfill these aims. CVE, with its call for teachers, guidance counselors, public health workers, and police officers to assess a person's thoughts, rather than actions, to identify violent extremists, does not represent an effective solution for these very real threats.

focus on Muslim terrorism falls victim to media hype and ignores real threats

Kurzman and Schanzer 6/16/15, [Professor of Sociology at University of North Carolina at Chapel Hill who specializes in Middle East and Islamic studies; Associate Professor of the Practice in the Sanford School of Public Policy]

(Charles and David, "The Growing Right-Wing Terror Threat"
www.nytimes.com/2015/06/16/opinion/the-other-terror-threat.html)

THIS month, the headlines were about a Muslim man in Boston who was accused of threatening police officers with a knife. Last month, two Muslims attacked an anti-Islamic conference in Garland, Tex. The month before, a Muslim man was charged with plotting to drive a truck bomb onto a military installation in Kansas. If you keep up with the news, you know that a small but steady stream of American Muslims, radicalized by overseas extremists, are engaging in violence here in the United States. But headlines can mislead. The main terrorist threat in the United States is not from violent Muslim extremists, but from right-wing extremists. Just ask the police. In a survey we conducted with the Police Executive Research Forum last year of 382 law enforcement agencies, 74 percent reported anti-government extremism as one of the top three terrorist threats in their jurisdiction; 39 percent listed extremism connected with Al Qaeda or like-minded terrorist organizations. And only 3 percent identified the threat from Muslim extremists as severe, compared with 7 percent for anti-government and other forms of extremism. The self-proclaimed Islamic State's efforts to radicalize American Muslims, which began just after the survey ended, may have increased threat perceptions somewhat, but not by much, as we found in follow-up interviews over the past year with counterterrorism specialists at 19 law enforcement agencies. These officers, selected from urban and rural areas around the country, said that radicalization from the Middle East was a concern, but not as dangerous as radicalization among right-wing extremists. An officer from a large metropolitan area said that "militias, neo-Nazis and sovereign citizens" are the biggest threat we face in regard to extremism. One officer explained that he ranked the right-wing threat higher because "it is an emerging threat that we don't have as good of a grip on, even with our intelligence unit, as we do with the Al Shabab/Al Qaeda issue, which we have been dealing with for some time." An officer on the West Coast explained that the "sovereign citizen" anti-government threat has "really taken off," whereas terrorism by American Muslim is something "we just haven't experienced yet." Last year, for example, a man who identified with the sovereign citizen movement — which claims not to recognize the authority of federal or local government — attacked a courthouse in Forsyth County, Ga., firing an assault rifle at police officers and trying to cover his approach with tear gas and smoke grenades. The suspect was killed by the police, who returned fire. In Nevada, anti-government militants reportedly walked up to and shot two police officers at a restaurant, then placed a "Don't tread on me" flag on their bodies. An anti-government extremist in Pennsylvania was arrested on suspicion of shooting two state troopers, killing one of them, before leading authorities on a 48-day manhunt. A right-wing militant in Texas declared a "revolution" and was arrested on suspicion of attempting to rob an armored car in order to buy weapons and explosives and attack law enforcement. These individuals on the fringes of right-wing politics increasingly worry law

enforcement officials. Law enforcement agencies around the country are training their officers to recognize signs of anti-government extremism and to exercise caution during routine traffic stops, criminal investigations and other interactions with potential extremists. “The threat is real,” says the handout from one training program sponsored by the Department of Justice. Since 2000, the handout notes, 25 law enforcement officers have been killed by right-wing extremists, who share a “fear that government will confiscate firearms” and a “belief in the approaching collapse of government and the economy.” **Despite public anxiety** about extremists inspired by Al Qaeda and the Islamic State, the number of violent plots by such individuals has remained very low. Since 9/11, an average of nine American Muslims per year have been involved in an average of six terrorism-related plots against targets in the United States. Most were disrupted, but the 20 plots that were carried out accounted for 50 fatalities over the past 13 and a half years. In contrast, right-wing extremists averaged 337 attacks per year in the decade after 9/11, causing a total of 254 fatalities, according to a study by Arie Perliger, a professor at the United States Military Academy’s Combating Terrorism Center. The toll has increased since the study was released in 2012. Other data sets, using different definitions of political violence, tell comparable stories. The Global Terrorism Database maintained by the Start Center at the University of Maryland includes 65 attacks in the United States associated with right-wing ideologies and 24 by Muslim extremists since 9/11. The International Security Program at the New America Foundation identifies 39 fatalities from “non-jihadist” homegrown extremists and 26 fatalities from “jihadist” extremists. Meanwhile, terrorism of all forms has accounted for a tiny proportion of violence in America. There have been more than 215,000 murders in the United States since 9/11. For every person killed by Muslim extremists, there have been 4,300 homicides from other threats. Public debates on terrorism focus intensely on Muslims. But this focus does not square with the low number of plots in the United States by Muslims, and it does a disservice to a minority group that suffers from increasingly hostile public opinion. As state and local police agencies remind us, right-wing, anti-government extremism is the leading source of ideological violence in America.

ex kurtzman -

different media angles, inherent biases all cover up real violence – turns case and reinscribes muslim stereotypes

Shane, 6/24/15, [Washington reporter at New York Times]

(Scott, "Homegrown Extremists Tied to Deadlier Toll than Jihadists in US Since 9/11, www.nytimes.com/2015/06/25/us/tally-of-attacks-in-us-challenges-perceptions-of-top-terror-threat.html)

WASHINGTON — In the 14 years since Al Qaeda carried out attacks on New York and the Pentagon, extremists have regularly executed smaller lethal assaults in the United States, explaining their motives in online manifestoes or social media rants. But the breakdown of extremist ideologies behind those attacks may come as a surprise. **Since Sept. 11, 2001, nearly twice as many people have been killed by white supremacists, antigovernment fanatics and other non-Muslim extremists than by radical Muslims:** 48 have been killed by extremists who are not Muslim, including the recent mass killing in Charleston, S.C., compared with 26 by self-proclaimed jihadists, according to a count by New America, a Washington research center. The slaying of nine African-Americans in a Charleston church last week, with an avowed white supremacist charged with their murders, was a particularly savage case. But it is only the latest in a string of lethal attacks by people espousing racial hatred, hostility to government and theories such as those of the “sovereign citizen” movement, which denies the legitimacy of most statutory law. The assaults have taken the lives of police officers, members of racial or religious minorities and random civilians. **Non-Muslim extremists have carried out 19 such attacks since Sept. 11,** according to the latest count, compiled by

David Sterman, a New America program associate, and overseen by Peter Bergen, a terrorism expert. By comparison, seven lethal attacks by Islamic militants have taken place in the same period. If such numbers are new to the public, they are familiar to police officers. A survey to be published this week asked 382 police and sheriff's departments nationwide to rank the three biggest threats from violent extremism in their jurisdiction. About 74 percent listed antigovernment violence, while 39 percent listed "Al Qaeda-inspired" violence, according to the researchers, Charles Kurzman of the University of North Carolina and David Schanzer of Duke University. Homegrown Terrorism In the United States since Sept. 11, terrorist attacks by antigovernment, racist and other nonjihadist extremists have killed nearly twice as many people as those by Islamic jihadists. A photo from a white supremacist website showing Dylann Roof, the suspect in the Charleston, S.C., church shooting. Federal Hate Crime Charges Likely in South Carolina Church Shooting JUNE 24, 2015 An honor guard carried the coffin of State Senator Clementa C. Pinckney, a shooting victim, in Columbia, S.C., on Wednesday. Charleston Families Hope Words Endure Past Shooting JUNE 24, 2015 State flags line the Capitol subway tracks in Washington. Calls to Cut Ties to Symbols of the South JUNE 23, 2015 The Council of Conservative Citizens was most visibly active in South Carolina during a fierce debate in 2000 over flying the Confederate battle flag on the grounds of the State House in Columbia, picketing in support of continuing to display the emblem. Council of Conservative Citizens Promotes White Primacy, and G.O.P. Ties JUNE 22, 2015 Earl Holt III, president of the Council of Conservative Citizens, in a 2013 image taken from the council's website. White Supremacist Who Influenced Charleston Suspect Donated to 2016 G.O.P. Campaigns JUNE 22, 2015 A photo from a white supremacist website showing Dylann Roof, the suspect in the Charleston, S.C., church shooting. Dylann Roof Photos and a Manifesto Are Posted on Website JUNE 20, 2015 A scene from a vigil at Morris Brown African Methodist Episcopal Church in Charleston, S.C., for the victims. Many Ask, Why Not Call Church Shooting Terrorism? JUNE 18, 2015 "Law enforcement agencies around the country have told us the threat from Muslim extremists is not as great as the threat from right-wing extremists," said Dr. Kurzman, whose study is to be published by the Triangle Center on Terrorism and Homeland Security and the Police Executive Research Forum. John G. Horgan, who studies terrorism at the University of Massachusetts, Lowell, said the mismatch between public perceptions and actual cases had become steadily more obvious to scholars. "There's an acceptance now of the idea that the threat from jihadist terrorism in the United States has been overblown," Dr. Horgan said. "And there's a belief that the threat of right-wing, antigovernment violence has been underestimated." Counting terrorism cases is a subjective enterprise, relying on shifting definitions and judgment calls. If terrorism is defined as ideological violence, for instance, should an attacker who has merely ranted about religion, politics or race be considered a terrorist? A man in Chapel Hill, N.C., who was charged with fatally shooting three young Muslim neighbors had posted angry critiques of religion, but he also had a history of outbursts over parking issues. (New America does not include this attack in its count.) Likewise, what about mass killings in which no ideological motive is evident, such as those at a Colorado movie theater and a Connecticut elementary school in 2012? The criteria used by New America and most other research groups exclude such attacks, which have cost more lives than those clearly tied to ideology. Some killings by non-Muslims that most experts would categorize as terrorism have drawn only fleeting news media coverage, never jelling in the public memory. But to revisit some of the episodes is to wonder why. In 2012, a neo-Nazi named Wade Michael Page entered a Sikh temple in Wisconsin and opened fire, killing six people and seriously wounding three others. Mr. Page, who died at the scene, was a member of a white supremacist group called the Northern Hammerskins. In another case, in June 2014, Jerad and Amanda Miller, a married couple with radical antigovernment views, entered a Las Vegas pizza restaurant and fatally shot two police officers who were eating lunch. On the bodies, they left a swastika, a flag inscribed with the slogan "Don't tread on me" and a note saying, "This is the start of the revolution." Then they killed a third person in a nearby Walmart. And, as in the case of jihadist plots, there have been sobering close calls. In November 2014 in Austin, Tex., a man named Larry McQuilliams fired more than 100 rounds at government buildings that included the Police Headquarters and the Mexican Consulate. Remarkably, his shooting spree hit no one, and he was killed by an officer before he could try to detonate propane cylinders he drove to the scene. Some Muslim advocates complain that when the perpetrator of an attack is not Muslim, news media commentators quickly focus on the question of mental illness. "With non-Muslims, the media bends over backward to identify some psychological traits that may have pushed them over the edge," said Abdul Cader Asmal, a retired physician and a longtime spokesman for Muslims in Boston. "Whereas if it's a Muslim, the assumption is that they must have done it because of their religion." On several occasions since President Obama took office, efforts by government agencies to conduct research on right-wing extremism have run into resistance from Republicans, who suspected an attempt to smear conservatives. A 2009 report by the Department of Homeland Security, which warned that an ailing economy and the election of the first black president might prompt a violent reaction from white supremacists, was withdrawn in the face of conservative criticism. Its main author, Daryl Johnson, later accused the department of "gutting" its staffing for such research. William Braniff, the executive director of the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland, said the outsize fear of jihadist violence reflected memories of Sept. 11, the daunting scale of sectarian conflict overseas and wariness of a strain of Islam that seems alien to many Americans. "We understand white supremacists," he said. "We don't really feel like we understand Al Qaeda, which seems too complex and foreign to grasp." The contentious question of biased perceptions of terrorist threats dates back at least two decades, to the truck bombing that tore apart the federal building in Oklahoma City in April 1995. Some early news media speculation about the attack assumed that it had been carried out by Muslim militants. The arrest of Timothy J. McVeigh, an antigovernment extremist, quickly put an end to such theories. The bombing, which killed 168 people, including 19 children, remains the second-

deadliest terrorist attack in American history, though its toll was dwarfed by the roughly 3,000 killed on Sept 11. "If there's one lesson we seem to have forgotten 20 years after Oklahoma City, it's that extremist violence comes in all shapes and sizes," said Dr. Horgan, the University of Massachusetts scholar. "And very often, it comes from someplace you're least suspecting."

A version of this article appears in print on June 25, 2015, on page A1 of the New York edition with the headline: Most U.S. Attacks Are Homegrown and Not Jihadist. Order Reprints| Today's Paper|Subscribe

islamophobia aff

vague policy focus papers over entrenched inequality – Britain proves

Joppke, 2009, [German political sociologist, Professor and chair in General Sociology at the University of Bern, Switzerland]

(Christian, Feb 16, "Limits of Integration Policy: Britain and her Muslims" Journal of Ethnic and Migration Studies: Vol. 35, No. 3, March 2009, pp. 453-472 Taylor and Francis)

-vs islamophobia w/o CVE mechanism proves their approach is symbolic/token gesture

This essay examines a paradox: while the British state has done more than other European states to accommodate the claims of Muslim minorities, recent polls have shown British Muslims to be more disaffected and alienated than other Muslims in Europe. This raises the question of the limits of integration policy, which is obvious but rarely posed. I argue that, more than reflecting an adverse reality, the neologism 'Islamophobia' has functioned as a symbolic device of the British state to recognise the Muslim minority. However, the policy focus on Islamophobia had two negative consequences: first, it deflected from the real causes of disadvantage; secondly, it fuelled the quest for 'respect and recognition' that stands to be disappointed in a liberal state. I take the latter to be the main limit of integration policy as revealed by the British case. Keywords: Immigrant Integration; Multiculturalism; Muslims in Britain and Europe; Discrimination; Liberalism A recent survey of 'how Westerners and Muslims view each other' in thirteen Western and non-Western countries (Pew 2006) contains a striking puzzle: while there is the good news that European Muslims have more positive opinions about Europe than Muslims in traditionally Muslim countries, Britain stands out as the Western country whose Muslim minority is the most negatively disposed toward the non-Muslim majority. Conversely, and a surprise if one considers that the notion of 'Islamophobia' is of British vintage (Commission on British Muslims and Islamophobia 1997), British non-Muslims espouse rather favourable views of British Muslims. Germany is at the opposite end, with a hostile majority but a docile Muslim minority. And, surprising for all who followed the French headscarf troubles and banlieue unrest, the best of all (European) worlds seems to be France, where Muslims and non-Muslims hold relatively benign views of one another. Further underlining the British/French contrast Joppke is Professor of Political Science at The American University of Paris. Correspondence to: Prof. C. Joppke, The American University of Paris, 6 rue du Colonel Combes, 75007 Paris, France. E-mail: cjoppke@aup.fr. ISSN 1369-183X print/ISSN 1469-9451 online/09/030453-20 # 2009 Taylor & Francis DOI: 10.1080/13691830802704616 Journal of Ethnic and Migration Studies Vol. 35, No. 3, March 2009, pp. 453-472 Downloaded by [] at 14:15 26 July 2015 contrast, almost half of British Muslims (47 per cent) found that there is a 'conflict between being a devout Muslim and living in a modern society', whereas close to three-quarters of French Muslims (72 per cent) deny that there is any such conflict (Pew 2006: 3). The British/French contrast is paradoxical if one considers the British mantra that 'our diversity is our strength' and the smug response by British officials to the French anti-headscarf law of 2004, billed by London's left-wing mayor, Ken Livingstone, as 'the most reactionary proposal to be considered by any parliament in Europe since the Second World War' (Guardian, 13 July 2004: 4). In her informative study of the European Muslim elite, Jytte Klausen comes to similar results. She describes

Europe's political Muslim elite as pragmatic, integration-minded and optimistic, with 'little time for left-wing ideas about global citizenship and transnational identities' (Klausen 2005: 19). But again there is one exception: Britain, whose Muslim leaders were found to be 'exceptionally unhappy with current policies' (Klausen 2005: 63). Moreover, within her typology of 'approaches to the integration of Islam', her British Muslim interviewees came out as staunchly 'neo-orthodox', defined by a clear 'No' to the questions as to whether Islam is 'compatible' with Western values and whether Islam should be 'mainstreamed' for a better fit with its European host societies (Klausen 2005: 87). In line with this, 70 per cent of her interviewed British Muslim leaders came out in favour of 'legal dualism', that is, of applying religious Sharia rules in private law, such as marriage and divorce—a stance that was rejected by even larger majorities of Muslim leaders in most other Western European countries (Klausen 2005: 192). Finally, British Muslims' integration deficits stand out in a recent survey by the UK think-tank Policy Exchange, which found that 31 per cent of surveyed British Muslims 'feel more in common' with Muslims in other countries than with fellow citizens (Policy Exchange 2007: 38), and that a considerable 13 per cent in the younger age bracket (1624) 'admire organisations like Al Qaeda that are prepared to fight against the West' (Policy Exchange 2007: 62).¹ Attitudes were found to be particularly extreme among the young, which suggests that the rift between Muslims and the majority society is growing. Accordingly, only 19 per cent of the interviewed Muslims over 55 years think that apostasy should be 'punishable by death', while almost twice as many (36 per cent) of the 1624-year-olds think so; a mere 18 per cent of Muslims over 55 advocate polygamy for Muslim men, compared to 52 per cent in the 1624 age bracket; and, while not a few older Muslims think that 'homosexuality is wrong and should be illegal' (50 per cent), even more of the very young think that way (71 per cent). Indeed, as a Financial Times columnist summarised the Policy Exchange findings, '(t)his is the clearest report we yet have from any European country that the rift between Muslims and non-Muslims is deepening, not disappearing' (Caldwell 2007). Since home-grown Islamic terrorism has struck Europe, there has been much debate about a general failure of European societies to successfully integrate their postwar immigrants, especially those of Muslim origin. Unfailingly, this debate is conducted in terms of a presumed failure of states to integrate immigrants, with the 454 C. Joppke Downloaded by [] at 14:15 26 July 2015 reverse hope that, by means of revamped integration policies, states will eventually resolve the problem. Rarely is the question of the limits of state policy posed. But one should at least consider that one of the most successful immigrant societies in the world, the United States, has integrated her immigrants, at least in the past halfcentury, without any explicit state policy, relying instead on flexible markets and the fabled assimilatory powers of American mass culture. Even if one brushes this aside as American exceptionalism, putting high hopes on the state is still strangely countertide. For example, consider the retreat of the state on so many policy fronts, from economic to welfare policy; and, not even to mention the 'state-as-diminished-byglobalisation' mantra, consider the polycentric nature of functionally differentiated societies, which have 'neither peak nor centre' (Luhmann 1986: 16782), so that the entire idea of state-led integration appears misguided from the start. The question of the limits of integration policy is obvious but rarely posed. Britain is a particularly interesting case in this respect. This is because the British case shows a puzzling disjunction between an apparently ill-adapted and dissatisfied Muslim minority and a rather accommodative state policy, which has rarely been far from what organised Muslims want the state to do. Formulated as a counter-factual, if you look for a place in Europe where you would not expect Muslim integration to pose a particular problem, you would expect this place to be Britain. Of all European societies, Britain has perhaps gone the furthest in accommodating her ethnic minorities by means of explicit state policy, Muslims included. Britain was the first European country to devise remedial 'race relations' policies for her immigrants, whose logic of combating not just personal insult and injury but structural exclusions in key societal sectors became the European mainstream only 40 years later. This first and paradigm-setting anti-discrimination policy in Europe was framed within a consensual view of Britain as a multicultural society, where 'diversity' was extolled as a virtue long before this happened elsewhere.

discourse of islamophobia is totalizing and stigmatizing – ignores alt causes

Joppke, 2009, [German political sociologist, Professor and chair in General Sociology at the University of Bern, Switzerland]

(Christian, Feb 16, "Limits of Integration Policy: Britain and her Muslims" Journal of Ethnic and Migration Studies: Vol. 35, No. 3, March 2009, pp. 453-472 Taylor and Francis)

The Runnymede report defines Islamophobia as certain 'closed' views of Islam, which are distinguished from 'open views' in terms of eight binary oppositions, such as 'monolithic/diverse', 'separate/interacting', or 'inferior/different' (the first adjective always marking a 'closed', the second an 'open' view). This makes for an elastic definition of Islamophobia, with little that could not be packed into it. Consider the eighth binary opposition, 'Criticism of West rejected/considered'. If 'criticisms made by Islam of "The West" (are) rejected out of hand', there is an instance of Islamophobia, the non-biased attitude being that 'criticisms of "the West" and other cultures are considered and debated'. Is it reasonable to assume that people enter debate by putting their point of view to disposition? Under such demanding standards, only an advocate of Habermasian communicative rationality would go free of the charge of Islamophobia. However, the real problem is to leave unquestioned the exit position, 'criticism of the West'. In being sweeping and undifferentiated, such a stance seems to be no less phobic than the incriminated opposite. If the point of the Runnymede report is to 'counter Islamophobic assumptions that Islam is a single 456

C. Joppke Downloaded by [] at 14:15 26 July 2015 monolithic system', it seems inconsistent to take for granted a similarly monolithic 'criticism of "the West"', which the 'West' is asked to 'consider and debate'. There is a double standard here, in that 'the West' is asked to swallow what on the other side would qualify as phobia. Moreover, if in terms of the lead binary opposition, 'monolithic' versus 'diverse', a 'closed' and thus Islamophobic view of the Islam is to consider the Islam 'as a single monolithic bloc, static and unresponsive to new realities', one has to retort that this is precisely the view of Islam that Jytte Klausen (2005) found dominant among the British Muslim elite. In her study, 71.4 per cent of her interviewees espoused a 'neoorthodox' view of integration, according to which 'the basic tenets of Islam are not for "modification"' and 'Islam is what it is', so that the idea of a 'Westernised', British or European Islam is rejected out of hand (Klausen 2005: 100). As the very notion of Islamophobia suggests, the 'trouble with the idea is that it confuses hatred of, and discrimination against Muslims on the one hand with criticism of Islam on the other' (Malik 2005). Tellingly, the first six of Runnymede's Islamophobia-defining stances denote 'wrong' attitudes toward Islam as belief system, while only the last two address discrimination against people. Accordingly, the notion has been attacked for stifling free speech and 'end(ing) up defending the nastiest and most right-wing part of the Muslim community' (Hari 2006). In the wake of the Danish Cartoon Affair, where such risks were promptly apparent, a group of 12 prominent writers*mostly liberal Muslim intellectuals, including Salman Rushdie* consequently declared that 'Islamophobia' is 'a wretched concept that confuses criticism of Islam as a religion and stigmatisation of those who believe in it'.

Unsurprisingly, on the basis of a vaguely and contestably defined Islamophobia, the Runnymede report drew a dark picture of British society as permeated by anti-Islamic and anti-Muslim sentiment, expressed in misrepresentations in the media and in everyday life no less than in hate crimes and discrimination in employment and schooling. Once the concept was there, there had to be a reality described by it. Of course, the purported causality is the reverse: '(A)nti-Muslim prejudice has grown so considerably and so rapidly in recent years that a new item in the vocabulary is needed so that it can be identified and acted against' (Commission on British Muslims and Islamophobia 1997: 1). In fact, the true success of the report was to introduce the word 'Islamophobia' into the public vocabulary, and even outside Britain it 'has become a popular summary explanation for the difficulties that Muslims face' (Klausen 2005: 58). Assuming, for the sake of argument, that Britain was Islamophobic when the concept was launched in the mid-1990s, what has been the development since? A good measure is the follow-up report by the Runnymede's Commission on British Muslims and Islamophobia, *Islamophobia: Issues, Challenges and Action* (2004). The report comes to optimistic conclusions, at least with respect to measures that fall within the ambit of state policy. If one considers only non-EU domestic measures, a new question on religion was included in the 2001 census after 'much lobbying' by Muslim organisations (Commission on British Muslims and Islamophobia 2004: 75). *Journal of Ethnic and Migration Studies* 457 Downloaded by [] at 14:15 26 July 2015 This allows for monitoring by religion analogous to already existing ethnic monitoring. Secondly, a 2001 amendment to the 1998 Crime and Disorder Act created the new legal term of 'religiously aggravated' offence, thus adding 'religious' to already existing protection from 'racially' motivated offences. This was complemented, two years after the publication of Runnymede's 2004 progress report, by the 2006 Racial and Religious Hatred Act, which extended the 1986 Public Order Act to create a new offence of incitement to religious hatred. Whereas the 2001 amendment of the Crime and Disorder Act had outlawed direct acts of offending or harassing Muslims, the new law added to this the incitement of others to do so. There was, again, logic to this extension, because Jews and Sikhs were already protected via 'race'. However, the 2006 Racial and Religious Hatred Act became widely criticised, especially by writers, intellectuals and entertainers, as injurious to free speech. The government pointed out that the law was 'about protecting people, not faiths', and that this was not a 'new blasphemy law'.² As in the entire campaign against Islamophobia, the line distinguishing between people and their beliefs is nevertheless unclear. Moreover, as one critic pointed out, the analogy between race and religion does not really work: 'There is no possible rational objection to blackness. There are many possible rational objections to religion ... and some of the greatest thinkers in modern history have held them' (Garton Ash 2005). Multiply withdrawn and re-introduced, and eventually realised only in a watered-down version,³ the 2006 Act was the Labour government's attempt to reconcile the unison opposition by British Muslims to the war on Iraq, by 'trying to deliver an agenda that has shown consideration and respect for Muslims'.⁴ Taking effect not long after the so-called Danish Cartoon Affair of Autumn 2005, the Act could not be tested for its claimed irrelevance for free speech: in an astounding act of self-censorship, all major British newspapers refused to reprint the incriminated cartoons. For Tariq Modood (2006: 3) this 'restraint in the uses of freedom directed against religious people' epitomised 'some progress (in Britain) since the Satanic Verses affair'. Not even including this latest legislative advance, the Runnymede's 2004 'review of progress', much of it achieved at the presumed height of Islamophobia after 9/11, is impressive. While the Muslim Council of Britain lamented that the 'government has done little to ... protect its Muslim citizens and residents from discrimination, vilification, harassment and deprivation' (Commission on British Muslims and Islamophobia 2004: 3), in reality perhaps no European government has gone further than the British in protecting Muslims from these vices. And Muslims have clout in Britain. For instance, the domestic incorporation of the EU Employment Directive in December 2003 went along with a stunning victory of the Muslim lobby over gay rights, no small feat in the land of Virginia Wolf and Oscar Wilde. At the behest of the Muslim lobby, the 2003 UK Employment Equality (Sexual Orientation) regulations, which implement the sex-related part of the EU Employment Directive, contain a clause that allows religious organisations to refuse employment to a known homosexual, if such refusal is in line with religious script. As the Times 458 C. Joppke Downloaded by [] at 14:15 26 July 2015 commented, 'Gay rights campaigners have been snubbed by the government for fear of upsetting Muslim voters who are regarded as more important to Labour's election campaign' (quoted in Klausen 2005: 74). The Causes of Disadvantage The notion of Islamophobia cannot be meaningfully decoupled from an actor's intent to harm or discriminate. A phobia, after all, is an irrational fear: this can only be the disposition of an actor. Islamophobia inherits this limitation from its

closest historical progenitor, 'anti-Semitism'. However, in its subject-centredness Islamophobia falls short of the model that it aspires to emulate, 'racism', which has increasingly come to denote an objective fact built into the anonymous workings of institutions. This weakness might well have been strength, because there are good reasons to be sceptical of the construct of 'institutional racism' in which 'racism' is an objective outcome separate from actors' intentions. Unfortunately, the advocates of the concept of Islamophobia are generally not fond of conceptual subtleties, applying the latter, like 'racism', to generic discrimination that afflicts Muslims qua Muslims. Accordingly, the Commission on British Muslims and Islamophobia suggested the existence of 'institutional Islamophobia', analogous to the notion of institutional racism, defining the former as 'those established laws, customs and practices which systematically reflect and produce inequalities in society between Muslims and non-Muslims' (2004: 14). However, considering only the key sector of employment, it is difficult to argue that Muslims are systematically discriminated against and disadvantaged because they are Muslims. One study found that only 26 per cent of Pakistanis and 23 per cent of Bangladeshis had full-time work in 1994,5 which are the lowest rates of all ethnic groups in Britain (Brown 2000). However, at the same time, 41 per cent of Indian Muslims had full-time work. Factoring in similarly good showings by Middle-Eastern Muslims, one must conclude that being 'Muslim' cannot be the cause of the disadvantage that Pakistanis and Bangladeshis face. Instead, it is more likely that their relative disadvantage is due to a combination of demographic and social-structural factors, such as the relative youth of the Pakistani and Bangladeshi populations, their concentration in economically depressed regions and sectors, and the low skill level and traditionalist profiles of the first immigrant generation (Policy Exchange 2007: 68). Finally, if one considers the particularly low employment level of Muslim women, religion may very well be involved in this*however, as a factor of choice, not of discrimination. 2005 Labour Force Survey figures show that only 23 per cent of Pakistani and Bangladeshi women aged 16-34 actually want to work. Conversely, Muslim women who want to work are relatively successful and thus do not seem to suffer inordinately from discrimination: 25 per cent of Muslim women in employment are working in managerial or professional jobs, which is a higher proportion than Christian women at 21 per cent (Policy Exchange 2007: 69). Journal of Ethnic and Migration Studies 459 Downloaded by [] at 14:15 26 July 2015 When seeking to explain why British Muslims fare worse in socio-economic terms than other ethnic groups, a 'conspiracy of silence' prevents 'honest discussion' of internal cultural factors that may be responsible for this (Lewis 2002: 134). Take the example of Bradford, which has the third-largest Muslim community in Britain after London and Birmingham, and which was one of the sites of the 2001 race riots that led to a massive questioning of British multiculturalism. One authoritative review found Bradford in a 'very worrying drift towards self-segregation', with 'communities ... fragmenting along racial, cultural and faith lines', but where political etiquette and a discourse of victimisation prevented 'talking openly and honestly about problems', lest one risked being labelled 'racist' (Ouseley 2001). In one description in the Yorkshire Post of 22 November 2002, 'Bradford is an Asian city*or, more precisely, a Kashmiri city. Four decades after the first immigrants came here, their families still read newspapers published in Urdu, the conversation around the breakfast table is conducted in Punjabi, the Shalvar kameez is preferred to the suit, purdah is practiced in the majority of homes and the faithful are summoned up to worship...by the cry of the muezzin'. In this 'Asian city', South Asian Muslims further 'self-segregate' around a handful of inner-city wards, which provide all of the city's 13 Muslim councillors (in 2001) and whose schools are up to 90 per cent frequented by Muslim students (Lewis 2002).

****terror da links**

must analyze religious ties to violence before effective policymaking – avoiding discussion yields the reins to radicals

Rubin, 2015 [resident scholar @ AEI, former Pentagon official whose major research areas are the Middle East, Turkey, Iran and diplomacy]

(Michael, Feb 12, "Countering violent extremism? 'It's the theology, stupid"

<https://www.aei.org/publication/countering-violent-extremism-its-the-theology-stupid/>)

Unfortunately, Obama's efforts will fail before they begin, sacrificed upon the altar of political correctness and a diplomatic desire not to offend. Obama seems more concerned with protecting the sensitivities of Islamists than he does the lives of their victims. He walks on eggshells to avoid singling out Islam, and so uses the euphemism "violent extremism." That condemns any resulting policy to failure: To discuss violent extremism but refuse to define what it means is the equivalent of hosting a conference to cure cancer, but barring any mention of cancer or discussion of tumors or metastases. **The sacrifice of precision and reality to wordplay and diplomacy has long undercut the international fight against terrorism. In 1988, Western countries used more than 100 different definitions of terrorism; a quarter-century later, they used 250 different definitions. Obama, for his part, has simply sidestepped the issue. His 2011 "National Strategy for Counterterrorism" avoids defining terrorism, even as it defined other terms such as "affiliates" and "adherents." In 1988, Western countries used more than 100 different definitions of terrorism; a quarter-century later, they used 250 different definitions.** That won't stop other countries from condemning terrorism. That part is easy, but most states take an à la carte approach: All terrorism is bad unless it happens to be for a cause with which they agree. Hence, Turkey considers the Kurdistan Workers Party (PKK) a terrorist group, yet sees no irony in supporting Hamas, even as that group launches rockets indiscriminately at Israeli towns and bombs civilian buses in pursuit of a genocidal platform outlined in its charter. Likewise, the Islamic Republic of Iran condemns as a terrorist group the Mujahedin al-Khalq, a cult blending Islamic and Marxist influences which has many followers in Europe and America, yet blesses Hezbollah as a "resistance organization." Even with regard to al Qaeda, whose defeat the 2011 Counterterrorism Strategy declared its main goal, however, political correctness and a desire to avoid offense have tied America's hands. **There can be no groups that more represent "violent extremism" than al Qaeda and the Islamic State.** Yet the **White House** consistently **refuses to acknowledge the theological basis of the actions** of either. Instead, it insists (without evidence) that al Qaeda's ideology "has been rejected repeatedly and unequivocally by peoples of all faiths around the world." Likewise, on September 10, 2014, Obama declared, "ISIL [The Islamic State of Iraq and the Levant] is not 'Islamic,'" and added, "No religion condones the killing of innocents, and the vast majority of ISIL's victims have been Muslim." **The mantra that terrorism has nothing to do with Islam**, or at least "legitimate" Islam, might reassure the sensitivities of the 57-member Organization of Islamic Cooperation, but **it is a counterfactual refrain**. Woven into the Islamic State's videos are Koranic recitations and theological incantations. Two verses of the Koran bless beheading, and the Islamic State justified the burning alive of Jordanian pilot Moath al-Kasabeh with a citation from Ibn Taymiyyah, the early 14th-century scholar from whose exegesis most Sunni Islamic radicalism springs today. In Obama's latest National Security Strategy, unveiled on February 6, 2015, the White House declared, "We reject the lie that America and its allies are at war with Islam." That is, of course, a straw man argument: beyond the propaganda of al Qaeda and the Islamic State themselves, no one accused the United States of waging war against Islam. In the conflicts in both Afghanistan and Iraq, the United States worked directly in concert with multiple majority-Muslim states: Qatar hosted US Central Command's forward operating base; Bahrain is home to the US Fifth Fleet; Kuwait hosts Camp Arifjan, a logistics base and transit hub used in the Iraq and Afghanistan campaigns; and Oman allowed US forces to launch airstrikes from its territory. Meanwhile, Jordan helped train the new Iraqi army, and other majority-Muslim countries like Albania, Azerbaijan, Bosnia, and Kazakhstan also participated in Operation Iraqi Freedom. Jordan and the United Arab Emirates both sent contingents to Afghanistan. Multiple Arab allies participated in air strikes against the Islamic State. If that represents a war against Islam, someone forgot to tell Muslims. Beyond the propaganda of al Qaeda and the Islamic State themselves, no one accused the United States of waging war against Islam. **Subordinating the Islamic basis for "violent extremism" to diplomatic sensitivity leads not to solutions but rather to the ridiculous.** Take the Taliban: In 1997, John Holzman, then the number two American diplomat in Pakistan, sent a secret cable to Washington suggesting that the best way to moderate the Taliban would be to encourage dialogue between the Taliban and Saudi Arabia, never mind that Saudi Arabia was one of the prime enablers of al Qaeda; the State Department rewarded him with an ambassadorship. Art therapy in Saudi Arabia — this decade's magic solution — is about as wise and effective. Back to the Summit on Countering Violent Extremism: **By performing intellectual somersaults to deny the theological basis and justification of Islamist terrorism today, and by ignoring the need to engage**

in a battle of interpretation within Islam, at best, the White House initiative will be ineffective. At worst, it will provide cover for extremism. There is precedent: In 2012, Obama formed a “Global Counter Terrorism Forum” but then acquiesced to Arab and Turkish demands that he exclude Israel. Just as Mary Robinson, then the UN High Commissioner for Human Rights, transformed her “World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance” into a platform celebrating racism, racial discrimination, anti-Semitism, and terrorism, so too did Obama transform a counterterrorism forum into a celebration of those states most responsible for Islamist terror. Turkey, as mentioned, openly supports Hamas, and has covertly aided the most extreme elements in Syria. The Organization of Islamic Cooperation, for its part, has focused its energy more on efforts to ban discussion of extremist Islam than it has on addressing the cancer of radicalism and the battle of interpretation within Islam. Qatar, Saudi Arabia, and other Gulf states continue to teach Ibn Taymiyyah in secondary school curriculums. While it is true that extremism exists outside of Islam, the world is not confronted by Jewish and Christian radicals beheading journalists, immolating prisoners on camera, kidnapping hundreds of school girls, or enslaving religious minorities. Even if there are exceptions to the rule, these do not provide reason to sidestep discussion of theology. Should the United States join in efforts to counter violent extremism? Absolutely. But leadership means not swapping substantive if difficult discussions for political correctness and photo ops. Countering extremism is vitally important and growing more so every month. The explosion of radicalism and violence should be evidence enough that providing diplomatic cover for radicalism’s enablers rather than addressing controversial topics head-on not only fails but sets the fight back further. It is a lesson Obama would do well to learn.

religion’s influence on squo terrorism makes it UNIQUELY dangerous
Kheiriddin, 2015 [political analyst and president at TJK communications]

(Tasha, Feb 23, "We can't fight terrorism by ignoring religion", ipolitics.ca/2015/02/23/we-cant-fight-islamist-terrorism-by-ignoring-the-role-of-religion/)

They preach the supremacy of the state, declare its omnipotence over individual man and predict its eventual domination of all peoples on the Earth. They are the focus of evil in the modern world.... I urge you to beware the temptation of pride, the temptation of blithely declaring yourselves above it all and label both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call (this conflict) a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil. That was the late U.S. President Ronald Reagan speaking in Florida on March 8, 1983. Reagan was talking about the arms race between the United States and the former Soviet Union, but his argument could apply just as well to the conflict between the West and Islamist terrorists, twenty-two years later. Today, organizations like ISIS, Boko Haram and the Taliban preach the supremacy of the religious state over the secular. The most extreme among them daydream about dominating the planet with a world-wide caliphate. Just as in Reagan’s day, naysayers downplay the conflict between the West and these groups. They blame Westerners for provoking the terrorists’ attacks by fighting their incursions or by publishing “blasphemous” cartoons. And just as in Reagan’s day, those naysayers – including President Barack Obama — are missing the point. In their zeal to be honest brokers, they refuse to admit that Islamist terrorism is Islamist — that the religion plays a role in inspiring this violence, just as political ideology inspired the aspirations of the former USSR and the assorted terror groups it inspired and funded. Without communism, there would have been no Shining Path, no Red Brigades, no Khmer Rouge, no Soviet invasions of Czechoslovakia, Hungary and assorted satellite republics. And without Islam, there would be no al Qaida, no Al-Shabab, no countries ruled by the brutality of Sharia law. Yes, Harper’s response to this threat — the Conservatives’ anti-terror bill C-51 — is overbroad. Yes, the Tories are using terrorism as a political prop. But the reality is that Canada has been attacked by Islamist fanatics twice, and likely will be attacked again. In some respects, the terrorism perpetrated by Islamist fanatics is even more deadly than the violence perpetrated or bankrolled by the former communist superpower and its allies. Islamist terrorists are engaged in a hot war, not a cold one. They base their appeal in faith — an even more potent opiate than ideology, because it holds up the promise of an afterlife. And they are not confined to a specific territory: their operatives live, work and plot in the West itself. This makes them more difficult to combat because they’re here, not “over there”. So when Prime Minister Stephen Harper speaks of the threat of jihadis or radicals in mosques, he is not, as NDP Leader Tom Mulcair claims, fomenting “Islamophobia”. He is acknowledging that the West, Canada included, faces

a real and specific problem — and that we need to acknowledge the role played by religion in inspiring that problem, whether the faith in question has been “perverted” or not. If religious fanatics were plotting in synagogues or churches, the PM would have a responsibility to call that out, too. In the past few decades, Christian fundamentalists have committed attacks, chiefly in the United States. They have mostly killed those they felt acted contrary to their faith, such as abortion providers. But they have not invaded entire countries, flown planes into skyscrapers, raped thousands of women and girls, beheaded hostages and burned them alive. **Islamist terrorism is on an entirely different level.**

****cp working**

nb = terror (or politics I guess, increasing counterterror measures are popular)

as a pic maybe it'd work - lessen muslim profiling but increase strategic terror research vs the broad 1ac people read without defending CVE?

CP text - The United States Federal Government should increase funding to forge a comprehensive plan for research, development, and deployment of technologies to detect, cure, or prevent a biological attack as per our Myhrvold evidence

! to the terror da when reading this cp

terrorists attack and cause extinction – allies and deterrence don't check – timeframe is now **Myhrvold, 2013**, [formerly Chief Technology Officer at Microsoft, co-founder of Intellectual Ventures]

(Nathan P, July, "Strategic Terrorism: A Call to Action"
cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf)

Would They Do It? Would terrorists really try to kill millions, or will they stick to convincing their own youth to blow themselves up in small-scale suicide bombings? Several lines of reasoning suggest that stateless terror groups will acquire and use weapons having high-M impact. Table 2 shows the possible M impact of terrorist weapons. Stateless groups have the same level of ambition as nation-states and ought to be treated as operating on the same footing. Was it rational to worry that the Soviet Union would launch a nuclear war to further their communist hegemony or simply to destroy the United States—or out of fear that we would attack them in this way first? Dealing with those questions consumed \$1 trillion of defense spending and shaped the Cold War. When compared to the Soviets, the risk that al-Qaeda or some future group will use high M-impact weapons seems higher on every level. Their geopolitical goals are more ambitious. The ideology is more extreme. The vulnerability to counterattack or reprisal is low. Terrorists have demonstrated a shocking degree of ruthlessness. Under any rational theory of risk, these foes must be considered likely to act. Plus, it is no secret that the United States aims to exterminate al-Qaeda and similar terrorist groups—and rightly so. With revenge and self-preservation on their minds, our primary adversaries are not likely to show us unnecessary mercy. Additionally, terrorism survives by making a big impact; when the world gets desensitized to car bombs, mass shootings, and beheadings, the temptation to one-up the last attack increases. The belief that terror groups will not use terrible weapons if they get them seems foolish in the extreme. To borrow a phrase from A Streetcar Named Desire, to hold this belief is, in effect, to rely “on the kindness of” terrorists. Any rational analysis must assign a substantial amount of the terror risk to large-scale, highmagnitude events. Yet that is not how our defenses are organized and not how we are spending our resources. Instead, we focus most of our counterterrorism efforts on thwarting small-scale attacks. Tactical vs. Strategic Counterterrorism The enormous range of possible terrorist actions mirrors a situation encountered in modern warfare. Military commanders must confront war at many levels, from hand-to-hand combat to global thermonuclear war. That broad range is difficult to cover with a single organization. The military answer is to split the problem into pieces by both scale and approach. The division by scale is usually phrased as the difference between strategic and tactical. Tactical terrorism is important to fight. We want to keep hijackers off airplanes and suicide bombers out of shopping malls. Referring to such problems as tactical does not suggest they are unimportant. Rather, it highlights the need to make even greater efforts to thwart strategic terrorism. Strategic counterterrorism is another matter altogether. The security forces inside the United States are ill prepared for the threat from terrorists intent on using contagious biological agents or nuclear weapons. By the time such terrorists have arrived at the airport or harbor, they have all but won. Are U.S. authorities doing enough to combat terrorism at the strategic level? The indirect evidence indicates that the answer is most certainly no. Aside from a few inadequate efforts to screen a fraction of ships and aircraft overseas before they depart for American shores, the problem is simply not being managed. By the time such terrorists have arrived at the airport or harbor, they have all but won. Are U.S. authorities doing enough to

combat terrorism at the strategic level? The indirect evidence indicates that the answer is most certainly no. Aside from a few inadequate efforts to screen a fraction of ships and aircraft overseas before they depart for American shores, the problem is simply not being managed. Effective Threat Management A basic principle of management accountability is to ask the following question: Who is the most senior person in the organization whose full-time job is dedicated to function X? So ask, “Who is the most senior government official whose full-time job is defending the United States against strategic terrorism?” In the worst possible case, no single leader is focused solely on this problem. Instead, the people who are focused exclusively on terrorism are relatively low-level government workers employed in different departments and agencies with conflicting missions. Contrast this with our efforts to prevent strategic nuclear war, for which an elaborate and well-defined chain of command exists. We have a comprehensive set of early-warning systems and contingency plans that cover every foreseeable eventuality. An extremely welldefined set of people have full-time jobs preparing for and responding to a strategic nuclear attack. Where are our early warning systems for strategic terrorism? Who is in charge of building them? What is the remedy if an attack takes place? When it comes to devising a response to biological terrorism, who is in charge? Is this an issue for the Centers for Disease Control and Prevention? Or should it be handled by the uniformed Public Health Service? Or is the Department of Homeland Security (DHS) supposed to be organizing hospitals? Currently, token and understaffed efforts are fragmented across dozens of government agencies. The Sleeping Dogs of War To understand the government agencies responsible for defending us against terrorism, we must consider the handful of men that influenced the building of American intelligence and defense institutions—men like Hitler, Tōjō, Stalin, Khrushchev, and Brezhnev. MYHRVOLD 48 | FEATURES PRISM 4, NO. 4 Prior to World War II, the United States turned inward and steadfastly ignored the threats from Germany and Japan. The assault on Pearl Harbor (coupled with dogged scheming by Franklin Delano Roosevelt egged on by Winston Churchill) persuaded America to confront the threat from Japan and Germany. In a very real sense, Tōjō and Hitler were, in effect, the fathers of the modern American defense establishment. Stalin took over where Hitler and Tōjō left off and launched us into the Cold War. This was a long and tiring struggle. If at any point American interest or determination flagged, Khrushchev was there to bang his shoe on the table to get our attention. Following the dissolution of the Soviet Union in 1991, no adversary has so dominated our attention. Inertia and the absence of a compelling threat have kept the large bureaucracies in the defense establishment doing largely what they had done before. The 9/11 attacks and subsequent military operations in Afghanistan and Iraq have brought some changes. But the vast machinery of the Cold War, built up over five decades, has yet to retool. If our future threats were the same as those of the past, we could stay this course. Unfortunately, there is every reason to believe that the most significant dangers we will face will be completely new. The precautions we take must be novel as well. The steps necessary to prevent nuclear and biological terrorism are qualitatively different from those needed to plug the holes that allowed 9/11 to happen. Yet our military forces and government agencies seem not to recognize this difference. Nearly all personnel and resources are focused on the immediate problems posed by tactical issues in Afghanistan and by low-level terrorism directed at the United States. The Long View, Backward and Forward Your car has a very large windshield, through which you can see the road ahead, but only a few small mirrors to view what is coming up behind. That’s because the threat is largely from the front, the direction in which you are moving. A bureaucracy (particularly one that exists within a democracy) has the opposite arrangement: an enormous rearview mirror and just a tiny peephole facing forward. The structures and mandates of bureaucracies are based on what has already happened, not what will happen. They cite history to justify their operations. Actions based on a view into the future are speculative and open to criticism, especially when the problems of the present loom large. The only force with a proven ability to shake the complacency inherent in bureaucracies is a determined adversary that persistently and openly fights or antagonizes us. For much of the last decade, both we and al-Qaeda have been distracted by Iraq and Afghanistan. For al-Qaeda, attacks in Afghanistan are cheaper and easier to mount than direct operations against the United States. Attacking the U.S. mainland now would only antagonize the American public and recommit us to the war on terrorism. Eventually this strategic calculus will change. Whether it changes tomorrow or in 2033, it is hard to believe that another major attack won’t occur within a generation. If the next major incident is “only” a 9/11-scale (M3.5 attack) it will be traumatic, but our society will survive largely intact. The problem is that we are not apt to be that lucky. The clear pattern of al-Qaeda—from Somalia, to Khobar Towers, to the African embassy bombings, to the U.S.S. Cole, to the STRATEGIC TERRORISM PRISM 4, NO. 4 FEATURES | 49 World Trade Center and the Pentagon—is one of infrequent attacks which escalate in severity. The next one could be an M5.0 or M6.0 nuclear or biological event. Waiting until it occurs to begin our preparations is utterly irresponsible, but that is just what we’re doing. Meanwhile, we are only beginning to look beyond al-Qaeda to the groups that will succeed this faltering foe. This is alarming when one considers that 20 years ago, neither al-Qaeda nor any other radical Islamic organization were on anybody’s list of major threats to U.S. security. Twenty years from now, new terrorist groups and causes will exist. Radical Islam is likely to remain a concern in 2033, but it won’t be the only one. Some of today’s players will leave the international arena, and new ones will enter. But strategic terrorism is here to stay. It is crucial that we realize that the fundamental problem is not limited to a specific organization like al-Qaeda or to a specific ideology like radical Islam. Bin Laden is dead and gone, yet this general threat persists. Just as managing nuclear weapons became a permanent part of the world order after World War II, combating strategic terrorism must become a permanent part of ensuring global security today. This challenge demands dramatic shifts in American defense and foreign policy. It isn’t a temporary crisis. It requires a fundamental and long-lasting adjustment to the new state of affairs. The investment needed is similar in scale to that spent during the Cold War—hundreds of billions of dollars. This doesn’t mean a Cold War revival. The Cold War was about building a deterrent—implementing the strategy of mutually assured destruction for any party foolish enough to initiate nuclear hostilities. It was relatively straightforward: create a defensive deterrent by building ever more

terrible offensive weapons in multiple redundant systems. The war on terror is fundamentally different. We cannot win by developing more powerful offensive weapons than our adversaries. Deterrence of the old sort simply does not work.

scientists and tech are ready – cp resolves governmental indifference to countering strategic terror

Myhrvold, 2013, [formerly Chief Technology Officer at Microsoft, co-founder of Intellectual Ventures]

(Nathan P, July, "Strategic Terrorism: A Call to Action"
cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf)

The Research Challenge In most wars, scientific research is a secondary activity rather than a frontline effort. This approach is emphatically not appropriate in the struggle against strategic terrorism, a primarily technological and scientific battle. For more than two decades, we have allowed an unprecedented explosion of work in molecular biology to occur without providing substantial STRATEGIC TERRORISM PRISM 4, NO. 4 FEATURES | 51 funding for understanding and preventing the misuse of this knowledge. Scientists routinely publish results that either implicitly or, in many cases, explicitly contain recipes for mayhem. Yet, no funding agency has devoted substantial resources to understanding these threats in detail or to developing countermeasures against them. Ironically, this sort of research is precisely the kind at which our society excels. But developing solutions will be impossible if we don't identify the problems and do the work. As it stands, we do neither. The reason is simple enough—little, if any, funding is available for countermeasures research. The National Institutes of Health (NIH), the National Science Foundation, and other government grant-making agencies provide research funding in biology and medicine to combat natural scourges, but not bioterrorism. Why? Because plenty of here-and-now diseases, such as cancer, diabetes, and AIDS, are vying for their attention. Spending money to fight speculative future threats is far more risky and, hence, is rarely done. The only way to change this situation is to forge a comprehensive plan for research, development, and deployment of technologies to detect, cure, or prevent a biological attack. In addition to creating counterterrorism strategies, a well-funded research initiative to develop bioterrorism defenses would give an enormous boost to biomedical research in some areas that may ultimately prove just as useful. At the moment, all of humanity is susceptible to natural infections that are very similar in some ways to those that might be unleashed during an act of bioterrorism: a novel strain of pandemic influenza or an emergent pathogen such as the one that causes SARS. Counter-bioterrorism research could lead to broad-spectrum antiviral drugs and vaccines or to monitoring systems for detecting outbreaks early. We could expect enormous dividends from this research in areas well outside of bioterrorism defense itself. Scientists will rise to this challenge if given adequate resources—indeed the United States excels at such scientific and technological research. Still, considerable patience will be required: countering strategic terrorism isn't a single, isolated problem. Instead, it is hundreds of disparate problems. However, the situation is not hopeless. The R&D capabilities of the United States are still unmatched in the world. A full description of the research agenda is beyond the scope of this treatment, but it could be put together in short order. The Intelligence Challenge Preventing nuclear war and fighting common crime are similar in some ways. Both efforts typically exploit the principle of deterrence by inflicting punishment after the fact. This approach works well when the deterrence is real—when it is clear that the probability of punishment or retaliation is high. With strategic terrorism, we already know we cannot retaliate effectively. Besides deterrence, the other main approach to security is guarding: preventing crime by having forces on the scene that stop criminals or attackers in their tracks. Guarding is used quite a bit in counterterrorism—air marshals on flights, security screeners in airports, and bomb-sniffing dogs at large events. Guarding does not prevent strategic terrorism. If the goal of a terrorist is to spread an infectious disease in the United States, it is simple to put a few infected volunteers on a plane headed into our country. It MYHRVOLD 52 | FEATURES PRISM 4, no. 4 would be difficult for security to notice anything amiss. The terrorists wouldn't be obviously sick or carrying suspicious items. Even if a way existed to detect such attackers, by the time someone found them in the United States, it would already be too late. Even with nuclear, chemical, or noncontagious bio warfare, guarding the country is of limited use. Intercepting a nuclear bomb in a shipping container works only if you stop it in a place you don't mind losing if the weapon detonates. Having a nuclear bomb explode in a Port Authority facility in New Jersey may be marginally better than having it explode in midtown Manhattan, but it would be a

Pyrrhic victory. The need to battle strategic terrorists preemptively sets the bar for 21st-century intelligence services: they must provide information of sufficient quality and timeliness to enable policy makers to decide whether or not to act. The intelligence community needs a complete bottom-up review to determine whether its structure and methodologies match present and future needs. The new approach will require large and unpopular budget increases. Existing program budgets will need to be redistributed. Congress will vigorously defend current projects affecting their constituents and contractors will howl. Action is nevertheless imperative. The Military Challenge Gathering intelligence is only the first step. The second is what to do with it when it indicates a threat. What is the threshold for action? What sort of team do you send in? What are CBP officer with his explosive detection dog clears vehicles entering the Super Bowl area. Gerald Nino STRATEGIC TERRORISM PRISM 4, NO. 4 FEATURES | 53 terrorism are treated as criminal activities and are left to local SWAT teams or the FBI. It is unrealistic to expect such forces to have the training and expertise to deal with strategic threats. Instead, we need a nationally trained and nationally funded force, even more developed than the FBI's WMD Directorate and Critical Incident Response Group (CIRG). Strategic terrorism spans a wide range of possibilities from a criminal act by one or a small number of people to an all-out invasion. Our military must be prepared to handle the full range of possibilities, domestically and internationally. The Domestic-Policy Challenge American jurisprudence is firmly grounded in the sentiment expressed by Sir William Blackstone, an 18th-century jurist: "it is better that ten guilty persons escape than that one innocent suffer." Thus, there will be a seemingly insurmountable clash between the American tradition of liberal freedoms for its citizens and the extreme circumstances of strategic terrorism. There is substantial logic to the idea that trampling the rights of millions of citizens is, in aggregate, worse than letting a small number of criminals escape justice. The implicit calculus of harm is that whatever havoc a guilty party may wreak is less odious to society than the damage that may be caused by prosecuting the innocent or abridging their rights through unreasonable search and seizure or other police behavior. When the Founding Fathers established the Constitution and the Bill of Rights, constraining the power of the state was a radical, untested, and unprecedented experiment. Liberal protection of human rights, pioneered on a large scale first in the United States and the risks of collateral damage? What if we're wrong? The primary military challenge is to develop enough depth and breadth of new forms of special operations to give decisionmakers an appropriate set of options. Taking out a terrorist camp that is building a nuclear weapon or brewing up smallpox is a very specific challenge. What if that camp is in a city? What if it is in an American city? First, we need to develop new weapons. For example, our military lacks practical weapons that can destroy a bioweapons facility in a way that guarantees the contents are sterilized. The so-called "surgical" air strikes of the past have improved greatly but a tremendous amount of collateral damage still occurs. Weapon systems must be rethought and optimized for a wide range of special operations, from small-scale covert action to large-scale efforts such as the current one in Afghanistan. The U.S. military also needs to retool its organization. Troops involved in special operations—Rangers, Green Berets, Delta Force members, and so forth—have been treated as adjuncts to the "real" forces. This is a World War II mindset and is unlikely to be useful. Instead, attacks will often use special-operations units without involving conventional forces. The years since 9/11 have seen an increase in the size and importance of special operations, but this increase appears to be a small down payment on the capabilities the future will demand. It may even make sense to unify all special operations under a separate branch of the armed services, one more on par with the Army, Navy, Marines, and Air Force than today's Special Operations Command (SOCOM). The reach of military operations inside the United States must also change. Most acts of MYHRVOLD 54 | FEATURES PRISM 4, NO. 4 then exported to Europe and other developed nations, has been a great success. Indeed, the project has expanded substantially. The actions of the U.S. Congress in writing new laws, of the courts in interpreting the Constitution, and of advocacy groups such as the American Civil Liberties Union and a very active criminal-defense bar have expanded the civil rights of Americans. Indeed, the number of rights and privileges enjoyed by Americans has steadily increased over time. This entire endeavor is, however, called into question by the nature of strategic terrorism, whose potential for harm is enormous enough to demand a reexamination of the quantitative bargain. We need to ask, "Is the cost to society in lives really worth more than the cost of constraints on civil liberties?" Sir Blackstone's trade-off implicitly assumes that the harm done by causing one innocent man to suffer is worse than whatever harm the ten guilty men may do with their freedom. Is he still correct if one of those ten guilty men is a strategic terrorist who could kill millions of innocent Americans?

at aff answers

squo doesn't solve

Myhrvold, 2013, [formerly Chief Technology Officer at Microsoft, co-founder of Intellectual Ventures]

(Nathan P, July, "Strategic Terrorism: A Call to Action"
cco.dodlive.mil/files/2014/04/Strategic_Terrorism_corrected_II.pdf)

The 9/11 attacks and subsequent military operations in Afghanistan and Iraq have brought some changes. But the vast machinery of the Cold War, built up over five decades, has yet to retool. If our future threats were the same as those of the past, we could stay this course. Unfortunately, there is every reason to believe that the most significant dangers we will face will be completely

new. The precautions we take must be novel as well. The steps necessary to prevent nuclear and biological terrorism are qualitatively different from those needed to plug the holes that allowed 9/11 to happen. Yet our military forces and government agencies seem not to recognize this difference. Nearly all personnel and resources are focused on the immediate problems posed by tactical issues in Afghanistan and by low-level terrorism directed at the United States. The Long View, Backward and Forward Your car has a very large windshield, through which you can see the road ahead, but only a few small mirrors to view what is coming up behind. That's because the threat is largely from the front, the direction in which you are moving. A bureaucracy (particularly one that exists within a democracy) has the opposite arrangement: an enormous rearview mirror and just a tiny peephole facing forward. The structures and mandates of bureaucracies are based on what has already happened, not what will happen. They cite history to justify their operations. Actions based on a view into the future are speculative and open to criticism, especially when the problems of the present loom large. The only force with a proven ability to shake the complacency inherent in bureaucracies is a determined adversary that persistently and openly fights or antagonizes us.

at not qualled:

myhrvold was reviewed by a security expert AND tons of experts agree—we don't hear about them because they have no significant role in the gov – the cp changes that

Harris, 2013, [senior staff writer at Foreign Policy, covering intelligence and cyber security]

(Shane, Sept 18, "Meet the Microsoft Billionaire Who's Trying to Reboot US Counterterrorism", foreignpolicy.com/2013/09/18/meet-the-microsoft-billionaire-whos-trying-to-reboot-u-s-counterterrorism/

Add to Nathan Myhrvold's already eclectic résumé — which includes ex-chief technology officer of Microsoft, co-founder of one of the world's largest patent-holding firms, and author of a \$625 cookbook — a new credit: terrorism expert. Myhrvold, a famous autodidact, recently published a 33-page paper that he rousingly calls, "Strategic Terrorism: A Call to Action." The core of his argument is easy enough to understand, and probably true: The United States is more focused on stopping a guy who blows up an airplane and kills 300 people than on a guy who intentionally spreads smallpox and kills 300,000. "In my estimation, the U.S. government, although well-meaning, is unable to protect us from the greatest threats we face," Myhrvold writes. "[M]odern technology can provide small groups of people with much greater lethality than ever before. We now have to worry that private parties might gain access to weapons that are as destructive as — or possibly even more destructive than — those held by any nation-state." Myhrvold to Washington: National security ... you're doin' it wrong. The paper is accessible to a layman, which is what Myhrvold was when he started thinking about the strategic aspects of terrorism not long after the 9/11 attacks. He wrote the piece in his spare time — apparently he does have some — and it was mostly finished in 2006. Myhrvold had no intention of publishing it until recently, when he met Benjamin Wittes, the editor of the influential national security and legal site Lawfare. Wittes thought that parts of the paper accurately described the threat posed by small actors with big weapons, and he decided that Myhrvold's analysis deserved a wider audience. Lawfare published the paper in July. Since then, the document has made the rounds. It has been

discussed in military and intelligence circles. Law professors are reading it and talking about it at symposia. Members of Congress and their staffs have reviewed Myhrvold's findings. Chances are that if you ask a national security expert, he either has read the paper or will tell you he plans to right away. As these kinds of things go in wonkland, Myhrvold's paper has buzz. And last week, Myhrvold started making the rounds too. He was in Washington meeting with senior officials in the intelligence agencies and committee members and staff on Capitol Hill. He was hesitant to tell Foreign Policy, when we sat down for a chat, precisely whom he has been talking to. But he was clear that it was a large number. And they weren't all meetings that Myhrvold had set up. A lot of people in government were calling him, asking if he'd stop by to talk about the paper and how he thinks the United States could improve its security policy. This is all profoundly strange. Not strange that Myhrvold — who is probably best known for talking about pistachio ice cream on The Colbert Report and for an unflattering profile of his company that aired on This American Life — would be chatting up spooks and congressional committee chiefs about his views. Washington is full of rich and important guys pushing their passion projects, and Myhrvold is a very rich and important guy. What's strange is that so many in the national security establishment are apparently surprised, even unnerved, by Myhrvold's findings. As Myhrvold will be the first to tell you, the paper contains few new insights or warnings about how terrorists could use a biological weapon to kill millions of people. And it's central "call to action," for the United States to shore up its woefully weak defenses against such an attack, have echoed around Washington in the 12 years since the 9/11 attacks. A lot of people with more official expertise on terrorism have already written these warnings. They show up repeatedly in the 9/11 Commission report. There are books on the subject. The Homeland Security Department was established in part to defend against this stuff. The enthusiastic reception that Myhrvold is getting in Washington is a measure of how much this town seems to have forgotten about potentially catastrophic terrorism — and specifically about what security experts call "low-probability, high-impact" events like turning a virus into a weapon or detonating a small nuclear bomb. "Big things actually matter a ridiculous amount, even if they're not probable," Myhrvold told Foreign Policy. He points out that a bioterrorist attack is at least as likely as, and probably more likely than, a nuclear weapons strike was by the Soviet Union during the Cold War. The United States devoted enormous resources and manpower to managing that threat — and it still does — and there is nothing comparable to preventing bioterrorism. Myhrvold says that not everyone he talks to is surprised by what he wrote. (And it should be said that the paper is well written, concise, and thoughtful, which helps explain why it's catching on.) But when he does find out that an agency or department has a resident expert on bioterrorism or portable nukes, that expert is not working in the front office. He's not part of the strategic discussion. Myhrvold's broad complaint is that there's no one person in charge of thinking about those unlikely but potentially awful doomsday scenarios. It's perhaps discouraging but not that surprising that it takes a relatively famous outsider to focus the mind on what countless white papers and task force reports have been saying for more than a decade.

Islamophobia DDI

Global-Local K

1NC

Islamophobia is engrained within American culture. Changing government policies is ineffective, can't lead to broader change, and only serves to distance Americans from their own Islamophobia.

Sheehi 11 (Stephen, March 9, 2011. "Don't Blame the Kingdom for Islamophobia, Blame the Kingdom." Shehi is a professor of Middle East studies at the College of William and Mary. <http://www.jadaliyya.com/pages/index/840/dont-blame-the-king-for-islamophobia-blame-the-kin> // EMS).

To approach the current hearings on "radicalization" of American Muslims along partisan boundaries is to deflect from the depths to which Islamophobia is engrained within American political culture. That Geller had to "beg" to be included in the CPAC convention and attack paleo-conservatives such as Grover Norquist suggest that the Republican Party realizes the liability of the visibility of Tea Bag xenophobia.¶ **Blaming opportunistic and predatory Islamophobes is a convenient means to distance the American mainstream from their own Islamophobia.** King's hearings are dangerous not for their demonizing of Muslims but because they further mainstream these predators and offer them a prominent political platform and the credibility that comes with it.¶ However, the difference between good ole' fashioned Muslim and Arab hating and **Islamophobia** as a mass cultural phenomenon is that the latter **is a fully fledged ideological component of American culture that has flowered since the end of the Cold War to accommodate US power in a unipolar world.** Consequently, **Islamophobia permeates all spectra of American culture.** Juan Williams' honesty that Muslims make him nervous, Howard Dean accusing Islam of being "stuck in the 12th century," and Obama's clear distaste for the "wisdom" of Park 51 mosque show how Democrats share their counterparts' suspicion of Muslims.¶ **In the media, discussion of Muslims and Islam is, at best, infused with the Good Muslim-Bad Muslim dichotomy that poses patriotic loyalty against religious identity.** While highlighting the psychological instability of white terrorists and ignoring the white supremacy beliefs of anti-government militias, cable news obsesses over "home grown terrorism," perpetuating the stereotype of the "Muslim threat" and, therefore, legitimizing it as a valid analytical topic.¶ **Islamophobia is not only a set of misrepresentations, misunderstandings and intolerance by overt racists and the religiously bigoted. It is a culture formation that has been activated for ideological reasons. As such, the shared Islamophobia of both parties translates into very real effects for Muslims.** For example, municipal police hire Islamophobe charlatans to train them to identify home grown threats using outlandishly racist anti-Muslim literature. As a consequence, not only do police profile and target anyone who might look like their version of a Muslim but they under report hate crimes against Muslim and Arab Americans.

The 1AC is an act of world ordering – images of disempowering structures produce a vision of the world that negates activism at the level of the self. The I-In-Relationship is a necessary starting point for changing larger structures

Jayan **Nayar**, Law—University of Warwick, 1999 "SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity," 9 Transnat'l L. & Contemp. Probs. 599

Despite the fixation of the beneficiaries of ordered worlds, even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist. Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. 51 **"We" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off**

worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand. I suggest that we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized. And so, what might I contribute to the present collective exercise toward a futuristic imaging of human possibilities? I am unsure. It is only from my view of the "world," after all, that I can project my visions. These visions do not go so far as to visualize any "world" in its totality; they are uncertain even with regard to worlds closer to home, worlds requiring transformatory actions all the same. Instead of fulfilling this task of imagining future therefore I simply submit the following two "poems." [*629] Changing the "I" of the World: The Essential Message of Mahatmas?" We are today bombarded by images of our "one world." We speak of the world as "shrinking" into a "global village." We are not all fooled by the implicit benign-ness of this image of "time-space" contracted--so we also speak of "global pillage." This astuteness of our perceptions, however, does not prevent us from our delusion of the "global;" the image of the "global" world persists even for many activists amongst us who struggle to "change" the world. This is recent delusion. It is a delusion which anesthetizes us from the only world which we can ever locate ourselves in and know--the worlds of "I"-in relationships. The "I" is seldom present in "emancipatory" projects to change the world. This is because the "relational I"-world and the "global"-world are negations of one another; the former negates the concept of the latter whilst the latter negates the life of the former. And concepts are more amenable to scrutiny than life. The advance in technologies of image-ing enables a distancing of scrutiny, from the "I"-world of relationships to the "global"-world of abstractions. As we become fixated with the distant, as we consume the images of "world" as other than here and now, as we project ourselves through technological time-space into worlds apart from our here and now, as we become "global," we are relieved of the gravity of our present. We, thus, cease the activism of self (being) and take on the mantle of the "activist" (doing). This is a significant displacement. ¶ 1NC¶ That there is suffering all over the world has indeed been made more visible by the technologies of image-ing. Yet for all its consequent fostering of "networks," images of "global" suffering have also served to disempower. By this, we mean not merely that we are filled with the sense that the forces against which the struggle for emancipations from injustice and exploitation are waged are pervasive and, therefore, often impenetrable, but, more importantly, that it diverts our gaze away from the only true power that is in our disposal--the power of self-change in relationships of solidarities. ¶ The "world," as we perceive it today, did not exist in times past. It does not exist today. There is no such thing as the global "one world." The world can only exist in the locations and experiences revealed through and in human relationships. It is often that we think that to change the world it is necessary to change the way power is exercised in the world; so we go about the business of exposing and denouncing the many power configurations that dominate. Power indeed does lie at the core of human misery, yet we blind ourselves if we regard this power as the power out there. Power, when all the complex networks of its reach are untangled, is personal; power does not exist out there. [*630] it only exists in relationship. To say the word, power, is to describe relationship, to acknowledge power, is to acknowledge our subservience in that relationship. There can exist no power if the subservient relationship is refused--then power can only achieve its ambitions through its naked form, as violence. Changing the world therefore is a misnomer for in truth it is relationships that are to be changed. And the only relationships that we can change for sure are our own. And the constant in our relationships is ourselves--the "I" of all of us. And so, to change our

relationships, we must change the "I" that is each of us. Transformations of "structures" will soon follow. This is, perhaps, the beginning of all emancipations. This is, perhaps, the essential message of Mahatmas.

Reject the 1AC in order to politicize our own relationships with structures – this is the first step towards liberation

Nayar, Law—University of Warwick, 1999 "SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity," 9 Transnat'l L. & Contemp. Probs. 599

So, back to the question: to what extent, for this, "our world," do we contemplate change when "we" imagine transformed "world-orders?" In addition to the familiar culprits of violent orderings, such as government, financial institutions, transnational corporations, the World Bank, the IMF, and the WTO (as significant culprits they indeed are), do we, in our contemplations of violent orders, vision our locations within corporate "educational" institutions as "professional academics" and "researchers," our locations within corporate NGOs as "professional activists," our locations within "think-tanks" and "research organizations" as "professional policy-formulators," and whatever other locations of elite "expertise" we have been "trained" to possess, as ordered sites, complicit and parasitic, within a violent "world-order"? Do we see in our critiques of world-orderings, out there, the orderings we find, right here, in our bodies, minds, relationships, expectations, fears and hopes? Would we be willing to see "our (ordered) world" dismantled in order that other worlds, wherein our "privileges" become extinguished, may flourish? These concerns are, then, I believe, the real complexities of judgment and action. Consideration should be given, not only to those of the political-structural, so often honed in on, but also to the [*628] issue of the political-personal, which ultimately is the "unit" of "worlds" and of "orders." If "globalization," as a recent obsession of intellectual minds, has contributed anything to an understanding of the ways of the "world," I suggest, it is that we cannot escape "our" implication within the violence of "world (mis)orders." IV. A WORLD FOR TRANSFORMATION: TWO POEMS Despite the fixation of the beneficiaries of ordered worlds, even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist. Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. n51 "We" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand. I suggest that we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized.

2NC Extensions

Government reform doesn't solve- Islamaphobia is psychological, not just a system of concrete policies.

Kundnani 14 (Arun, March 28 2014, "No NSA Reform Can Fix the American Islamophobic Security Complex." Kundnani is the author of "The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror" and teaches at New York University. <http://www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex> // EMS).

Better **oversight of the sprawling American national security apparatus may finally be coming:** President Obama and the House Intelligence Committee unveiled plans this week to reduce bulk collection of telephone records. The debate opened up by Edward Snowden's whistle-blowing is about to get even more legalistic than all the parsing of hops and stores and metadata.¶ **These reforms may be reassuring, if sketchy. But for those living in so-called "suspect communities" – Muslim Americans,** left-wing campaigners, "radical" journalists – **the days of living on the receiving end of excessive spying won't end there.**¶ How come when we talk about spying we don't talk about the lives of ordinary people being spied upon? While we have been rightly outraged at the government's warehousing of troves of data, we have been less interested in the consequences of mass surveillance for those most affected by it – such as Muslim Americans.¶ In writing my book on Islamophobia and the War on Terror, I spoke to dozens of **Muslims,** from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question every student who happened to be Muslim. All of them said **they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials.**¶ There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions.¶ There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. **There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association.**¶ And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government.¶ These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. **Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher.**¶ A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. **In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?"**¶ **This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power.** Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities.¶ **Underpinning all the surveillance of Muslim Americans is an assumption that Islamic ideology is linked to terrorism.** Yet, over the last 20 years, far more people have been killed in acts of violence by right-wing extremists than by Muslim American citizens or permanent residents. The huge numbers being spied upon are not would-be terrorists but law-abiding people, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one.¶ So let's reform the NSA and its countless collections. But **let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological**

terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.

World-ordering is the ordering of worlds – a civilizing mission that subdues assimilates and eradicates the other

Jayan **Nayar**, Law—University of Warwick, **1999** “SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity,” 9 *Transnat'l L. & Contemp. Probs.* 599

[*606] Distinguishing these two meanings of "order" provides us with radically opposed directions of analysis and orientations for future imagings of social relations. Although the rhetoric of world-order would focus on visions of some projected "world" that provides the aspiration for collective endeavors, "order" does not come to be without necessary "ordering;" the "world" of "world-order" has not come to be without the necessary ordering of many worlds. The ordering and the ordered, the world of order and the ordered world, all are inextricable parts of the past and the present of "civilization." Despite the vision of world-order founded on a notion of a universal society of humankind aspiring toward a universal common good, (first given meaning within a conceptual political-legal framework through the birth of the so-called "Westphalian" state system n14), the materialities of "ordering" were of a different complexion altogether. Contrary to the disembodied rhetoric of world-order as bloodless evolution, the new images of the world and languages of "globality" did not evolve out of a sense of "hospitality" n15 to the "other," the "stranger." Rather, the history of the creation of the post-Westphalian "world" as one world, can be seen to be most intimately connected with the rise of an expansionist and colonizing world-view and practice. Voyages of "discovery" provided the necessary reconnaissance to image this "new world." Bit by bit, piece by piece, the jigsaw of the globe was completed. With the advance of the "discoverer," the "colonizer," the "invader," the "new" territories were given meaning within the hermeneutic construct that was the new "world." [*607] The significance of this evolution of the world does not, however, lie merely in its acquiring meaning. It is not simply the "idea" of the world that was brought to prominence through acts of colonization. The construction of the "stage" of the world has also occurred, albeit amid the performance of a violent drama upon it. The idea of a single world in need of order was followed by a succession of chained and brutalized bodies of the "other." The embodied world that has been in creation from the "colonial" times to the present could not, and does not, accommodate plurality. The very idea of "one world" contains the necessary impetus for the absorption, assimilation, if not destruction, of existing worlds and the genocide of existing socialities. This violence of "order-ing" within the historical epoch of colonialism is now plainly visible. Through "colonialism" was reshaped the material basis of exchange that determined human relationships. Put differently, the very idea of what is "human" was recast by the imposed value-systems of the "civilizing" process that was colonialism. To be human, to live, and to relate to others, thus, both lost and gained meaning. Lost were many pre-colonial and indigenous conceptions of human dignity, of subsistence, production, consumption, wealth and poverty. Gained was the advent of the human "self" as an objective "economic" agent and, with it, the universals of commodification as the basis for human relations. Following this transformation of the material political-economy of the colonized,

or "ordered," colonialism entrenched the "state" as the symbolic "political" institution of "public" social relations. The effect of this "colonization of the mind" was that the "political-economic" form of social organization--the state--was universalized as common, if not "natural," resulting in a homogenization of "political" imagination and language. Thus, diversity was unified, while at the same time, unity was diversified. The particularities and inconveniences of human diversity--culture and tradition--were subordinated to the "civilized" discourse of secular myths (to which the "rule of law" is central), n16 while concurrently, humanity was formally segregated into artificial "states," enclosures of mythic solidarities and common destinies. This brief remembering of colonialism as an historic process, provides us with the most explicit lessons on the violence of the "ordering" of "worlds." From its history we see that an important feature of ordering prevails. The world of those who "order" is the destruction of the "worlds" of those ordered. So many ideologies of negation and (re)creation served to justify this "beginning"--terra nullius, the "savage" native, the "civilizing mission." n17 The [*608] "world," after all, had to be created out of all this "unworldly" miasma, all for the common good of the universal society of humankind. Although historical colonialism as a formal structure of politico-legal ordering of humanity has come and gone, the violence of colonization is very much a persistent reality. A striking feature of historical world-orderings was the confidence with which the "new world" was projected upon human imagination. Colonialism was not a tentative process. The "right" of colonization, both as a right of the colonizer and as a right thing to do by the colonizer, was passionately believed and confidently asserted. Thus, for the most part, this "right" was uncontested, this confidence unchallenged. "World-order" today is similarly asserted with confidence and rectitude. Contemporary world-orderings, consistent with those of the past, are implemented using a range of civilizational legitimization. With the advent of an ideology of "humanity," a "post-colonial" concession to human dignity demanded by the previously colonized, new languages of the civilizational project had to be conceived of and projected. "Freed" from the brutalities of the order of historical colonialism, the "ordered" now are subjected to the colonizing force of the "post-colonial," and increasingly, globalization-inspired ideologies of development and security. Visible, still, is the legitimization of "order" as coercive command through the rhetoric of "order" as evolutionary structure.

A speech is not capable of divorcing you from a liberal society that has over-determined your identity.

Alcoff 5, Linda, Professor of Philosophy at Hunter College and the CUNY Graduate Center, Visible Identities: Race, Gender, and the Self (Studies in Feminist Philosophy) [Paperback]//AG

This moment crystallizes for me the effect of social identity, precisely because it is so obvious that global capital and neocolonial political formations had over-determined that encounter between the U.S. soldiers and my father. My argument in this book begins from the premise that structural power relations such as those created by global capital are determinate over the meanings of our identities, the possibilities of social interaction, and the formations of difference. Nonetheless, the focal point of power most often today operates precisely through the very personal sphere of our visible social identities. This should be no surprise, given that capitalism was a racial and gender system from its inception, distributing roles and resources according to

identity markers of status and social position and thus reinforcing their stability. Social identities such as race, ethnicity, and gender remain the most telling predictors of social power and success, predicting whether one works in the service sector, the trades, or the managerial class, whether and how much profit can be had by selling one's home, how likely one is to be incarcerated, how likely one is to suffer sexual or domestic violence, and even how high one is likely to score on the SAT. Such facts do not displace the importance of class; rather, they reveal that class works through, rather than alongside, the categories of visible identity.

Islamophobia PIC

1NC

We advocate for the entirety of the 1AC replacing the word “Islamophobia” with “Islamoprejudice”

The term “Islamophobia” conceals that discrimination against Muslims constitutes a long-standing tradition in Western countries and implies that the religion is the target of discrimination, when in reality it is the people.

Imhoff and Recker 12 (Roland and Julia, “Differentiating Islamophobia: Introducing a New Scale to Measure Islamoprejudice and Secular Islam Critique,” August 17, Political Psychology. Imhoff is an assistant professor of social psychology/cognition at the University of Cologne. [//EMS">http://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique // EMS](http://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique)).

In 1998, the British non-governmental organization Runnymede Trust provided a definition of Islamophobia that equated it with closed(vs. open) views of Islam (Commission on British Muslims and Islamophobia, 1998). According to this definition, the eight main features of Islamophobia are views of the Islam as (1) monolithic, (2) separate from and (3) inferior to Western cultures. Islam is seen as (4) “an enemy” and as (5) a manipulative political ideology. Criticism of the West is (6) a priori rejected, (7) discrimination against Muslims is justified, and (8) Islamophobia is seen as natural. This definition remains the most ambitious effort to explicitly define Islamophobia. Use of the term has become widespread, and yet **its definition is highly contested**. Two particular criticisms are regularly raised. One claims that **Islamophobia is an expendable neologism that merely describes a rather well-known phenomenon of prejudice and discrimination against immigrants (particularly from Muslim countries)**. The other, more intransigent, objection denounces Islamophobia as a discursive weapon intended to silence well-justified critique of Islamic practices and dogmas. We will briefly outline these two critical positions below before introducing our empirical approach to the question.¶ Old Wine in a New Bottle¶ Critics of the term have claimed that **Islamophobia is a highly popular, new phrase for a rather old phenomenon: racism**. In this understanding, **the new label Islamophobia would conceal that discrimination and prejudice against immigrants – also but not exclusively from predominantly Muslim countries – constitute a long-standing tradition in many Western countries**. Thus, Islamophobia is characterized as neologism for racism (Love, 2009; Semati, 2006). Halliday (1999) argued that, in contrast to what the term Islamophobia suggests, **“the enemy is not a faith or a culture but a people”** (p. 898). Thus, Sakaita (2006) proposed the term anti-Arab racism as a more accurate replacement for Islamophobia. At the same time, several scholars have argued that religious categories have not only replaced ethnic categories as the salient part of immigrant self-concepts, but also as political categories (Modood & Ahmad, 2007). However, **the term Islamophobia implies that Islam as a religion is the target of discriminatory practice, when in fact it is individuals who suffer discrimination**. One of the most prominent manifestations of such a view was expressed in the Manifesto signed by twelve intellectuals and initially published in the French weekly Charlie Hebdo in February 2006 (Hirsi Ali, Chafiq, Forest, Levy, Manji, Mozzafari et al., 2006). According to the English translation, there is no use for the neologism of Islamophobia as it “confuses criticism of Islam as a religion and stigmatization of those who believe in it”

Islamoprejudice is better able to capture the religious, ethnic, and racial aspects of anti-Muslim discrimination.

Imhoff and Recker 12 (Roland and Julia, “Differentiating Islamophobia: Introducing a New Scale to Measure Islamoprejudice and Secular Islam Critique,” August 17, Political Psychology. Imhoff is an assistant professor of social psychology/cognition at the University of Cologne. [//EMS">http://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique // EMS](http://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique)).

Considering this wide range of interpretation of what Islamophobia is – from a descriptive term for hatred directed against Islam to a denunciatory catchword directed against those who express legitimate criticism of Islam – **it seems highly desirable to provide an operational definition that clearly distinguishes a prejudiced view of Islam from criticism of Islam motivated by universalistic, secular, and democratic convictions**. Such a differentiation is needed in **order to facilitate both research and discussion**. We suggest that **the neologism Islamophobia may conceal more than it illuminates** and

thus developed a scale that incorporates both understandings—prejudiced and secular views – but clearly differentiates between them.

Islamophobia as a descriptive term of prejudiced or “closed views” (Commission on British Muslims and Islamophobia, 1998) of Islam **is a misnomer when describing prejudice against rather than an actual fear of Islam** (for an Islamophobia definition actually referring to a fear of Islam see Lee, Gibbons, Thompson, & Timani, 2009). Likewise, other proposals like the term anti-Arab racism (Salaita, 2006) seem misleading as Arabs are only one small minority in the global community of Islam (Ummah). Despite general agreement with the definition provided by the Runnymede Trust, **we propose to refer to such prejudiced views of Islam with the term, *Islamoprejudice***, rather than Islamophobia. To support the usefulness of this concept it needs to be shown that it is an internally consistent concept, has any incremental value above and beyond existing prejudice scales, and that it is not just a denunciatory term for a secular critique of Islam.

2NC Extensions

Your first question should be the way that language is used – it’s the most concrete, immediate way to target and challenge oppression

Collins and Glover 2 (John Collins, Ass. Prof. of Global Studies at St. Lawrence, and Ross Glover, Visiting Professor of Sociology at St. Lawrence University, 2002, *Collateral Language*, p. 6-7, *The Real Effects of Language*)

As any university student knows, theories about the “social construction” and social effects of language have become a common feature of academic scholarship. **Conservative critics often argue that those who use these theories of language** (e.g., deconstruction) **are “just” talking about language, as opposed to** talking about **the “real world.”** The essays in this book, by contrast, begin from the premise that **language matters in the most concrete, immediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (including genocide), the physical destruction of human communities, and the devastation of the natural environment.** Indeed, **if the world ever witnesses a nuclear holocaust, it will probably be because leaders** in more than one country have **succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable.** From our perspective, then, **every act of political violence**—from the horrors perpetrated against Native Americans to the murder of political dissidents in the Soviet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—**is intimately linked with the use of language.** Partly what **we are talking about** here, of course, are the **processes of “manufacturing consent” and shaping people’s perception of the world around them; people are more likely to support acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.”** Media analysts such as Noam Chomsky have written eloquently about the corrosive effects that this kind of process has on the political culture of supposedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; **the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines.** As George Orwell so famously illustrated in his work, **acts of violence can easily be made more palatable through the use of euphemisms such as “pacification”** or, to use an example discussed in this book, “targets.” It is important to point out, however, that **the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the** abstract language of “vital interests” and “surgical strikes” and the **flattering language of “civilization” and “just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.**

“Islamophobia” ascribes a mental disability to bigots, while in reality it is a learned prejudice.

Blumenfeld 12 (Warren J, “The Associated Press and Terms Like ‘Homophobia,’” December 5, HuffPost.com. Blumenfeld is a contributor to the Huffington Post and is a social justice educator at the University of Massachusetts Amherst, with a focus on multicultural and queer studies. http://www.huffingtonpost.com/warren-j-blumenfeld/the-associated-press-and-terms-like-homophobia_b_2235169.html // EMS).

The Associated Press (AP) revealed recently that its new stylebook will no longer include the words "homophobia" and **"Islamophobia"** in political or social contexts. AP Deputy Standards Editor Dave Minthorn told Politico that the **terms are "just off the mark" and seem "inaccurate."**¶ **In psychology a "phobia" generally refers to an irrational fear, as in agoraphobia (a fear of open or public spaces) or phasmophobia (a fear of ghosts),** for example. Minthorn justified AP's decision by asserting, **"It's ascribing a mental disability to someone, and suggests a knowledge that we don't have."**¶ Though the terms "homophobia" and "Islamophobia" have adequately communicated their intended meanings, the person who coined the term "homophobia" in his 1972 book *Society and the Healthy Homosexual*, Dr. George Weinberg, did actually consider people who feared and hated homosexuals as having a psychological problem, in stark contrast to the then-prevailing notion that it was homosexuality that constituted a psychosexual malady.¶ Oddly, though, and for entirely different reasons, I agree with the AP that **the terms "homophobia" and "Islamophobia"** (and "biphobia" and "transphobia," for that matter) **are imprecise at best,** so I, too, find them problematic. **What we have been calling "homophobia" and "Islamophobia" are, in reality, not irrational fears.** In fact, **they are not irrational at all but socially taught and learned attitudes (prejudices) and behaviors (acts of discrimination). They stand not merely in the realm of psychological disorders but as forms of oppression on multiple levels, including the individual/interpersonal, institutional and societal/cultural** (Hardiman & Jackson 1997), **as do other forms of oppression, such as racism, sexism, classism, ableism, ageism, adultism, ethnocentrism, looksism and others. These stand as "isms" rather than as "phobias."**¶ Written in the form of a mathematical equation, **O = P + SP**, we can chart oppression (**O**) as constituting prejudice (**P**) plus the social power (**SP**) to enforce that prejudice upon members of minoritized groups (Howard 2006). If we understand this symbolic depiction to explain oppression, then we can clearly recognize that the term "reverse oppression" represents a contradiction, or an inaccuracy at best.¶

The usage of the term 'Islamophobia' is inappropriate, bolsters anti-semitism, causes homogenization and essentialism, hinders freedom of expression, and generalizes the concept of Islam based oppression

Lorente 10 (Javier Rosón Lorente, PhD. in Social Anthropology from the University of Granada and is currently researcher at Casa Árabe e Instituto Internacional de Estudios Árabes y del Mundo Musulmán (Spain). Discrepancies Around the Use of the Term “Islamophobia”, The Omar Khayyam Center for Integrative Research in Utopia, Mysticism, and Science, HUMAN ARCHITECTURE: JOURNAL OF THE SOCIOLOGY OF SELF-KNOWLEDGE, VIII, 2, FALL 2010, 115-128)

As mentioned above, there is another order of criticism or discrepancy toward the term Islamophobia, which though fully linked to ethnic, religious and cultural aspects, is in itself used as individual criticism over the use of this terminology. Such is firstly the case of 'etymological/ terminological criticism.' From this viewpoint, the terms 'anti-Muslim racism,' 'anti- Arab' or even 'intolerance against Muslims' 18 are clearer than the term Islamophobia for various reasons. On the one hand, use of the word 'phobia' in the concept is not considered appropriate, as it would imply the existence of a sort of mental illness (phobia: obsessive aversion to someone or something and/or compulsive irrational fear); on the other, the term Islamophobia is not considered 'ideal,' for there is no specific

rejection of Islam as a religion, but rather a rejection of Muslim individuals or collectives or those defined as such. This kind of criticism even makes an analogy between the word Islamophobia and the word 'anti-Semitism,' arguing that from a grammatical standpoint anti-Semitism should signify a prejudice against Semitic peoples in general, even though it is exclusively used to refer to hostility against the Jews. In this regard, the grammatically incorrect Islamophobia would require the 150 years which the term 'anti-Semitism' needed to become grammatically acceptable, except that Jews recognize themselves and are recognized as being a single ethnic group, contrary to the case of Muslims. Parallel to this, inclusion of the word 'Islam' in the word Islamophobia raises another kind of discrepancy: based on an undeniable question, the religious, racial, cultural and ethnic diversity of the groups 'supposedly' the object of Islamophobia, the term Islamophobia homogenizes everything associated to Islam and therefore to Muslims. In this homogenization process the diversity of communities and individuals is essentialized, and distinct and differentiated processes are eventually included in a same concept. It is held in turn that widespread use of the term Islamophobia by distinct communities may also essentialize internal plurality at local, regional, national and international level. Other terms which semantically attempt to approach the national particularities or 'realities' (besides the more extended 'anti-Arab anti-Muslim racism') are becoming alternative though critical lines vis-à-vis usage of the term Islamophobia. For example 'Islamfeindlichkeit' in the German context literally means hostility to Islam, or its rejection, but not phobia in the sense of fear, or 'maurofobia/morofobia' in the Spanish case. Second, we should look at 'criticism' linked to the 'identity-building process' which initially does not reject use of the term, but does question the generalization and value of same, as well as its ability to describe the social reality in a non-essentialized manner. This criticism is meant to show both the use and abuse of a terminology— Islamophobia—which we ourselves have constructed. This identity-building presumes that the term Islamophobia is not put up in a 'one-way' manner addressed to Muslim communities and/or individuals, but rather that the prejudice we are dealing with is very likely two-way. According to this thesis, the term Islamophobia is not complete, given that to understand it we should delve into the contemporary public discussion regarding 'Islam' and 'West,' and also delimit the confusing 'inter-relational' debate being generated. From this point of view both sides have a tendency to essentialize from the 'Muslim' and 'Western' standpoint both the Muslim population and the rest of the non- Muslim population. On the one hand there is widespread social 'alarmism' based on the 'threat' of how Islam presents the Western world¹⁹, and on the other, how from the West²⁰ it is presented to Muslims. The 'simplification' from the West's viewpoint involves a number of prejudices regarding many aspects associated to the world around Islam: to think that all (or most) Muslims are terrorists; to consider widespread the 'degree of aggressiveness' disseminated by news media with respect to Arab countries; to think that the universal denial of human rights encompasses the whole Arab world; and to think that the billion Muslims, their social and ethnic groups, are all the same. Likewise and bilaterally there is a process of essentialization by Muslims vis-à-vis the West—the a priori Muslim 'simplification' of a comprehensive and uniform 'West,' along with the stereotyped idea of a single unitary and universal Muslim identity extended to all Muslims, their holy texts and their culture²¹. In this regard, before the distinct processes of Western social and religious intolerance, processes whose tangible result is seen in conflicts which reject the 'other' and are in turn the root of Islamophobia, an endless number of responses to social exclusion

have been generated, such as signs of power loss and de-structuring of the bases of identity thought, beyond the 'hardening' of Western ideological postures and the root of the very concept of Islamophobia. Thirdly, we encounter criticism or discrepancies which consider use of the term Islamophobia to be unmerited, along with its respective symbolic burden, as it 'hinders' the freedom of expression of certain sectors and/or social players. This debate initially emerged as criticism of the Runnymede Trust report. Those who currently hold up the lack of freedom of expression to justify the insistence or imprecision of the term Islamophobia make biased use of the sectors, Muslim or not: for example, the Mohammed caricatures controversy (2005), the film Fitna (by Dutch far-right MP Geert Wilders) or the theatre play The Satanic Verses using the book of the same title by Salman Rushdie, which opened in Germany on 30 March 2008, etc. These and other social players hold that the charge of Islamophobia hampers their freedom of expression. They ironically point to the 'freedom of expression' enjoyed by people who want to condemn or denounce discourses and acts, such as the 'Islamophobia Award' granted by the Islamic Human Rights Commission, a British organization. On this point, we must note that freedom of expression, albeit vital for democratic life, should not be deemed an absolute universal value. It should be wielded within established legal frameworks and under the appropriate ethical and legal responsibility of the different social players involved. This means that Islamophobic speeches cannot be justified through recourse to the protection of fundamental rights.²² In fourth and last place we should take into account differences regarding the term Islamophobia in the framework of 'ideological discourse.' This criticism is grounded in the eagerness of researchers and/or academics to demonstrate that Islamophobia exists in the society they are studying; they go so far as to generalize and make universal considerations with no criteria whatsoever regarding both the phenomenon and the distinct readings associated to same. This generalization causes the term Islamophobia to lose its original meaning, distorting the observed reality. From this point of view criticism is addressed to our inability to differentiate between discourse and practice—at the level of discourse not everything can or should be called Islamophobia. This implies veiled criticism of how the term Islamophobia has grouped such a variety of forms of discourse and acts, aiming to show that any act marked as Islamophobic proceeds from a same ideological core²³, which has distorted and/or lost its original meaning. This 'criticism' aims to show that indiscriminate use of this terminology is not positive and that 'not all Islamophobic acts or incidents are Islamophobia.' To avoid this 'generalization,' it holds that all the observable and related nuances of acts marked as Islamophobic must be studied in depth, as it would be wrong to have to choose between Islamophobia or 'nothing.' To that end, it proposes distinguishing, per national specificity, between academic discussions about Islam and modernity; public debates about whether Islam recognizes the principle of separation of church and state; the public clamour which essentializes Islam; and the forms of inciting hatred, such as discourse associated to the death of Theo van Gogh, etc.

This is a pre-requisite to effectively challenging anti-Muslim violence

Edvardsson 08 (Linda Edvardsson, "Islamophobia – Features of Islamophobia and Strategies against it" Malmö University Department of International Migration and Ethnic Relations IMER 91-120 Fall 2008 Master Thesis)

There is ultimately a need to address Islamophobia; both on a social level and also within a legal discourse and this need have descriptively been told by two imams alongside a theoretical foundation. The imams have demonstrated that 'bad news' and negative images are in fact causing more disfavour than what everyday life might do. The media can therefore become a dual force in which negative images are flourishing and being rooted, yet at the same time a constitution that can cause the opposite. This relationship is depending on which news that is more favoured in that given time and/or place that one is referring to. In Sweden it has been demonstrated through both the imam's voices and a theoretical framework that Islamophobia is not so obvious and a prominent feature in everyday life, rather, lies beneath the surface and are characterised in Swedish media. Yet, mental and physical damage cannot be excluded.¹⁶⁸ For instance, one of the imams stated that it is always a struggle to tell the truth about Islam and also mentioned the segregation within Swedish labour market and housing. The imam also spoke of the importance of what is prioritised by the police and other authorities and that this eventually decides if, how and when Islamophobia can be prevented and eliminated.¹⁶⁹ Both the imams did not identify that Islamophobia is so apparent in Sweden, in contrast to other countries. Yet underline that Islamophobia could have crucial effects on both Muslims and the society in general. For instance, they both mention the incident with the Danish newspaper and media's role whereas Muslims ought not to react against these kinds of things, instead work as good ambassadors or good employees.¹⁷⁰ One of the imams mentioned that there are differences between those acts against Islam itself and those acts that are against the Muslims.¹⁷¹ Hitherto, this research mainly underlined the phobia against the religious practice rather than 'the ethnic phobia'; although, the need to address Islamophobia must maybe start with a separation between what we mean with the concept Islamophobia. In order to address more specifically the acts that is carried out. Higher attention must therefore be drawn to if Islamophobic acts are anticipated against one's ethnic or religious belonging. Ergo a separation must maybe be realised, before Islamophobia can be solved. In this manner, an extension of Islamophobia such as, Muslimophobia might be plausible as it depicts a phobia against one's ethnic belonging. This phobia might reveal a fear or hostility against Muslim culture, countries, lifestyles, traits etcetera. This extension of Islamophobia, **Muslimophobia, can perhaps make it easier to erase some misunderstandings thus easier being decreased and grasped which methods that ought to be used more specifically.** After all, within the racialisation process it can be evident that the religion Islam and its various ethnic followers are categorised as one group and/or one identity. It also portrays a discourse in which all groups become homogenous and static hence neglect perspectives that sees ethnicity and culture as dynamic elements. Strategies and efforts against Muslimophobia can therefore reduce influences and stereotypes caused by, for instance, the essentialist view. This also emphasises the need to divide what the struggle is against more detailed. **Then it might be easier to solve those effects caused by Islamophobia and implement new laws that react against it more effectively.** After all, Karaman revealed experiences where some situations had been hard to interpret as Islamophobia or a dangerous and reckless game by some teenagers; as misunderstandings can easily cause more damage than good. However, clearly it has been verified that there is a need to address Islamophobia both within the media, the labour market, housing, medical care, schools and so forth. Most importantly, as the imams also declared, it is maybe time to

embrace and highlight the positive attributes of Islam and the Muslim population instead of always doing the opposite.

Tag doe

Duss 13 (Matthew Duss. "Denying the Existence of Islamophobia." January 10, 2013. <http://thinkprogress.org/security/2013/01/10/1427861/denying-the-existence-of-islamophobia/>)

I'm hesitant to wade into a discussion on a book I haven't yet read, but Jonathan Schanzer's review of Nathan Lean's "The Islamophobia Industry: How the Right Manufactures Fear of Muslims" in today's Wall Street Journal makes some pretty big claims about the term "Islamophobia" itself, so I'll confine my comments to those. "In reality," Schanzer writes, "Islamophobia is simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam": Those who deploy it see no difference between Islamism — political Islam and its extremist offshoots — and the religion encompassing some 1.6 billion believers world-wide. Thanks to this feat of conflation, Islamophobia transforms religious doctrines and political ideologies into something akin to race; to be an "Islamophobe" is in some circles today tantamount to being a racist. First, while Schanzer severely overstates it, **the problem of conflation is real.** I noted this in my critical review of scholar Deepa Kumar's "Islamophobia and the Politics of Empire," in which I wrote, "The problem with defining Islamophobia as broadly as Kumar does is that it threatens to divest the term of meaning": It is possible to condemn terrorism committed by Muslims in the name of religion, or to have serious concerns over the development of pluralistic democracy under Islamist-controlled governments, without being anti-Islam. What defines Islamophobia is the belief that terrorist violence is somehow inherent to Islam, or that democracy is incompatible with correct Islamic practice. In uncovering Islamophobia here, there, and everywhere, Kumar unfortunately gives form to the straw man arguments of actual Islamophobes, who often cry that they are being silenced for voicing any criticism of Muslims. Having said that, Schanzer's assertion about all of "those who deploy" the term is indefensibly broad. I doubt the Muslims of Murfreesboro, Tennessee, or Temecula, California, or South Arlington, Texas, or of the other American mosques that have endured bigoted attacks in recent years would agree with Schanzer's blithe dismissal of Islamophobia as "simply a pejorative neologism designed to warn people away from criticizing any aspect of Islam." **Do some use accusations of Islamophobia to stifle legitimate criticism of Islam? Yes, certainly, just as some use accusations of anti-Semitism to stifle legitimate criticism of Israel** (as we've seen in the recent smear campaign against Secretary of Defense nominee Chuck Hagel). But the fact that some use such accusations cynically and recklessly doesn't mean that Islamophobia and anti-Semitism aren't real existing problems. As my co-authors and I noted in our 2011 report, "Fear, Inc," the term Islamophobia shouldn't be used lightly. We defined it as "an exaggerated fear, hatred, and hostility toward Islam and Muslims that is perpetuated by negative stereotypes resulting in bias, discrimination, and the marginalization and exclusion of Muslims from America's social, political, and civic life." We also showed that **there is a well-funded network of scholars and activists committed to promoting this fear, hatred, and hostility.** People can disagree on how serious or widespread a problem Islamophobia actually is in the U.S. (my own view is that it is now on the wane), but

Schanzer's argument that the whole thing is simply an invention of scheming Islamists and Arab governments is obvious nonsense.

Labeling discussion of terror as 'Islamophobic' stifles discourse about terrorism and problematic parts of extremism

Spencer 11 (Robert Spencer. "A Response to Matt Duss: A Defamation By Any Other Name." October 19, 2011. <http://www.nationalreview.com/corner/280529/response-matt-duss-defamation-any-other-name-robert-spencer>)

Indicative of Matt Duss's dishonesty in his response to the article I co-wrote with David Horowitz about the manipulative neologism "Islamophobia" is his initial labeling of us as "anti-Muslim activists" and his characterization of our work as "the dissemination of hateful anti-Muslim ideas." This appellation is not only inaccurate; it is highly defamatory, as it is intended to mislead Duss's readers into assuming that we oppose a group of people out of sheer racism or bigotry, rather than opposing a radically intolerant and oppressive ideology. In reality, neither David Horowitz nor I are "anti-Muslim," as I have stated many times. It is neither "anti-Muslim" nor "hateful" to stand for human rights for all people, including Muslims, and to defend the freedom of speech, the freedom of conscience, and equality of rights for women, all of which are denied under traditional forms of sharia. Duss claims that we are part of "an organized campaign to spread misinformation about the religious faith of millions of Americans" — while denying that he is "peddling 'conspiracy theories'" about us. He makes much of the fact that the reliably Leftist Anti-Defamation League has smeared us also, asking rhetorically, "Should the Anti-Defamation League also be lumped among the 'jihadist apologists'?" Why not? Why should it be surprising that an organization that consistently follows a far-Left political line would follow it in this also? Above all, like the CAP report itself, Duss does not and cannot provide any evidence either that an "organized campaign to spread misinformation" exists, or that anything that Horowitz or I or any of the other targeted "Islamophobes" have said is false. He does try, however. He quotes, as if it is self-evidently false, my statement that Islam "is the only major world religion with a developed doctrine and tradition of warfare against unbelievers," but offers no refutation of it. If Duss can produce evidence of another major world religion with a developed doctrine or tradition of warfare against unbelievers (the Crusades, for those who may wish to toss them in here, did not proceed on the basis of any such Christian doctrine; no sect of Christianity ever taught as a matter of faith that believers were obligated to make war upon unbelievers), or that the sects of Islam and schools of Islamic law do not contain such developed doctrines and traditions, I will duly retract. But with Al-Azhar University, the most prestigious institution in Sunni Islam, endorsing (as conforming "to the practice and faith of the orthodox Sunni community") a manual of Islamic law that declares that Muslims must wage war "upon Jews, Christians, and Zoroastrians . . . until they become Muslim or pay the non-Muslim poll tax," Duss may find such a refutation rough going. Duss shows a similar lack of knowledge of Islamic doctrine and law when he attempts to refute my statement that "there is no form of sharia that does not contain . . . [the] death penalty for apostasy" by asserting that I am "obviously ignorant of the manner in which Islam is practiced by millions of sharia-adherent Muslims in the United States." The ignorance is his: more Muslims in the U.S. do not adhere to sharia in its fullness, as no less an authority than the Ground Zero Mosque imam Faisal Abdul Rauf recently affirmed when he said that "the only truly clashing area" between Islamic law and modern Western society

“is the penal code, and **no Muslim has the intention of introducing that to America.**” So if Rauf affirms that Muslims in America do not adhere to the sharia penal code, and Duss affirms that Muslims in America are “sharia-adherent,” whom should we believe? I will go with the internationally renowned imam over the non-Muslim Leftist ideologue, thank you. And as for whether or not there is actually a form of sharia, that is, a school of Islamic jurisprudence, that does not teach that apostates deserve death, I challenge Duss to find it. But he will search in vain. Duss then claims that “the unmistakable implication of these claims is that all observant Muslims should be viewed with suspicion simply by virtue of being observant Muslims,” and that “that’s obviously Islamophobic.” In reality, **the unmistakable implication of these facts is only that there are aspects of traditional Islamic law that are incompatible with constitutional values.** Here again, Rauf himself says nothing less. Is he, too, an “Islamophobe”? In concluding his new smear piece, Duss complains that National Review published our article in the first place, and pleads that we be read out of honorable American conservatism. Here he exposes his real agenda in all its ugliness. Duss’s Center for American Progress, the Hamas-linked Council on American-Islamic Relations (CAIR), and other leftist and Islamic-supremacist groups are conducting an ongoing campaign to discredit and marginalize everyone who dares to stand up against the jihad and Islamic supremacism. They are bent on destroying every last individual who does not adopt a warmly positive stance toward the spread of sharia in the West and all other manifestations of the advancing jihad. The stakes are very high. If we don’t resist this Islamic supremacist thuggery, Duss and his Islamic-supremacist allies will succeed in stamping out all discussion of the truth about Islam and jihad, thereby rendering us mute and defenseless before its advance. That’s why we have to resist now, at every step, and continue to expose this propagandistic “Islamophobia” campaign.

Metal Detectors PIC

1NC

The United States Federal Government should substantially curtail its domestic surveillance conducted by the Transportation Security Administration with the exception of metal detectors and bomb-sniffing dogs.

Metal detectors and explosive sniffing dogs solve for terrorism while eliminating full body scanning

Levi 15 [Levi, Ned [Ned S. Levi has traveled the world as an engineer and business executive. He is the founder of NSL Associates, a Tech Consulting company, as well as a professional photographer, and writes about travel photography in the NSL Photography blog.]. 6/8/2015, "TSA Security Test Results: Replace Humans with Machines," Consumer Travel, accessed: 7/21/2015. <http://consumertraveler.com/columns/getting-there/new-dhs-directives-wont-solve-tsas-failures/>]/ALepow

TSA needs to recognize that passenger screening will never be perfect, and it doesn't have to be. Strategically, passenger screening only has to be reasonably good to stop terrorists. When there's a better than even chance they'll get caught, terrorists won't try to pass through airport security checkpoints, but will use other means to access airplanes, or move on to other

targets. Moreover, knives and guns are much less of a problem than explosives, which can be more devastating to a flight, and more likely to go undetected by our current airport checkpoint systems. In part, what makes this true is what TSA calls its "twentieth security layer": passengers. Since 9/11, passengers have shown they are prepared to take on terrorists in-flight, and have been successful subduing them. TSA needs to dump the seriously flawed full-body

MMW scanners, go back to magnetometers, and add low-tech, but effective, explosives sniffing dogs to the security mix. Beyond these two major changes to TSA systems, better training and even raising the minimum hiring standards for TSOs couldn't hurt, but if TSA is to really improve their effectiveness, they've got to overhaul their systems, which primarily depend on security checkpoints at US airports. Currently, of TSA's \$7.3B budget, \$4.5B is spent on airport screening. That's about 62 percent of their total budget, much of it spent looking for pocket knives, large shampoo bottles and toothpaste tubes, and even toy ray-guns carried by ordinary passengers, not terrorists. TSA should be focusing on intelligence. They should be focusing on the terrorists when they are planning their attacks. They should be utilizing their resources to keep terrorists far from airports. Intelligence should

comprise the vast majority of TSA's budget. When TSA confiscates a 5-ounce container of shampoo, they've failed because they spent their time hunting down a false alarm. When intelligence stops a terror plot like the British did in 2006, stopping terrorists who were planning to blow up seven airplanes with liquid explosives, that's a success.

2NC Extensions

TSA prescreening programs based on the Customs and Border Protection's Global Entry Program eliminates BDO and SPOT programs in airports while effectively stopping terrorists

Peterson 12 (Peterson, Barbara [Barbara Peterson is senior correspondent for aviation at Conde Nast Traveler and the author of BLUE STREAK: Inside JetBlue, the Upstart that Rocked an Industry, published by Penguin Portfolio (hardcover, 2004; paperback, 2006). She is the winner of the Lowell Thomas Award for Investigative Reporting and the Gene DuBois Award for Excellence in Travel and Aviation Reporting.]. 11/8/2012, "How to Fix the TSA," Popular Mechanics, accessed: 7/21/2015. <http://www.popularmechanics.com/flight/a8258/how-to-fix-the-tsa-14553186/>)//ALepow

One Size Does Not Fit All Ruth Sherman, 88, of Sunrise, Fla., is not what most people think of when they imagine a security risk. Yet on Nov. 28, 2011, TSA agents at New York's JFK airport took the wheelchair-bound Sherman to a private screening room to examine a bulge in her colostomy bag. The following day at the same terminal, Lenore Zimmerman, 85, of Long Beach, N.Y., who weighs less than 110 pounds and also uses a wheelchair, was subjected to what she calls a strip search, including the removal of her back brace. The TSA apologized for improperly examining the elderly women's medical devices but disputed that Zimmerman was strip-searched. Just two weeks before these incidents, a congressional committee had noted, "[The] TSA has failed to develop an effective, comprehensive plan to evolve from a one-size-fits-all operation—treating all passengers as if they pose the same risk..." The Fix: Frisking innocent people is eroding public support for airport security. We could restore common sense to checkpoints by instituting a risk-based system. "If the TSA had the courage to do data-based screening," Robert Poole, a transportation analyst at the Reason Foundation, says, "you could reduce the body scans, pat downs, and shoe removals." Two TSA prescreening programs currently expedite passage through airport checkpoints, but neither is a true trusted-traveler setup, which would include biometric IDs, background checks, and other data to identify low-risk fliers. Secure Flight compares passenger manifests with watch lists, while PreCheck, which operates at selected checkpoints in 23 U.S. airports, relies on airline-provided frequent-flier rolls for its members, who retain shoes, belts, and jackets while moving through checkpoints. A better idea: The TSA should come up with a true vetting system modeled on the Customs and Border Protection's Global Entry program, which allows citizens and permanent residents who clear background checks and pay a \$100 fee, good for five years, to bypass immigration and customs lines. Members must also have an in-person interview and get fingerprinted. The TSA program would be voluntary, which would placate some privacy watchdogs. And, unlike PreCheck, which has been criticized for inconsistency, this system would be a more predictable way to move proved, low-risk travelers through security.

TSA baggage screening remains noninvasive to passengers while greatly reducing the risk of terrorism

Peterson 12 (Peterson, Barbara [Barbara Peterson is senior correspondent for aviation at Conde Nast Traveler and the author of BLUE STREAK: Inside JetBlue, the Upstart that Rocked an Industry, published by Penguin Portfolio (hardcover, 2004; paperback, 2006). She is the winner of the Lowell Thomas Award for Investigative Reporting and the Gene DuBois Award for Excellence in Travel and Aviation Reporting.]. 11/8/2012, "How to Fix the TSA," Popular Mechanics, accessed: 7/21/2015. <http://www.popularmechanics.com/flight/a8258/how-to-fix-the-tsa-14553186/>)//ALepow

Danger in the Hold In the early hours of Oct. 29, 2010, a police forensics team boarded a Philadelphia-bound UPS cargo plane at East Midlands Airport in England. The police were acting on a tip from Saudi Arabia, where intelligence sources alerted

them to a bomb on board. The technicians delicately opened the flagged parcel, which was addressed to a Chicago synagogue, and discovered it contained a printer. Police and military explosives experts examined the machine for hours before concluding there was nothing dangerous about it. But later that day, authorities in Dubai discovered a bomb in a similar printer on a FedEx plane. The East Midlands officials then took another look and discovered that the printer's cartridge contained enough PETN to bring down the plane. By removing the cartridge from the printer during the examination, investigators had inadvertently defused the device—just 3 hours before it was set to explode. If the plane had followed its original schedule, the alarm clock in a mobile phone attached to the cartridge would have triggered the bomb, likely over the eastern seaboard of the U.S. This kind of plot also threatens passenger planes, which carry about 40 percent of all air cargo in their lower holds. Members of a Yemen-based al-Qaida affiliate sent the two printer bombs. The one found in Dubai had traveled on two passenger planes without detection before being loaded onto the FedEx jet. "It is well-known in security circles that the biggest threat to aviation right now is a flight into the United States, originating from a point overseas, using a hidden bomb," says Steve Elson, a former Navy SEAL who was a member of the Federal Aviation Administration's covert "red team" that tested airport checkpoints. The Fix: The Aviation and Transportation Security Act of 2001, which created the TSA, stipulated that by the end of 2002 all checked bags had to be screened for explosives. The TSA installed minivan-size CTX (computed tomography X-ray) machines in airport lobbies as a short-term measure, but airports were expected eventually to integrate CAT-scan-like explosive-detection systems into the regular baggage-handling apparatus. Ideally, these inline systems screen and sort baggage in a single pass. It's estimated this one change would save the TSA nearly \$470 million over five years in staffing costs, as well as greatly reduce screener injuries (and hence turnover) and would eliminate large concentrations of people clustered around lobby-based EDS machines, which are potential targets for suicide bombers. A recent congressional investigation by the Committee on Oversight and Government Reform, however, notes that fewer than half of the nation's 35 largest airports have inline setups. Further, the report revealed that millions of dollars worth of inline machines are gathering dust in TSA warehouses. The TSA needs to deploy them. In May the TSA set a deadline of Dec. 3, 2012, for passenger air carriers to conduct 100 percent cargo screening on international flights bound for the U.S. The TSA must adopt an aggressive role to establish this system effectively or it could fail as it did with inline screening. And total screening should extend to air-cargo flights. The specter of a massive freighter detonating over a major airport should be all the encouragement aviation haulers need to make flights safe. Insurance companies can offer discounts for increased security, and the TSA and the National Institute of Standards and Technology could vet technology for making this process timely and cost-effective.

Ending the list of banned items, allowing liquids, encouraging BDO programs based in science, eliminating baggage fees, and randomizing security makes security flexible and responsive to terrorist while ending programs such as SPOT and body imaging technology

Hawley 12 (Hawley, Kip [Kip Hawley is a former head of The Transportation Security Administration and is the Author of the book "Permanent Emergency: Inside the TSA and the Fight for the Future of American Security," to be published April 24 by Palgrave Macmillan.]. 4/15/2012, "Why Airport Security is Broken—And How to Fix it," The Wall Street Journal, accessed: 7/21/2015. <http://www.wsj.com/articles/SB10001424052702303815404577335783535660546>)/ALepow

Airport security has to change. The relationship between the public and the TSA has become too poisonous to be sustained. And the way that we use TSA officers—as little more than human versions of our scanners—is a tremendous waste of well-trained, engaged brains that could be evaluating

risk rather than looking for violations of the Standard Operating Procedure. What would a better system look like? If politicians gave the TSA some political cover, the agency could institute the following changes before the start of the summer travel season: Embracing risk could reduce the hassle of today's airport while making us safer at the same time. JOSH COCHRAN 1. No more banned items: Aside from obvious weapons capable of fast, multiple killings—such as guns, toxins and explosive devices—it is time to end the TSA's use of well-trained security officers as kindergarten teachers to millions of passengers a day. The list of banned items has created an "Easter-egg hunt" mentality at the TSA. Worse, banning certain items gives terrorists a complete list of what not to use in their next attack. Lighters are banned? The next attack will use an electric trigger. 2. Allow all liquids: Simple checkpoint signage, a small software update and some traffic management are all that stand between you and bringing all your liquids on every U.S. flight. Really. 3. Give TSA officers more flexibility and rewards for initiative, and hold them accountable: No security agency on earth has the experience and pattern-recognition skills of TSA officers. We need to leverage that ability. TSA officers should have more discretion to interact with passengers and to work in looser teams throughout airports. And TSA's leaders must be prepared to support initiative even when officers make mistakes. Currently, independence on the ground is more likely to lead to discipline than reward. 4. Eliminate baggage fees: Much of the pain at TSA checkpoints these days can be attributed to passengers overstuffing their carry-on luggage to avoid baggage fees. The airlines had their reasons for implementing these fees, but the result has been a checkpoint nightmare. Airlines might increase ticket prices slightly to compensate for the lost revenue, but the main impact would be that checkpoint screening for everybody will be faster and safer. 5. Randomize security: Predictability is deadly. Banned-item lists, rigid protocols—if terrorists know what to expect at the airport, they have a greater chance of evading our system. In Richmond, Va., we tested a system that randomized the security procedures encountered by passengers (additional upper-torso pat-downs, a thorough bag search, a swab test of carry-ons, etc.), while not subjecting everyone to the full gamut. At other airports, we tried out a system called "Playbook," which gave airports a virtual encyclopedia of possible security actions and let local law-enforcement, airport and TSA officials choose a customized set of counterterror measures. Implemented nationally, this approach would give to the system as a whole a value greater than the sum of its parts—making it much harder for terrorists to learn how to evade our security protocols. To be effective, airport security needs to embrace flexibility and risk management—principles that it is difficult for both the bureaucracy and the public to accept. The public wants the airport experience to be predictable, hassle-free and airtight and for it to keep us 100% safe. But 100% safety is unattainable. Embracing a bit of risk could reduce the hassle of today's airport experience while making us safer at the same time.

Intelligence gathering before airport security is the best way to solve terror—it's a question of data gathering rather than invasive personal searches

Schneier 10 (Schneier, Bruce [Bruce Schneier is a contributing writer for *The Atlantic* and the chief technology officer of the computer-security firm Co3 Systems.]. 12/2/2010, "Why the TSA Can't Back Down," *The Atlantic*, accessed: 7/21/2015. <http://www.theatlantic.com/national/archive/2010/12/why-the-tsa-cant-back-down/67337/>)//ALepow

The truth is that exactly two things have made air travel safer since 9/11: reinforcing cockpit doors and convincing passengers they need to fight back. The TSA should continue to screen checked luggage. They

should start screening airport workers. And then they should return airport security to pre-9/11 levels and let the rest of their budget be used for better purposes. Investigation and intelligence is how we're going to prevent terrorism, on airplanes and elsewhere. It's how we caught the liquid bombers.

It's how we found the Yemeni printer-cartridge bombs. And it's our best chance at stopping the next serious plot. Because if a group of well-planned and well-funded terrorist plotters makes it to the airport, the chance is pretty low that those blue-shirted crotch-groping water-bottle-confiscating TSA agents are going to catch them. The agents are trying to do a good job, but the deck is so stacked against them that their job is impossible. Airport security is the last line of defense, and it's not a very good one.

"Puffer machines" do not involve body-imaging technology and are able to successfully detect explosive materials

Carmichael 10 (Carmichael, Scott [Scott Carmichael is a staff writer for *Gadling.com* focusing in travelling and airport security.]. 1/28/2010, "Airport Security—What Works and What Does Not?" *Gadling.com*, accessed: 7/21/2015. <http://gadling.com/2010/01/28/airport-security-what-works-and-what-does-not/>)//ALepow

Passenger puffer machine The "puffer machine" was supposed to be the ultimate in airport security. You step into the machine, it blows puffs of air on you, and "smells" for explosives. It all sounds like the perfect solution. These machines were in place at several airports on a trial basis before they were all removed due to "unforeseen technical problems". Millions were invested in the devices, which are now probably collecting dust in a storage facility. High profile research labs are still working on better solutions, and there are several very promising technologies in the very early stages of development. Sadly, without some really serious government money, those machines won't be at your local airport any time soon.

Model Minority K

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The US categorization of Muslims as either “good” or “bad” is a particular formation of the model minority stereotype. The Affirmatives redemption of “bad” Muslims into the category of “good” Muslims perpetuates the dichotomy, making hyper-visible those who do not conform to the ideal societal position ascribed to them

Jackson and Kim 11(John L. Jackson is Dean of the University of Pennsylvania's School of Social Policy and Practice. He also is the Richard Perry University Professor of Communication, Africana Studies, and Anthropology in the Standing Faculty of the Annenberg School for Communication and the Standing Faculty of the School of Arts and Sciences. David K. Kim is a Professor of Religious Studies , Chair of the Religious Studies Department , and Associate Professor in American Studies at Connecticut College. “Race, Religion, and Late Democracy” https://books.google.com/books?id=f0dcGarZj0AC&pg=PA192&lpg=PA192&dq=model+minority+islam&source=bl&ots=pbOVG4ECMU&sig=9zhvyJBjAVBhK9WBJQnAdzJBr3U&hl=en&sa=X&ved=0CDAQ6AEwAmoVChMItd_zq6jixgIVgZeACh3IeABK#v=onepage&q=model%20minority%20islam&f=false)

Asian Americans as model minorities operated to discipline African Americans as an example of racial success, yet the emphasis on minority status reaffirmed the super position of whites. Unlike the use of the foreignness trope to serve foreign policy, the model minority trope is domestic and serves to discipline African Americans. The model minority is also a pan-Asian category: it is applied to most Asian Americans, not limited to a particular national origin. Together, the two tropes offer a more complete racial landscape for Asian Americans. The “good Asian” performs racially as a model minority, assimilated and successful. But if there is resistance to racial subordination organized through ethnic or group identity, those ethnic excesses can be labeled as foreign. Labeling a racial performance as foreign is an invitation to discrimination and disciplinary actions against the “bad Asian.” Furthermore, in the case of conflict with an Asian nation, the raced bodies of Asian Americans are available through the trope of foreignness as a mobilization point for Americans. “Good Muslim” Corresponding to the Asian American model minority, we can see the emergence of the “good Muslim” and “bad Muslim” stereotypes. While the “Muslim terrorist” is now well established, the scripting of the “good Muslim” is a work in progress. The new republican majority in Congress is holding congressional hearings on the threat of “Islamic radicalization.” The first noncongressional witness to testify was Zuhdi Jasser, A Republican and self-identified Muslim; founder of the American Islamic Forum for Democracy, he is politically active and appears often in conservative media. He is reported as “calling on Muslim leaders to aggressively oppose a “culture of separatism” and urges Islamic clerics “to disavow scripture that belittles non-Muslims and women and to renounce a role for Islam in the government” (Boorstein 2011). Jasser’s appearances on controversial television commentator Glen Beck’s show suggest that this is not a doctrinal or sectarian dispute among Islamic faithful. This is an example of the crafting of the “model minority” for the racial category of Muslims. We should expect continued efforts to create a script for the proper racial performance of the “good Muslim.” The emergence of the possibility of the “good Muslim” suggests that the Muslim racial category will follow the dual track of Asian American racialization with two different ascribed racial stereotypes: the Muslim terrorist and the good Muslim. The Muslim terrorist is an extreme example of the foreignness trope, providing a domestic body in the service of our foreign military operations in Iraq and Afghanistan. For those

Americans who are collected in then Muslim category, the disciplinary function of the “good Muslim” corresponding to the “model minority” is available for use against Muslims or those with Asiatic brown bodies who protest or disagree with American domestic or foreign policy. The loose framework for the Muslim racial category and its racial trope, the “Muslim terrorist,” makes organizing difficult. Mosques offer important centers for faith and community. But it is unclear how a faith-based community can organize to include non-Muslims against a racial trope. One promising development was the support given by Asian Americans to the victims of hate crimes after 9/11. The racial category of Asian Americans as a panethnic group could, over time, encompass faith-based communities. The implications of the racialization of Islam for American foreign policy considerations are less ambiguous but more discouraging. The racialization of Islam through the Muslim racial category seems to be following the model of Asian American racialization. There is a simplistic duality. One side is the bad Muslim, the “Muslim terrorist,” useful to further American foreign policy goals. On the other side is the good Muslim, assimilating to conventional American secular ideals. While that awkward binary may be adequate for domestic racial politics, it is clearly inadequate to address Islam and democracy in the world today. The democratic upheavals in North Africa and the Arab world are far more complex and subtle than the gross categories offered by American racialization.

Thus we advocate a counterhegemonic storytelling of the myth of the model minority. Challenging this racism is key to solving for the institutional discrimination of POC and creating real social change.

Caroline **Hargreaves**, 2010, "How Important is Discourse to Social Change? Case: Micro-blogging Community Tumblr," London School of Economics and Political Science
https://www.academia.edu/1635691/How_Important_is_Discourse_to_Social_Change_Case_Micro-blogging_Community_Tumblr

Discourse can be described as a set of values and beliefs that informs our social responses and actions, More importantly, a thorough understanding of the discursive forces that shape our social fabric presents a valuable opportunity and instrument for resistance groups to challenge dominant discourses. Foucault's famous work on the relationship between power and knowledge brings the debate to another level, where discourses serve as the meeting place of these two forces. This conception opens up possibilities to bring about change, as power in a Foucauldian perspective is ubiquitous and operates without agency, beyond traditional notions of the state and through culturally embedded factors. Foucault rejects the liberal notion that knowledge can flourish only in the absence of power (see Evans, 2005), which allows alternative discursive methods onto the scene. These can challenge the way in which relations and structures of power are embedded in everyday life by providing alternative values and norms as well as morally validating the identities and perspectives of those oppressed by the existing relations and structures of power (Stammers, 1999). This is why much attention should be paid (by actors seeking to challenge the status quo) towards discourse in particular in terms of locating both opportunities and constraints for social change. As argued by Hacking (1999:58) "Politics, ideology and power matter more than metaphysics to most advocates of construction. Talk of construction tends to undermine the authority of knowledge and categorization. It challenges complacent ways of doing things not by refuting or proposing better, but by ‘unmasking’." This will reveal how categories of knowledge are used in power relationships and towards moulding the global society in a particular way. With reference to the discourse of human rights, Hunt (1990) argues that the Gramscian concepts of hegemony and counter-hegemony make it possible to advance a positive evaluation certain strategies within progressive politics. The 'discursive war of position' is here seen as taking practical measurements to bring about shifts and modifications in popular consciousness. In discourse specifically, Mouffe (2005:18) explains that "every hegemonic order is susceptible of being challenged by counter-hegemonic practices, i.e. practices which will attempt to disarticulate the existing order so as to install other

forms of hegemony." Hegemony then becomes a process that generates a question of culturally altering social consciousness, reworking what already exists and introducing elements that transcend dominant narratives of issues and movements. Without going too far into the reasons behind resisting the mainstream media logic, the main concerns are to what extent this logic can be seen as representative of the larger voice of society, locally and globally. Mass culture has been perceived to be an instrument of ideological dominance over 'social consciousness' (see Gramsci, 1971), or what Hirst (1976:386) later labeled the 'imaginary', shaping social subjects. Discourses are therefore not deliberately created narratives, but rather ideological extensions of the hegemonic forces in play on both macro- and micro levels of society. The democratic deficits inherent in a media system dominated by corporate and commercial structures are apparent alongside inequalities of access, representation and ideological power (Carroll and Hackett, 2006). At every point in history when a larger minority has felt oppressed by a smaller majority, revolutions have taken place, often manifested in large social movements. Melucci (1996:84) also takes the constructivist approach and writes that at the core of social movements is the construction of collective identity, an interactive process that addresses the question of how a collective becomes a collective. Since our identities and cultures are ultimately shaped through cognitive perceptions and flows of information, its democratization is integral to the collective welfare and progression. Collective action therefore becomes a way of communicating a message to the rest of society. As argued by Faiclough and Wodak (1997: 258), discourse is "constitutive both in the sense that it helps to sustain and reproduce the social status quo, and in the sense that it contributes to transforming it." From the mere conception of ideas to the distribution of messages through e.g. self-mediation, policy-makers, marketing-companies, social movements and NGOs, the significance of discourse to progressive social change is clear.

2NC Extensions

Hypervisible bodies are simultaneously marginalized and rendered invisible through specular abstraction by the privileged observer

Traise **Yamamoto, 2000**, "In/Visible Difference: Asian American Women and the Politics of Spectacle on JSTOR," *Race, Gender & Class Journal*,
http://www.jstor.org/stable/41675310?seq=1#page_scan_tab_contents

You will find, this season, signs of yourself everywhere, but while Asian fashion accessories can be worn "as accents or top-to-toe" (Marie Claire, 134) in order to achieve that eponymous "China Girl" look, not a single Asian American model is to be found in these pages. Inclusion of "Asianness" expands style horizons, extends the fashion frontier, but Asian bodies remain firmly on the other side of the geo-sartorial border. Such magazines perfectly emblemize the function of difference in this age of spectacle and multi-cultural display, and the ways in which the appearance of inclusion (as well as the inclusion of appearance) substitutes specular, commodified representations for structural visibility as national subjects. **The insidiousness of difference as spectacle is that it is just as often used to lay claim to a supposed ideology of inclusion, as it is to demarcate the boundaries beyond which colored bodies may not go.** This was made all too clear by the now infamous cover of the March 24th, 1997, issue of National Review magazine, which depicts Al Gore and Bill and Hilary Clinton as a Chinese monk, peasant and Maoist, respectively. Outfitted with cues, slanted eyes, and the requisite buck teeth, the three Manchurian Candidates" (the lead article's title) are a stark figuration of what it means to be hyper visible as a racialized object - the parsed, exaggerated and fetishized signs of which circulate in a discursive and representational arena in which the Asian American body, like all bodies of color in the United States, is primarily useful as ideological cultural capital. French political theorist Guy DeBord asserts that "The Spectacle is capital accumulated to the point where it becomes image" (1965/1997), and these magazines collectively display that the ideological work of demarcating and delimiting national subjects is enacted through infinitely manipulable images of Asianness, which run the gamut from politically-charged yellowface to fashionable chinoiserie. In both cases, signs of Asianness, orientaba, mark the cutting edge of or transgression beyond the border of normative whiteness. Lauren Berlant, among others, has argued that national identity is formulated through the ways in which historical or "everyday" persons are abstracted and "reconstituted as a collective subject, or citizen" (1991). That is, the individual person "acquires a new body by participation in the political public sphere. The American subject is privileged to suppress the fact of his historical situation in the abstract 'person': but then, in

return, the nation provides a kind of prophylaxis for the person, as it promises to protect his privileges," one effect of which "is to appear to be disembodied or abstract while retaining cultural authority" (1991a). Yet, this process of privileged abstraction implicitly assumes a subject whose particularities of race, gender, class and sexuality are coded as normative and therefore invisible. The male, white, heterosexual and propertied subject is structurally visible in direct proportion to that subject's invisibility as a site of marked embodiment. But what obtains for those whose marked particularity remains, in a sense, uncollectible, unabstractable, who are marked "as precisely not abstract, but as imprisoned in the surplus embodiment of a culture that values abstraction" (1991a). **Women, people of color, the poor, the queer are subject to an enforced embodiment wherein the particularity of their hyper-visible bodies defines their status as the obverse of American ideality,** or more accurately as the obverse upon which the idea of American national identity depends.

The myth of model minority demonizes and makes other POCs hyper visible by reinforcing existing racial prejudices—countering this stereotype is a prerequisite to any aff solvency
Noy **Thrupkaew**, 3-25-2002 "The Myth of the Model Minority," American Prospect, <http://prospect.org/article/myth-model-minority> AC

The Southeast Asia Resource Action Center (SEARAC), an advocacy group in Washington, estimates that more than 2.2 million Southeast Asians now live in the United States. They are the largest group of refugees in the country and the fastest-growing minority. Yet for most policy makers, the plight of the many Mali Keos has been overshadowed by the well-known success of the Asian immigrants who came before and engendered the myth of the "model minority." Indeed, conservatives have exploited this racial stereotype -- arguing that Asians fare well in the United States because of their strong "family values" and work ethic. These values, they say, and not government assistance, are what all minorities need in order to get ahead. Paradoxically, Southeast Asians -- supposedly part of the model minority -- may be suffering most from the resulting public policies. They have been left in the hands of underfunded community-assistance programs and government agencies that, in one example of well-intentioned incompetence, churn out forms in Khmer and Lao for often illiterate populations. But fueled by outrage over bad services and a fraying social safety-net, Southeast Asian immigrants have started to embrace that most American of activities, political protest -- by pushing for research on their communities, advocating for their rights, and harnessing their political power. The model-minority myth has persisted in large part because political conservatives are so attached to it. "Asian Americans have become the darlings of the right," said Frank Wu, a law professor at Howard University and the author of *Yellow: Race beyond Black and White*. "The model-minority myth and its depiction of Asian-American success tells a reassuring story about our society working." The flip side is also appealing to the right. Because Asian Americans' success stems from their strong families and their dedication to education and hard work, conservatives say, then the poverty of Latinos and African Americans must be explained by their own "values": They are poor because of their nonmarrying, school-skipping, and generally lazy and irresponsible behavior, which government handouts only encourage.

Specifically, model minority obscures the identity of Southeast Asians and increase their vulnerability to poverty and similar problems faced by black and Latino communities
Noy **Thrupkaew**, 3-25-2002 "The Myth of the Model Minority," American Prospect, <http://prospect.org/article/myth-model-minority> AC

What most dramatically skews the data, though, is the fact that about half the population of Asian (or, more precisely, Asian-Pacific Islander) Americans is made up of the highly educated immigrants who began arriving with their families in the 1960s. The plight of refugees from Cambodia, Laos, and Vietnam, who make up less than 14 percent of Asian Americans, gets lost in the averaging. Yet these refugees, who started arriving in the United States after 1975, differ markedly from the professional-class Chinese and Indian immigrants who started coming 10 years earlier. The Southeast Asians were fleeing wartime persecution and had few resources. And those disadvantages have had devastating effects on their lives in the United States. The most recent census data available show that 47 percent of Cambodians, 66 percent of Hmong (an ethnic group that lived in the mountains of Laos), 67 percent of Laotians, and 34 percent of Vietnamese were impoverished in 1990 -- compared with 10 percent of all Americans and 14 percent of all Asian Americans. Significantly, poverty rates among Southeast Asian Americans were much higher than those of even the "nonmodel" minorities: 21 percent of African Americans and 23 percent of Latinos were poor. Yet despite the clear inaccuracies created by lumping populations together, the federal government still groups Southeast Asian refugees under the overbroad category of "Asian" for research and funding purposes. "We've labored under the shadow of this model myth for so long," said KaYing Yang, SEARAC's executive director. "There's so little research on us, or we're lumped in with all other Asians, so people don't know the specific needs and contributions of our communities." To get a sense of those needs, one has to go back to the beginning of the Southeast Asian refugees' story and the circumstances that forced their migration. In 1975, the fall of Saigon sent shock waves throughout Southeast Asia, as communist insurgents toppled U.S.-supported governments in Vietnam and Cambodia. In Laos, where the CIA had trained and funded the Hmong to fight Laotian and Vietnamese communists as U.S. proxies, the communists who took over vowed to purge the country of ethnic Hmong and punish all others who had worked with the U.S. government. The first refugees to leave Southeast Asia tended to be the most educated and urban, English-speakers with close connections to the U.S. government. One of them was a man who wishes to be identified by the pseudonym John Askulraskul. He spent two years in a Laotian re-education camp -- punishment for his ability to speak English, his having been educated, and, most of all, his status as a former employee of the United States Agency for International Development (USAID). "They tried to brainwash you, to subdue you psychologically, to work you to death on two bowls of rice a day," Askulraskul told me recently. After being released, he decided to flee the country. He, his sister, and his eldest daughter, five and a half years old, slipped into the Mekong River with a few others. Clinging to an inflated garbage bag, Askulraskul swam alongside their boat out of fear that his weight would sink it. After they arrived on the shores of Thailand, Askulraskul and his daughter were placed in a refugee camp, where they waited to be reunited with his wife and his two other daughters. It was not to be. "My wife tried to escape with two small children. But my daughters couldn't make it" -- he pained, drawing a ragged breath -- "because the boat sank." Askulraskul's wife was swept back to Laos, where she was arrested and placed in jail for a month. She succeeded in her next escape attempt, rejoining her suddenly diminished family. Eventually, with the help of his former boss at USAID, they moved to Connecticut, where Askulraskul found work helping to resettle other refugees. His wife, who had been an elementary-school teacher, took up teaching English as a second language (ESL) to Laotian refugee children. His daughter adjusted quickly and went to school without incident. Askulraskul now manages a project that provides services for at-risk Southeast Asian children and their families. "The job I am doing now is not only a job," he said. "It is part of my life and my sacrifice. My daughter is 29 now, and I know raising kids in America is not easy. I cannot save everybody, but there is still something I can do." Like others among the first wave of refugees, Askulraskul considers himself one of the lucky ones. His education, U.S. ties, and English-language ability -- everything that set off the tragic chain of events that culminated in his daughters' deaths -- proved enormously helpful once he was in the United States. But the majority of refugees from Southeast Asia had no such advantages. Subsequent waves frequently hailed from rural areas and lacked both financial resources and formal schooling. Their psychological scars were even deeper than the first group's, from their longer years in squalid refugee camps or the killing fields. The ethnic Chinese who began arriving from Vietnam had faced harsh discrimination as well, and the Amerasians -- the children of Vietnamese women and U.S. soldiers -- had lived for years as pariahs. Once here, these refugees often found themselves trapped in poverty, providing low-cost labor, and receiving no health or other benefits, while their lack of schooling made decent jobs almost impossible to come by. In 1990, two-thirds of Cambodian, Laotian, and Hmong adults in America had less than a high-school education -- compared with 14 percent of whites, 25 percent of African Americans, 45 percent of Latinos, and 15 percent of the general Asian-American population. Before the welfare-reform law cut many of them off, nearly 30 percent of Southeast Asian Americans were on welfare -- the highest participation rate of any ethnic group. And having such meager incomes, they usually lived in the worst neighborhoods, with the attendant crime, gang problems, and poor schools. But shouldn't the touted Asian dedication to schooling have overcome these disadvantages, lifting the refugees' children out of poverty and keeping them off the streets? Unfortunately, it didn't. "There is still a high number of dropouts for Southeast Asians," Yang said. "And if they do graduate, there is a low number going on to higher education." Their parents' difficulty in navigating American school systems may contribute to the problem. "The parents' lack of education leads to a lack of role models and guidance. Without those things, youth can turn to delinquent behavior and in some very extreme cases, gangs, instead of devoting themselves to education," said Narin Sihavong, director of SEARAC's Successful New Americans Project, which interviewed Mali Keo. "This underscores the need for Southeast Asian school administrators or counselors who can be role models, ease the cultural barrier, and serve as a bridge to their parents." "Sometimes families have to choose between education and employment, especially when money is tight," said Porthira Chimm, a former SEARAC project director. "And unfortunately, immediate money concerns often win out." The picture that emerges - - of high welfare participation and dropout rates, low levels of education and income -- is startlingly similar to the situation of the poorest members of "nonmodel" minority groups. Southeast Asians, Latinos, and African Americans also have in common significant numbers of

single-parent families. Largely as a result of the killing fields, nearly a quarter of Cambodian households are headed by single women. Other Southeast Asian families have similar stories. Sihavong's mother, for example, raised him and his five siblings on her own while his father was imprisoned in a Laotian re-education camp. No matter how "traditional" Southeast Asians may be, they share the fate of other people of color when they are denied access to good education, safe neighborhoods, and jobs that provide a living wage and benefits. But for the sake of preserving the model-minority myth, conservative policy makers have largely ignored the needs of Southeast Asian communities. One such need is for psychological care. Wartime trauma and "lack of English proficiency, acculturative stress, prejudice, discrimination, and racial hate crimes" place Southeast Asians "at risk for emotional and behavioral problems," according to the U.S. surgeon general's 2001 report on race and mental health. One random sample of Cambodian adults found that 45 percent had post-traumatic stress disorder and 51 percent suffered from depression. John Askulraskul's past reflects trauma as well, but his education, English-language ability, and U.S. connections helped level the playing field. Less fortunate refugees need literacy training and language assistance. They also need social supports like welfare and strong community-assistance groups. But misled by the model-minority myth, many government agencies seem to be unaware that Southeast Asians require their services, and officials have done little to find these needy refugees or accommodate them. Considering that nearly two-thirds of Southeast Asians say they do not speak English very well and more than 50 percent live in linguistically isolated ethnic enclaves, the lack of outreach and translators effectively denies them many public services. The problem extends beyond antipoverty programs, as Mali Keo's story illustrates. After her husband left her, she formed a relationship with another man and had two more children. But he beat the family for years, until she asked an organization that served Cambodian refugees to help her file a restraining order. If she had known that a shelter was available, she told her interviewer, even one without Khmer-speaking counselors, she would have escaped much earlier. Where the government hasn't turned a blind eye, it has often wielded an iron fist. The welfare-reform law of 1996, which cut off welfare, SSI, and food-stamp benefits for most noncitizens -- even those who are legal permanent residents -- sent Southeast Asian communities into an uproar. Several elderly Hmong in California committed suicide, fearing that they would become burdens to their families. Meanwhile, the lack of literacy programs prevented (and still does prevent) many refugees from passing the written test that would gain them citizenship and the right to public assistance.

Politics

INC

Obama can hold off a veto now – but his political capital is key

Walsh and Barrett 7/16 (Deirdre, Senior Congressional Producer for CNN, Ted, senior congressional producer for CNN Politics, “WH dispatches Joe Biden to lock down Iran deal on Capitol Hill,” CNN, 7/16/2015, <http://www.cnn.com/2015/07/15/politics/iran-deal-white-house-democrats-congress/>)/duncan

Two days after the Iran deal was unveiled, **the Obama administration's sales job is in full swing.** Vice President Joe **Biden traveled** to Capitol Hill on Wednesday **to convince House Democrats to support the deal**, while a small group of senators were invited to the White House to get their questions answered directly from officials who sat across from the Iranians at the negotiating table. Biden meets with Senate Democrats of the Foreign Relations Committee on Thursday. House lawmakers said Biden was candid about the strengths and weaknesses of the compromise deal. One described his behind closed doors pitch. “I’m going to put aside my notes and talk to you from my heart because I’ve been in this business for 45 years,” Biden said in his opening comments, according to Rep. Bill Pascrell, D-New Jersey, who attended the session. “I’m not going to BS you. I’m going to tell you exactly what I think,” the vice president reportedly said. **Obama got a boost** from the leader of his party in the chamber **when** Minority Leader Nancy **Pelosi** formally **announced** Thursday that **she was backing the deal.** **Since Republicans in the House and Senate are firmly against the Iran nuclear deal** -- announced by President Barack Obama on Tuesday -- **the administration is cranking up its campaign to sway concerned Democrats to back the agreement.** Under legislation that allows Congress to review the agreement, **the White House needs to secure enough votes from members of his own party to sustain the President's promised veto** on an resolution of disapproval -- 145 in the House and 34 in the Senate. After the session with Biden, several **House Democrats stressed that while the process is just beginning, right now the administration likely has the votes to sustain the President's veto on a resolution to block the deal.** “I’m confident they will like it when they understand it all,” the vice president told reporters on his way into the session, beginning what will be a two month campaign culminating in a vote, expected in September. **Democrats, both for and against the deal, praised Biden's presentation.** “Joe Biden was as good as I’ve seen him,” Rep. John Larson, D-Connecticut, told CNN. “I thought he did an excellent job.” Texas Democratic Rep. Henry **Cuellar said Biden** is a “master of detail” and **helped clarify some concerns** he had about the verification provisions in the deal, **but** he still planned to carefully study it and **said he was undecided.** Pascrell also cited the verification issue as a potential sticking point but said he is leaning ‘yes’ on the agreement. “On our side of the aisle **there is concern and skepticism shared by a number of members but an openness to be persuaded if the facts take them that way.**” Rep. Gerry Connolly of Virginia said. “I think (Biden) made some real progress on behalf of the administration today.” But Democratic Rep. Steve Israel of New York, a former member of Democratic leadership, told reporters he wasn’t sold yet. “For me, I still have some very significant questions with respect to lifting of the embargo on conventional arms. And missiles. The (International Atomic Energy Agency) verification process for me is not any time anywhere, I think there are some very significant delays built into that,” Israel said. Larson noted that both **Biden's presentation**, along with Hillary Clinton’s a day earlier, who he said spoke favorably about the deal, **helped lay the groundwork for most Democrats to back the White House.** At the same time on Wednesday that the President held a news conference trying to persuade the public he had brokered an strong and effective deal with Iran, Sen. Joe Manchin, a Democrat from West Virginia, and a handful of other senators, were in a separate part of the White House meeting with some of the President’s top negotiators, who had just returned from Vienna. “I was very satisfied with an awful lot of the answers we received,” Manchin told CNN. **The intimate meeting for senators was another example of the White House's effort to shore up support in the Senate where leaders believe as many as 15 Democrats could oppose the deal.** If they did, **it could provide Senate Republicans the votes needed to override a veto** of the disapproval resolution and **scuttle**

the deal.¶ But Manchin, a centrist who has close relations with senators on both sides of the aisle, said at this point he has not detected major blowback from Senate Democrats to the deal.¶ "At caucus yesterday I didn't get a reading there is hard, hard opposition. I did not," he said.¶ In fact, Manchin said he thought Republicans actually might struggle getting the 60 votes they will need to pass the disapproval resolution, much less the dozen or so votes that might be needed to sustain a veto.¶ One key senator whose position will be closely monitored by the White House and his colleagues from both parties on the Hill, is Sen. Chuck Schumer of New York, the third-ranking Democrats who is poised to become the Democratic leader in the next Congress. Schumer has many Jewish voters in his state who are wary of the impact of the Iran agreement on the security of Israel. Schumer said he is skeptical of the deal and won't decide whether to support it before doing his homework.¶ "I will sit down, I will read the agreement thoroughly and then I'm gonna speak with officials -- administration officials, people all over on all different sides," he said when asked about his decision-making process. "Look, this is a decision that shouldn't be made lightly and I am gonna just study this agreement and talk to people before I do anything else."¶ Sen. John McCain, R-Arizona, a leading critic of the agreement with Iran, said "the pressure will be enormous from the administration," as it tries to keep Democrats from defecting. As chairman of the Armed Services Committee, McCain said he intends to hold hearings to demonstrate what he calls the "fatal flaws" in the deal.¶ House conservatives speaking at a forum sponsored by the Heritage Foundation, a conservative think tank, one after another ripped the Iran deal. But they conceded that ultimately they may not be able to block it.¶ "The game is rigged in favor of getting this done" Ohio Rep. Jim Jordan said.

Obama supports current surveillance of Muslims- Recent meeting with Muslim activists proves he's more concerned with domestic counterterrorism.

Ackerman 14 (Spencer, "White House Iftar Dinner Guests Press Obama on Surveillance of Muslims, TheGuardian.com Ackerman is the national security editor for the Guardian US, they were the senior writer at WIRED and the senior reporter at the Washington Independent. <http://www.theguardian.com/world/2014/jul/16/white-house-iftar-obama-surveillance-muslims> // EMS).

Attendees of a White House dinner this week celebrating a Muslim holiday attempted to leverage their direct interaction with Barack Obama into a presidential commitment to discuss widespread and controversial surveillance of their communities.¶ They left feeling they had Obama's interest, but not much more.¶ Less than a week after the Intercept, based on documents leaked by Edward Snowden, showed US Muslim activists and attorneys had been targeted for surveillance, Obama gathered legislators, diplomats and US Muslim community leaders to the White House on Monday night for an Iftar dinner, the sunset meal during Ramadan. In remarks released by the White House, Obama stressed the value of pluralism, sidestepping the surveillance controversy.¶ Not everyone was satisfied with the omission.¶ Some of the people who attended were signatories of a letter sent to the White House in the wake of the Intercept story urgently requesting a meeting with Obama. Without that commitment yet in hand, took the opportunity to raise the issue with Obama personally at the Monday dinner.¶ "I specifically asked the president if he would meet with us to discuss NSA spying on the American Muslim community. The president seemed to perk up and proceeded to discuss the issue, saying that he takes it very seriously," said Junaid Sulahry, the outreach manager for Muslim Advocates, a legal and civil rights group.¶ Obama was non-committal, Sulahry said, but displayed "a clear willingness to discuss the issue."¶ Hoda Elshishtawy, the national policy analyst for the Muslim Public Affairs Council, said that she brought it up as part of a "table-wide discussion" on post-9/11 surveillance of US Muslims.¶ "Our communities can't be seen as suspects and partners at the same time," Elshishtawy said.¶ That tension has plagued the Obama administration's domestic counterterrorism — or, as it prefers, "countering violent extremism" — for its entire tenure. The departments of justice and homeland security lead outreach efforts in Muslim and other local communities, stressing vigilance against radicalizing influences and dialogue with law enforcement.¶ Yet Muslim communities labor under widespread suspicion of incubating terrorism. Surveillance from law enforcement and US intelligence is robust, from the harvesting of digital communications to the recruitment of informants inside mosques. The Federal Bureau of Investigation compiles maps of Muslim businesses and

religious institutions, without suspicion of specific crimes. **The mixed message comes amidst the freight of a foreign policy featuring drone strikes in Muslim countries, a reluctance to foreclose on indefinite detention that functionally is only aimed at Muslims, and difficulty concluding the war in Afghanistan** – all of which have strained relations with American-Muslim communities.¶

Failure will spur proliferand war with Iran – the plan tanks Obama’s ability to hold off Congress
Beauchamp 14 (Zack – B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics, former editor of TP Ideas and a reporter for ThinkProgress.org. He previously contributed to Andrew Sullivan’s The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines, now writes for Vox, “How the new GOP majority could destroy Obama’s nuclear deal with Iran,” <http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress>.)

There is one foreign policy issue on which the GOP’s takeover of the Senate could have huge ramifications, and beyond just the US: **Republicans are likely to try to torpedo President Obama’s ongoing efforts to reach a nuclear deal with Iran.** And they just **might pull it off.** November 24 is the latest deadline for a final agreement between the United States and Iran over the latter’s nuclear program. That’ll likely be extended, but it’s a reminder that the negotiations could soon come to a head. **Throughout his presidency, Obama has prioritized these negotiations;** he likely doesn’t want to leave office without having made a deal. But **if Congress doesn’t like the deal, or just wants to see Obama lose, it has the power to torpedo it by imposing new sanctions on Iran.** Previously, Senate Majority Leader Harry Reid used procedural powers to stop this from happening and save the nuclear talks. But Senate Majority Leader Mitch **McConnell** may not be so kind, and he **may have the votes to destroy an Iran deal. If he tries, we could see one of the most important legislative fights of Obama’s presidency.** Why Congress can bully Obama on Iran sanctions At their most basic level, the international negotiations over Iran’s nuclear program (they include several other nations, but the US is the biggest player) are a tit-for-tat deal. If Iran agrees to place a series of verifiable limits on its nuclear development, then the United States and the world will relax their painful economic and diplomatic sanctions on Tehran. “The regime of economic sanctions against Iran is arguably the most complex the United States and the international community have ever imposed on a rogue state,” the Congressional Research Service’s Dianne Rennack writes. To underscore the point, Rennack’s four-page report is accompanied by a list of every US sanction on Iran that goes on for 23 full pages. The US’s sanctions are a joint Congressional-executive production. Congress puts strict limits on Iran’s ability to export oil and do business with American companies, but it gives the president the power to waive sanctions if he thinks it’s in the American national interest. “In the collection of laws that are the statutory basis for the U.S. economic sanctions regime on Iran,” Rennack writes, “the President retains, in varying degrees, the authority to tighten and relax restrictions.” **The key point here is that Congress gave Obama that power — which means they can take it back.** “You could see a bill in place that makes it harder for the administration to suspend sanctions,” Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. “You could also see a bill that says the president can’t agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal.” **Imposing new sanctions on Iran wouldn’t just stifle Obama’s ability to remove existing sanctions, it would undermine Obama’s authority to negotiate with Iran at all, sending the message to Tehran that Obama is not worth dealing with because he can’t control his own foreign policy. So if Obama wants to make a deal with Iran, he needs Congress to play ball.** But it’s not clear that Mitch McConnell’s Senate wants to. Congress could easily use its authority to kill an Iran deal To understand why the new Senate is such a big deal for congressional action on sanctions, we have to jump back a year. In November 2013, the Obama administration struck an interim deal with Iran called the Joint Plan of Action (JPOA). As part of the JPOA, the US agreed to limited, temporary sanctions relief in exchange for Iran limiting nuclear program components like uranium production. Congressional Republicans, by and large, hate the JPOA deal. Arguing that the deal didn’t place sufficiently serious limits on Iran’s nuclear growth, the House passed new sanctions on Iran in December. (There is also a line of argument, though often less explicit, that the Iranian government cannot be trusted with any deal at all, and that US policy

should focus on coercing Iran into submission or unseating the Iranian government entirely.) Senate Republicans, joined by more hawkish Democrats, had the votes to pass a similar bill. But in February, Senate Majority leader Harry Reid killed new Iran sanctions, using the Majority Leader's power to block consideration of the sanctions legislation to prevent a vote. McConnell blasted Reid's move. "There is no excuse for muzzling the Congress on an issue of this importance to our own national security," he said. So now that McConnell holds the majority leader's gavel, it will remove that procedural roadblock that stood between Obama and new Iran sanctions. To be clear, it's far from guaranteed that Obama will be able to reach a deal with Iran at all; negotiations could fall apart long before they reach the point of congressional involvement. But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books. And **make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it has zero incentive to limit its nuclear program.** "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead." Moreover, it could fracture the international movement to sanction Iran. **The United States is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, the broad-based international sanctions regime could collapse.** Europe, particularly, might decide that going along with the sanctions is no longer worthwhile. "Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart." This could be one of the biggest fights of Obama's last term **It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility.** "There are plenty of Democrats that will probably side with Republicans if they try to push a harder line on Iran," Sofer says. **For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle. The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.** "I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats." So **if the new Republican Senate prioritizes destroying an Iran deal, Obama will have to fight very hard to keep it — without necessarily being able to count on his own party for support. And the stakes are enormous: if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran.** The administration believes **a deal with Iran is their only way to avoid this horrible choice.** That's why it's been **one of the administration's top priorities** since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

Nuke war

Stevens 13 (Philip Stevens, associate editor and chief political commentator for the Financial Times, Nov 14 2013, "The four big truths that are shaping the Iran talks," <http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html>)

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed.¶ The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.¶ The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.¶ Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.¶ The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.¶ It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.¶ By the same token, bombing Iran's nuclear sites could certainly delay the programme perhaps for a couple of years. But assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it. You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.¶ The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.¶ The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

2NC Extensions

Obama will fight the plan- It undermines administration's counterterrorism efforts

Ackerman 14 (Spencer Ackerman: National security editor for Guardian, "White House Iftar dinner guests press Obama on surveillance of Muslims", The Guardian, 7/16/2014, <http://www.theguardian.com/world/2014/jul/16/white-house-iftar-obama-surveillance-muslims>, Accessed: 7/17/14, RRR)

Attendees of a White House dinner this week celebrating a Muslim holiday attempted to leverage their direct interaction with Barack Obama into a presidential commitment to discuss widespread and controversial surveillance of their communities.¶ They left feeling they had Obama's interest, but not much more.¶ Less than a week after the Intercept, based on documents leaked by Edward Snowden, showed US Muslim activists and attorneys had been targeted for surveillance, Obama gathered legislators, diplomats and US Muslim community leaders to the White House on Monday night for an Iftar dinner, the sunset meal during Ramadan. In remarks released by the White House, Obama stressed the value of pluralism, sidestepping the surveillance controversy.¶ Not everyone was satisfied with the omission.¶ Some of the people who attended were signatories of a letter sent to the White House in the wake of the Intercept story urgently requesting a meeting with Obama. Without that commitment yet in hand, took the opportunity to raise the issue with Obama personally at the Monday dinner.¶ "I specifically asked the president if he would meet with us to discuss NSA spying on the American Muslim community. The president seemed to perk up and proceeded to discuss the issue, saying that he takes it very seriously," said Junaid Sulahry, the outreach manager for Muslim Advocates, a legal and civil rights group.¶ Obama was non-committal, Sulahry said, but displayed "a clear willingness to discuss the issue."¶ Hoda Elshishtawy, the national policy analyst for the Muslim Public Affairs Council, said that she brought it up as part of a "table-wide discussion" on post-9/11 surveillance of US Muslims.¶ "Our communities can't be seen as suspects and partners at the same time," Elshishtawy said.¶ That tension has plagued the Obama administration's domestic counterterrorism – or, as it prefers, "countering violent extremism" – for its entire tenure. The departments of justice and homeland security lead outreach efforts in Muslim and other local communities, stressing vigilance against radicalizing influences and dialogue with law enforcement.¶ Yet Muslim communities labor under widespread suspicion of incubating terrorism. Surveillance from law enforcement and US intelligence is robust, from the harvesting of digital communications to the recruitment of informants inside mosques. The Federal Bureau of Investigation compiles maps of Muslim businesses and religious institutions, without suspicion of specific crimes.¶ The mixed message comes amidst the freight of a foreign policy featuring drone strikes in Muslim countries, a reluctance to foreclose on indefinite detention that functionally is only aimed at Muslims, and difficulty concluding the war in Afghanistan – all of which have strained relations with American-Muslim communities.¶ Some of those community leaders have already come under fire for attending the White House dinner. The American-Arab Anti-Discrimination Committee urged a boycott over the surveillance and administration support for Israel during the current Gaza offensive, rejecting what it

called "normalization of the continuous breach of our fundamental rights."¶ Representatives of organizations that rejected the boycott argued that they can exercise greater influence through access than through rejection.¶ "Our strategy is to work through the system," said Farhana Khera, Muslim Advocates' executive director.¶ The White House declined comment on what it called "private conversations at a closed press event."

Obama will oppose the plan – the White House funds NYPD’s Muslim surveillance programs.

Sullivan 12 (Eileen, “Report: White House Helped Pay for NYPD Muslim Surveillance Programs,” February 27, Sullivan is a journalist and AP reporter focusing on current events and politics. <http://www.officer.com/news/10634052/report-white-house-helped-pay-for-nypd-muslim-surveillance-programs> // EMS).

¶ WASHINGTON -- **Millions of dollars in White House money has helped pay for New York Police Department programs that put entire American Muslim neighborhoods under surveillance.**¶ The money is part of a little-known grant intended to help law enforcement fight drug crimes. Since the terrorist attacks of Sept. 11, 2001, **the Bush and Obama administrations have provided \$135 million** to the New York and New Jersey region through the High Intensity Drug Trafficking Area program, known as HIDTA.¶ Some of that money — it's unclear exactly how much because the program has little oversight — **has paid for the cars that plainclothes NYPD officers used to conduct surveillance on Muslim neighborhoods. It also paid for computers that store even innocuous information about Muslim college students, mosque sermons and social events.**¶ When NYPD Commissioner Raymond Kelly was filled in on these efforts, his briefings were prepared on HIDTA computers.¶ The AP confirmed the use of White House money through secret police documents and interviews with current and former city and federal officials. The AP also obtained electronic documents with digital signatures indicating they were created and saved on HIDTA computers. **The HIDTA grant program is overseen by the White House Office of National Drug Control Policy.**¶ **The disclosure that the White House is at least partially paying for the NYPD's wholesale surveillance of places where Muslims eat, shop, work and pray complicates efforts by the Obama administration to stay out of the fray over New York's controversial counterterrorism programs.** The administration has championed outreach to American Muslims and has said law enforcement should not put entire communities under suspicion.¶ **The Obama administration, however, has pointedly refused to endorse or repudiate the NYPD programs it helps pay for.** The White House last week declined to comment on its grant payments.¶

Terror DA

INC

Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, <http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat>

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools.

The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone.

Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts.... I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target." [3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source. [5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police.

While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law

enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI.

Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance

The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

TSA is key to protect against dangerous weapons, explosives, and innovate in security technologies.

John S. Pistole, 3-5-2012, "Counterterrorism, Risk-Based Security and TSA's Vision for the Future of Aviation Security," Transportation Security Administration, <https://www.tsa.gov/press/speeches/counterterrorism-risk-based-security-and-tsa%E2%80%99s-vision-future-aviation-security>

Remember that before September 11, 2001, there was:

- ¶ No cohesive system in place to check passenger names against terrorist watch lists in advance of flying;
- ¶ Only limited technologies in place for uncovering a wide array of threats to passengers or aircraft;
- ¶ No comprehensive federal requirements to screen checked or carry-on baggage;
- ¶ Minimal in-flight security on most flights; and,
- ¶ From a coordination standpoint, before 9/11 there was a lack of timely intelligence-sharing, in both directions — from the federal level down to the individual airports, as well as from an individual airport up to the national level.

¶ I came to TSA more than a year and a half ago, having worked the previous 26 years in a variety of positions within the FBI. That experience with a range of partners inside the law enforcement and intelligence communities helped shape my approach to solidifying TSA's place within the national counterterrorism continuum. ¶ Every day, we strive to ensure our operational planning and decision making process is timely, efficient and as coordinated as possible — and critically, based on intelligence. We work to share critical information with key industry stakeholders whenever appropriate, and we are constantly communicating with our frontline officers through shift briefings held several times a day. ¶ Thanks to the effective partnerships we've forged with industry stakeholders, with our airline and airport partners, and with law enforcement colleagues at every level, TSA has achieved a number of significant milestones during its first 10 years of service. ¶ These include matching 100 percent of all passengers flying into, out of, and within the United States against government watch lists through the Secure Flight program. ¶ It includes screening all air cargo transported on passenger planes domestically and, as you know, we work closely with our international partners every day to screen 100% of high-risk inbound cargo on passenger planes. We're also working hard with these same partners to screen 100% of all international inbound cargo on passenger planes by the end of this year. ¶ And it also includes improving aviation security through innovative technology that provides advanced baggage screening for explosives. ¶ Since their inception in 2005 through February 2012, we have also conducted more than 26,000 Visible Intermodal Prevention and Response or VIPR operations. We have 25 multi-modal

VIPR teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities.¶ Additionally, since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems.¶ We are seeing the benefits of how these important steps — combined with our multiple layers of security including cutting-edge technology — keep America safe every day.¶ Since our standup in 2002, we have screened nearly six billion passengers. Our front line officers have detected thousands of firearms and countless other prohibited items and we have prevented those weapons from entering the cabin of an aircraft.¶ In fact, more than 10 years after 9/11, TSA officers still detect, on-average, between three and four firearms every day in carry-on bags at security checkpoints around the country.¶ Deploying advanced, state-of-the-art technologies continue to factor significantly into our multi-layered approach to transportation security. In particular, we continue to see the efficacy of Advanced Imaging Technology, or AIT, machines at hundreds of passenger security checkpoints around the United States.¶ From February 2011 to June 2011, the Office of the Inspector General (OIG) assessed the manner in which TSA inspects, maintains and operates backscatter units used in passenger screening.¶ The OIG found that TSA was in compliance with standards regarding radiation exposure limits and safety requirements. As a result of intensive research, analysis, and testing, TSA concludes that potential health risks from screening with backscatter X-ray security systems are minuscule.¶ While there is still no perfect technology, AIT gives our officers the best opportunity to detect both metallic and non-metallic threats including improvised explosive devices such as the device Umar Farouk Abdulmutallab attempted to detonate on Christmas Day, 2009.¶ As manufacturers continue enhancing the detection capability and strengthening the privacy features of their machines, we maintain the ability to upgrade the software used on them to stay ahead of the rapidly shifting threat landscape. Maintaining a high level of adaptability enables us to keep an important technological advantage.¶ Throughout 2011, this and other technologies helped our officers detect hundreds of prohibited, dangerous, or illegal items on passengers.¶ These “good catches” as we call them, illustrate how effective our people, process and technology are at finding concealed metallic and non-metallic items concealed on a passenger or in their bags.¶ In an ongoing effort to help educate the traveling public, we highlight many of these good catches every week in blog posts uploaded to TSA.gov. I hope some of you have seen these. They have included incidents of items concealed in shoes, to weapons hidden in a hollowed out book, to ceramic knives, to exotic snakes strapped to a passenger’s leg. As strange as some of these tales may be, they are a stark reminder that now — more than 10 years after the September 11, 2001, attacks — people are still trying to bring deadly weapons onto aircraft. And our officers are detecting numerous weapons every day and keeping them off of planes.¶ Less than one month ago in fact, over Presidents Day weekend in February, our officers detected 19 guns in carry-on bags at various checkpoints around the country. In total, 1,306 guns were detected at airport checkpoints in 2011.

A terrorist attack would crush the economy

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. “The Toll of Terrorism” <http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm>

modified for ableist language

New technology has lowered transportation costs and increased trade and capital flows across nations. But the same technology that has fostered international economic growth has also allowed terrorism to spread easily among countries whose interests are tightly interwoven. Terrorism is no longer solely a local issue. Terrorists can strike from thousands of miles away and cause vast destruction. The effects of terrorism can be terrifyingly direct. People are kidnapped or killed. Pipelines are sabotaged. Bombers strike markets, buses, and restaurants with devastating effect. But terrorism inflicts more than human casualties and material losses. It can also cause serious indirect harm to countries and economies by increasing the costs of economic transactions—for example, because of enhanced security measures to ensure the safety of employees and customers or higher insurance premiums. Terrorist attacks in Yemen on the USS Cole in 2000 and on the French tanker Limburg in 2002 seriously damaged that country’s shipping industry. These attacks contributed to a 300 percent rise in insurance premiums for ships using that route and led ships to bypass

Yemen entirely (Enders and Sandler, 2012). In this article we explore the economic burden of terrorism. It can take myriad forms, but we focus on three: national income losses and growth-[slowing]-retarding effects, dampened foreign direct investment, and disparate effects on international trade.

2NC Extensions

High risk of terrorism – TSA surveillance is key to target the most dangerous perpetrators

Herrige '14 (Catherine; 12/17/14; Chief Intelligence correspondent for FOX News Channel, cites Former Head of TSA, John Pistole; "TSA head: Threat from terrorism worse now but US better able to combat it"; <http://www.foxnews.com/politics/2014/12/17/tsa-head-threat-from-terrorism-worse-now-but-us-better-able-to-combat-it/>)

The outgoing and longest-serving head of the Transportation Security Administration says the threat from terrorism is worse now than when he took the job four years ago, but the U.S. is better positioned to combat foreign plots. "The threat today is unfortunately more expansive than what it was four-and-a-half years ago," John Pistole told Fox News during an interview before he leaves at the end of the month, concluding 31 years of government service -- including 27 at the FBI, where he rose to the rank of deputy director. "With that being said, we also have better insights into who the potential bombers are," he added. From Pistole's unique position at the TSA and FBI, he watched Al Qaeda's strategy evolve from the 9/11 attacks that murdered nearly 3,000 Americans, to the failed underwear bomb plot to bring down a jet on Christmas Day 2009 and the non-metallic explosive devices buried in cargo a year later. Although Al Qaeda experimented in 2012 with surgically implanted bombs before apparently abandoning the idea as impractical, Pistole suggested they are now focused on devices held close or strapped to the body. "That is one of things that concerns us, how well do they design, construct and then conceal," he said. Pistole will become president of his alma mater, Anderson University in Anderson, Ind., this spring. Fox News asked Pistole whether the threat to American aviation had diminished since August, when the U.S. launched a bombing campaign against ISIS in Syria and Iraq, and the Al Qaeda-led "Khorasan" group. Khorasan contains long-time associates of Usama bin Laden, including Sanafi al-Nasr and Muhsin al-Fadhli, as well as a handful of operatives trained by the Yemeni bomb maker Ibrahim al-Asiri, who specializes in non-metallic bombs that traditional airport screening can miss. "Without going into details about what that may look like from a classified intelligence perspective, we do remain concerned that there is active plotting going on," Pistole said. And with new information that the French bomb maker David Drugeon likely survived a U.S. air strike last month, Pistole added, "there is concern that there are still individuals out there who have not only the ability to do that, but also the intent to use that on a flight to Europe or the US." The TSA administrator also described classified procedures that track foreign fighters, based on their travel history, before they check in at overseas airports for U.S.-bound flights. "There are individuals we are concerned about and we are again looking at if they make travel reservations, then they of course receive proper scrutiny," Pistole said. The continued threat from groups like Khorasan explains why procedures, implemented in July, requiring passengers to turn on their phone and computers at some airports, remain in place. As the holiday travel season begins, TSA officials say they are not expecting big changes at the checkpoints, but if there are changes, they will be driven by new and specific intelligence. Pistole said the transition from a one-size-fits-all approach after 9/11 to a risk-based strategy -- driven by intelligence -- is one of the TSA workforce's accomplishments. "I think that's been one of the biggest changes. ... We're more efficient. Complaints are down. Wait times are down," he said. Data provided by the TSA showed that over Thanksgiving, more than 12.5 million passengers were screened, a 1.3 percent increase from 2013, with nearly 50 percent of these passengers getting expedited screening. Nationwide, TSA said 99.6 percent of passengers waited in a line for less than 20 minutes. Pistole was in Australia days before the hostage situation unfolded in Sydney last weekend, telling Fox it fit the profile of a classic lone wolf attack. "I am not aware of any intelligence about it as of last week, there was no talk about something like that," he said. But it's not that kind of attack that keeps Pistole up at night. "My greater concern, rather than just a lone wolf, is simultaneous attacks such as you saw on 9/11 ... with that being said, we also have better insights into who the potential bombers are," he said.

Topicality

PRISM

1. Interpretation—domestic surveillance is the acquisition of nonpublic information regarding US citizens

Small 8 MATTHEW L. SMALL. United States Air Force Academy 2008 Center for the Study of the Presidency and Congress, Presidential Fellows Program paper "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" <http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf>

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

[T]he acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

2. Violation—PRISM conducts surveillance of people throughout the world.

Rosebach et al 13 (Marcel Rosebach, Holger Stark, and Jonathan Stock, "Prism Exposed: Data Surveillance with Global Implications," Spiegel Online. Roseblach is a journalist at Spiegel Online and graduated from Hamburg University with a degree in journalism and political science. After graduated they attended the Henri Nannen School of Journalism. <http://www.spiegel.de/international/world/prism-leak-inside-the-controversial-us-data-surveillance-program-a-904761.html> // EMS).

South of Utah's Great Salt Lake, **the** National Security Agency (**NSA**), a **United States foreign intelligence service, keeps watch over** one of its most expensive secrets. Here, on 100,000 square meters (1,100,000 square feet) near the US military's Camp Williams, the NSA is constructing enormous buildings to house superfast computers. All together, the project will cost around \$2 billion (€1.5 billion) and the computers will be capable of storing a gigantic volume of data, at least 5 billion gigabytes. The energy needed to power the cooling system for the servers alone will cost \$40 million a year.¶ Former NSA employees Thomas Drake and Bill Binney told SPIEGEL in March that the facility would soon store personal data **on people from all over the world** and keep it for decades. This includes emails, Skype conversations, Google searches, YouTube videos, Facebook posts, bank transfers -- electronic data of every kind.¶ They have everything about you in Utah," Drake says. "Who decides whether they look at that data? Who decides what they do with it?" Binney, a mathematician who was previously an influential analyst at the NSA, calculates that **the servers are large enough to store the entirety of humanity's electronic communications** for the next 100 years -- and that, of course, gives his former colleagues plenty of opportunity to read along and listen in.¶ James Clapper, the country's director of national intelligence, has confirmed the existence of a large-scale surveillance program. President Barack Obama further explained that Congress authorized the program -- but that **American citizens are exempt from it.**¶ A top-secret document published last week by the *Washington Post* and Britain's *Guardian* shows where the NSA may be getting the majority of its data. According to the document, which was allegedly leaked by former CIA employee Edward Snowden, the intelligence agency began seeking out direct access to servers belonging to American Internet companies on a wide scale in 2007. The first of these companies to come onboard was Microsoft. Yahoo followed half a year later, then Google, Facebook, PalTalk, YouTube, Skype and AOL. The most recent company to declare its willingness to cooperate was Apple, in

October 2012, according to the secret government document, which proudly states that this access to data is achieved "directly from the servers" of the companies.¶ The companies in question denied that claim on Friday. But if what the document says is true, the NSA has the potential to know what every person in the world who uses these companies' services is doing, and **that** presumably **includes millions of Germans.**¶ **Total Surveillance of Germans is Inappropriate**¶ On Monday, German Chancellor Angela Merkel confirmed through a spokesman that she plans to discuss the NSA's controversial data surveillance program with President Obama during his visit to Berlin next week. A spokesperson for the German Justice Ministry also said that talks are currently underway with US authorities. The discussions will include implications to Germany and "possible impairment of the rights of German citizens."¶ German Consumer Protection Minister Ilse Aigner has called for "clear answers" from the companies implicated in the document, and the German Green Party has demanded that the government investigate the circumstances of **Prism** immediately.¶ **Total surveillance of all German citizens** by the NSA **is** completely **disproportionate.**" Volker Beck, secretary of the Green Party group in parliament, said on Monday. The party has proposed that the topic be discussed at next week's parliamentary session.¶

Voting issue:

- A. Limits—the affirmative allows the curtailment of information gathering on non-US citizens—this explodes the number of topical affs and the negs research burden
- B. Ground—they kill neg offense like international CPs and can spike out of links

Strict Scrutiny

1. "Its" indicates possession.

Oxford Dictionary 14 (Oxford Dictionary, "its,"

http://www.oxforddictionaries.com/us/definition/american_english/its, accessed 7/2/14)

its¶ Top 1000 frequently used words¶ Syllabification: its¶ Pronunciation: /its /¶ DETERMINER¶ **Belonging to** or associated with **a thing previously mentioned** or easily identified:¶ turn the camera on its side¶ he chose the area for its atmosphere

2. Violation: they reduce NYPD surveillance – Love their solvency advocate talks about strict scrutiny in the context of ending NYPD mosque surveillance.

3. The Affirmative Interp is bad for debate

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Including the NYPD as an actor adds THOUSANDS of different actors and affirmatives.

4. T is a voter because the opportunity to prepare promotes better debating

Curtail

1. "Curtail" means to restrict

Webster's 15 – Webster's New World College Dictionary, 4th Ed., "curtail",

<http://www.yourdictionary.com/curtail>

verb

To curtail is defined as to restrict something. stop something or deprive of something.

An example of curtail is when a town wants to stop drunk driving.

2. Violation - "Restrictions" are direct governmental limitations –

Viterbo 12 (Annamaria, Assistant Professor in International Law – University of Torino, PhD in International Economic Law – Bocconi University and Jean Monnet Fellow – European University Institute, International Economic Law and Monetary Measures: Limitations to States' Sovereignty and Dispute, p. 166)

In order **to distinguish** an exchange **restriction from a trade measure, the Fund chose not to give relevance to the** purposes or the **effects of the measure and to adopt, instead, a technical criterion that focuses on the method** followed to design said measure.

An interpretation that considered the economic effects and purposes of the measures (taking into account the fact that the measure was introduced for balance of payments reasons or to preserve foreign currency reserves) would have inevitably extended the Fund's jurisdiction to trade restrictions, blurring the boundaries between the IMF and the GATT. The result of such a choice would have been that a quantitative restriction on imports imposed for balance of payments reasons would have fallen within the competence of the Fund.

After lengthy discussions, in 1960 the IMF Executive Board adopted Decision No. 1034-(60/27).⁴⁶ This Decision clarified that **the distinctive feature of a restriction** on payments and transfers for current international transactions **is "whether it involves a direct governmental limitation on** the availability or use of **exchange** as such".⁴⁷ **This is a limitation imposed directly** on the use of currency in itself, for all purposes.

3. The plan does not curtail – enacting Strict Scrutiny Standards may have an effect of possibly curtailing surveillance in the distant future, but it does not have a direct effect as of the 1ac plantext of curtailing surveillance much less restricting it.

Assess whether the means themselves are a limit---allowing actions that effect a reduction ruins precision

Randall 7 (Judge – Court of Appeals of the State of Minnesota, "Dee Marie Duckwall, Petitioner, Respondent, vs. Adam Andrew Duckwall, Appellant", 3-13, http://law.justia.com/cases/minnesota/court-of-appeals/2007/opa0606_95-0313.html#_ftnref2)

[2] When referring to parenting time, **the term "restriction[,]" is a term of art that is not the equivalent of "reduction"** of parenting time. **"A modification of visitation that results in a reduction of total visitation time, is not necessarily a restriction" of visitation.** Danielson v. Danielson, 393 N.W.2d 405, 407 (Minn. App. 1986). **When determining whether a reduction constitutes a restriction, the court should consider the reasons for the change as well as the amount of the reduction."** Anderson v. Archer, 510 N.W.2d 1, 4 (Minn. App. 1993).

4. Voting issue---

Limits---allowing effectual reductions explodes the topic. Any action can potentially result in less surveillance. Limits are key to depth of preparation and clash. They get more ground to weigh as offense against counterplans or to link turn DAs like politics, at the expense of negative preparation, because it's impossible to research every single non-topical trick the aff could deploy. That crushes competitive equity which comes first because debate is a game. It's very unlikely that a direct effect of the plan is a curtailment of surveillance, hold them to a very high standard.

Case

Islamophobia

Frontline – 1NC

Their impacts are overblown – the majority of Muslims do not feel impacted by surveillance policies – we have poll data

Sidhu 7 — (Dawinder S. Sidhu, Associate Professor of Law, B.A. 2000 from University of Pennsylvania, M.A. 2003 from Johns Hopkins University, J.D. 2004 from The George Washington University, Member of the Maryland Bar, served as a fellow at the Supreme Court of the United States, received a Distinguished Service Award, taught at the Georgetown University Law Center and University of Baltimore School of Law, held visiting research posts at the Oxford University Faculty of Law and Georgetown University Law Center, held fellowships at Harvard University and Stanford University research centers, presented at various law schools, including the University of Pennsylvania Law School and Stanford Law School, participated in programs at leading think tanks, such as the Aspen Institute and Council on Foreign Relations, served as a legal observer of the military commissions at Guantanamo, cited by the Solicitor General of the United States and U.S. Department of Justice, cited in briefs submitted to the Supreme Court of the United States, 2007, “The Chilling Effect of Government Surveillance Programs on the Use of the Internet by Muslim-Americans,” *7 U. Md. L.J. Race, Religion, Gender & Class*, Available online at <http://heinonline.org/HOL/Page?handle=hein.journals/margin7&collection=journals&page=375>)

Identity: Of the 311 respondents, all identified themselves as Muslims.83

General Internet Usage: A vast majority of respondents (80.1%) used the Internet prior to 9/11, while the rest did not. After 9/11, the Internet usage of the respondents increased 7.7%, with 87.8% stating that they have used the Internet after the terrorist attacks, while only 11.9% reporting that they have not. The trend towards greater Internet usage continued, as 90.4% of respondents note that they "currently use" the Internet, and only 9.3% state that they do not.

Views Regarding Government Surveillance: 71.7% of respondents believe (48.9% strongly, 22.8% somewhat) that the government is currently monitoring the activities of Muslims in the United States. By contrast, only 4.2% (1.6% somewhat and 2.6% strongly) disbelieve that such monitoring is taking place. Similarly, 70.7% of respondents believe (45.0% strongly, 25.7% somewhat) that the government is currently monitoring the Internet activities of Muslims in the United States. Only 4.8% disbelieve (2.9% somewhat, 1.9% strongly) that such monitoring is taking place.

Alterations in Behavior—Generally: 86.8% of respondents said they have not changed at all their general activities after 9/11 due to a concern that the government may be monitoring their activities. Only 11.6% of respondents changed their general activities (6.1% made slight changes, 2.3% made moderate changes, 1.6% made many changes, 1.6% made significant changes) due to this concern.

65.9% of respondents stated that they were not personally aware of any other Muslims in the United States who changed, in any way, their general activities after 9/11, because of a concern that the government may be monitoring their activities. 25.4% of respondents stated they were personally aware of any other Muslims in the United States who changed, in any way, their general activities after 9/11, because of a concern that the government may be monitoring their activities.

Alterations in Behavior-Internet Usage: 89.1% of respondents said they have not changed their Internet usage at all-the sites they visit or the amount of time they spend on the Internet-after 9/11 due to a concern that the government may be monitoring their activities. Only 8.4% of respondents changed their Internet usage (3.9% made slight changes, 1.6% made moderate changes, 1.9% made many changes, 1.0% made significant changes)

due to this concern. Of those who stated that they have made changes in their Internet usage, 57.6% noted that they did not visit websites after 9/11, because of a concern that the government may be monitoring their online activities.

77.2% of respondents stated that they were not personally aware of any other Muslims in the United States who changed, in any way, their Internet usage after 9/11, because of a concern that the government may be monitoring their activities. 11.9% of respondents stated they were personally aware of any other Muslims in the United States who changed, in any way, their Internet usage after 9/11, because of a concern that the government may be monitoring their activities. Of these respondents, 45.6% stated that they are personally aware of other Muslim-Americans who have not visited certain web sites after 9/11, because of a concern that the government may be monitoring their online activities.

Islamophobia IS messed up – that’s undeniable – but it’s equally undeniable that almost all terrorists ARE Muslim, making it the most effective method to combat terrorist operations – this evidence is comparative.

McMillen 06 (Lucas McMillen, University of St. Thomas, “Eye on Islam: Judicial Scrutiny Along the Religious Profiling/Suspect Description Reliance Spectrum”, [<http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj>])

Immediately after the September 11th terrorist attacks, Attorney General John Ashcroft converted the Federal Bureau of Investigation into a counterterrorism agency: "That day, in those early hours," said Ashcroft in a 2002 press conference announcing the Bureau's reorientation, "the prevention of terrorist acts became the central goal of the law enforcement and national security mission of the FBI."¹ But, while Ashcroft may have properly redirected the FBI toward confronting the primary threat to United States safety and security, his identification of our enemy was not as particular as it could have been. In 2004, the 9/11 Commission aimed for further clarity: "[T]he enemy is not just "terrorism," some generic evil. This vagueness blurs the strategy. The catastrophic threat at this moment in history is more specific. It is the threat posed by Islamist terrorism-especially the al Qaeda network, its affiliates, and its ideology."² Indeed, no characteristic unites the perpetrators of recent terrorist acts so much as their Muslim identity. Middle Eastern nationality may be thought to provide the link, but this trait proves to be underinclusive: to name just a few examples, Richard Reid, the "shoe bomber," is a Muslim who was born and educated in the United Kingdom,³ as were the four July 7th London Underground bombers.⁴ Zacarias Moussaoui, the only person to be charged and convicted by United States courts in connection with the September 11th terrorist attacks, is a French Muslim.⁵ Earnest James Ujaama, an indicted al-Qaeda associate, is a Muslim convert who was born in Denver and raised in Seattle.⁶ Furthermore, of the twenty-six terrorists currently on the FBI's Most Wanted List, three are from the Philippines; two are from Kenya; one, Abdul Rahman Yasin, is from Indiana-all are Muslims.⁷ Nor does Arab ethnicity serve as a reliably accurate terrorist-identifying characteristic: on December 5th, 2005, a white woman who was raised as a Catholic in Belgium became the first European Muslim suicide bomber when she detonated herself in Baquba.⁸ Indeed, the use of stereotype-defying terrorist operatives is entirely consistent with al-Qaeda's expressed intent to employ deceptive tactics in carrying out its attacks.⁹ Of course, **the one characteristic that Islamist radicals cannot obscure by selective conscription is Islamic identity.** Accordingly, **Muslim identity should be considered the attribute that correlates most positively with terrorist involvement;** or, in the words of Abdel Rahman al-Rashed, the general manager of Al-Arabiya, a top pan-Arab television station in the Middle East,¹⁰ **"It is a certain fact that not all Muslims are terrorists. but it is equally certain, and exceptionally painful, that almost all terrorists are Muslims."**¹¹ Our question then becomes, what is the proper role for Muslim identity in our law-enforcement officials' preventive counterterrorism efforts? It is a question that calls for a survey of our Constitution as well as our conscience, as the answer may compel us to contemplate taking permissible but regrettable measures against a particular religious group. In 1785, James Madison wrote: "[A just government] will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property."¹² **But what shall be done when those two ideals are incompatible, when protecting persons and their property requires the government to take action that may infringe on others' religious enjoyment?**

We are faced with bad (ostracizing Muslims) and worse (suffering another terrorist attack) choices, a predicament expressed in the dour words of the reliably relevant Winston Churchill, who, speaking in a different context, said, "We seem to be very near the bleak choice between War and Shame. My feeling is that we shall choose Shame, and then have War thrown in a little later on even more adverse terms than at present." ¹³ To assist legal and law enforcement authorities in avoiding both Shame and War, this Article will aim to provide a legal framework allowing law enforcement officials greater flexibility in targeting religious groups. In doing so, it will focus exclusively on religious-group targeting and will not address the related issues of racial and ethnic profiling, which have been adequately covered by other commentators. I will begin by discussing the difference between acts of religious profiling and acts of suspect description reliance, and then discuss how most acts of religious-group targeting can be plausibly characterized as either. Finally, I will recommend that courts adopt a view toward religious-group targeting that allows law-enforcement officials greater flexibility in countering the Islamist terrorist threat.

No solvency – Muslims don't know if they're being surveyed, circumvention is inevitable, and islamophobia is too engrained.

Kundani 14 (Arun Kundani, The Guardian, March 28, 2014, "No NSA Reform can fix the American Islamophobic Surveillance Complex", <http://www.theguardian.com/commentisfree/2014/mar/28/nsa-reform-american-islamophobic-surveillance-complex>)

Better oversight of the sprawling American national security apparatus may finally be coming: President Obama and the House Intelligence Committee unveiled plans this week to reduce bulk collection of telephone records. The debate opened up by Edward Snowden's whistle-blowing is about to get even more legalistic than all the parsing of hops and stores and metadata. ¶ These reforms may be reassuring, if sketchy. But for those living in so-called "suspect communities" – Muslim Americans, left-wing campaigners, "radical" journalists – the days of living on the receiving end of excessive spying won't end there. ¶ How come when we talk about spying we don't talk about the lives of ordinary people being spied upon? While we have been rightly outraged at the government's warehousing of troves of data, we have been less interested in the consequences of mass surveillance for those most affected by it – such as Muslim Americans. ¶ In writing my book on Islamophobia and the War on Terror, I spoke to dozens of Muslims, from Michigan to Texas and Minnesota to Virginia. Some told me about becoming aware their mosque was under surveillance only after discovering an FBI informant had joined the congregation. Others spoke about federal agents turning up at colleges to question every student who happened to be Muslim. All of them said they felt unsure whether their telephone calls to relatives abroad were wiretapped or whether their emails were being read by government officials. ¶ There were the young Somali Americans in Minnesota who described how they and their friends were questioned by FBI agents for no reason other than their ethnic background. Some had been placed under surveillance by a local police department, which disguised its spying as a youth mentoring program and then passed the FBI intelligence on Somali-American political opinions. ¶ There were the Muslim students at the City University of New York who discovered that fellow students they had befriended had been informants all along, working for the New York Police Department's Intelligence Division and tasked with surveilling them. There was no reasonable suspicion of any crime; it was enough that the targeted students were active in the Muslim Students Association. ¶ And then there was Luqman Abdullah, a Detroit-based African-American imam, whose mosque was infiltrated by the FBI, leading to a 2009 raid in which he was shot and killed by federal agents. The government had no evidence of any terrorist plot; the sole pretext was that Abdullah had strongly critical views of the US government. ¶ These are the types of people whom the National Security Agency can suspect of being two "hops" away from targets. These are the types of "bad guys" referred to by outgoing NSA director Keith Alexander. Ten years ago, around 100,000 Arabs and Muslims in America had some sort of national security file compiled on them. Today, that number is likely to be even higher. ¶ A study published last year by the Muslim American Civil Liberties Coalition documented the effects of this kind of mass surveillance. In targeted communities, a culture of enforced self-censorship takes hold and relationships of trust start to break down. As one interviewee said: "You look at your closest friends and ask: are they informants?" ¶ This is what real fear of surveillance looks like: not knowing whom to trust, choosing your words with care when talking politics in public, the unpredictability of state power. Snowden has rightly drawn our attention to the power of what intelligence agencies call "signals intelligence" – the surveillance of our digital communications – but equally important is "human intelligence", the result of informants and undercover agents operating within communities. ¶ Underpinning all the surveillance of Muslim Americans is an assumption that Islamic ideology is linked to terrorism. Yet, over the last 20 years, far more people have been killed in acts of violence by right-wing extremists than by Muslim American citizens or

permanent residents. The huge numbers being spied upon are not would-be terrorists but law-abiding people, some of whom have "radical" political opinions that still ought to be protected by the First Amendment to the constitution. Just the same, there are plenty of other minority Americans who are not would-be "home-grown" terrorists – but they still live in fear that they might be mistaken as one. So let's reform the NSA and its countless collections. But let's not forget the FBI's reported 10,000 intelligence analysts working on counter-terrorism and the 15,000 paid informants helping them do it. Let's not forget the New York Police Department's intelligence and counter-terrorism division with its 1,000 officers, \$100m budget and vast program of surveillance. Let's not forget the especially subtle psychological terror of being Muslim in America, where, sure, maybe your phone calls won't be stored for much longer, but there's a multitude of other ways you're always being watched.⁹

Alt cause – state and local enforcement means the impact is inevitable

AP 12 (Samantha Henry, Matt Appuzzo, Wayne Perry, reporters for the Associated Press, American multinational nonprofit news agency, 2012, "New Jersey Muslims Angry Over NYPD Surveillance Findings," *The Huffington Post*, May 25, Available online at http://www.huffingtonpost.com/2012/05/25/new-jersey-muslims-cangry-nypd-surveillance_n_1545319.html)

Muslim leaders in New Jersey say they are angry but uncertain what their next step will be after the state's attorney general found that New York City police did not violate any laws in its surveillance of Muslim businesses, mosques and student groups in New Jersey. Several mosque leaders who attended a meeting Thursday with Attorney General Jeffrey S. Chiesa said they were shocked he found no violation of state criminal or civil laws by the NYPD in operations that many Muslims considered unjustified surveillance based solely on religion. "This is a big violation of our civil rights, and we need to go to our communities and explain it?" Imam Mohammad Qatanani, the spiritual leader of the Islamic Center of Passaic County said Thursday as he left the meeting. Qatanani said he would not tell his congregants to stop collaborating with law enforcement, but added, "We need from them to show us the same seriousness and honesty in building bridges with the Muslim community." Chiesa had been asked by Gov. Chris Christie, who appointed him, to look into operations in New Jersey that were part of a widespread NYPD program to collect intelligence on Muslim communities both inside New York and beyond. Undercover officers and informants eavesdropped in Muslim cafes and monitored sermons, even when there was no evidence of a crime. They infiltrated Muslim student groups, videotaped mosque-goers or collected their license plate numbers as they prayed. The result was that many innocent business owners, students and others were cataloged in police files. The interstate surveillance efforts, revealed by The Associated Press earlier this year, angered many Muslims and New Jersey officials. Some, like Newark Mayor Cory Booker and the state's top FBI official, criticized the tactics. Others, like Christie, focused more on the fact that the NYPD didn't tell New Jersey exactly what it was up to. In response, Chiesa launched what he described as a fact-finding review. Further, authorities found that New Jersey has no laws barring outside law enforcement agencies from secretly conducting operations in the state, representatives of the attorney general's office told the AP. However, New York police have agreed to meet with New Jersey law enforcement regularly to discuss counterterrorism intelligence and operations, the attorney general said.

Aff can't solve — Anti-Arab sentiment is entrenched in mainstream media and history

Salaita 6 — Steven George Salaita, scholar, author and public speaker, received his B.A. in political science from Radford University in 1997, his M.A. in English from Radford in 1999, and completed his Ph.D. at the University of Oklahoma in Native American studies with a literature emphasis, became an assistant professor of English at University of Wisconsin in Whitewater, where he taught American and ethnic American literature until 2006, associate professor of English at Virginia Tech, won a 2007 Gustavus Myers Outstanding Book Award for writing the book *Anti-Arab Racism in the USA: Where It Comes from and What it Means for Politics Today*,

2006 (“9/11, Anti-Arab Racism, and the Mythos of National Pride,” *Beyond Orientalism and Islamophobia*, Fall, Available online at https://muse.jhu.edu/journals/new_centennial_review/v006/6.2salaita.pdf)

My second observation that **anti-Arab racism is not confined to the political right also is worth analysis.** Racism, as writers from Elizabeth Cook-Lynn to bell hooks have illustrated, **is never limited to particular social or discursive movements, nor is it ever rooted in consistent sites of cultural or linguistic production.** Any comprehensive survey of popular opinion in the United States over the past decade (a time frame that purposely straddles 9/11) will demonstrate that the blatant anti-Arab racism of the political right is, using a vocabulary appropriate to specific political agendas, **reinscribed continually in the discourse, or at least the ethos, of mainstream and progressive media.** For instance, leftist liberal publications such as Dissent, Tikkun, and MoveOn.org have been guilty of expressing racist attitudes either in the form of support for Palestinian dispossession or by totalizing all Arabs and Muslims as potential terrorists; or the racism arrives subtly by precluding Arabs from speaking on their own behalf. **A similar guilt is shared by mainstream (supposedly liberal) publications such as the New York Times, Newsweek, Los Angeles Times, and Slate.com, which, given their corporate obligations, cannot realistically be expected to attack anti-Arab racism when it is so fundamental to the interests of American capitalism** (and to the survival of the publications). Of major concern to this essay is the recognition that, in keeping with the seminal work of Louis Althusser and Terry Eagleton, **we cannot seriously interrogate racism by attributing it solely to one political ideology without analyzing how the racism is interpolated through a multitude of discourses at the benefit of various ideologies.** Beyond this intercultural observation, we can say that **anti-Arab racism has specific historical dimensions that render it unique even as it has been an inheritor of countless tensions and anxieties.** Some of those dimensions—travel narratology, Orientalist scholarship, imperialism—have been discussed by others in some detail; the dimension I invariably find most interesting is the relationship of anti-Arab racism with settler colonization, both in the New World and Holy Land. **This relationship indicates that a centuries-old Holy Land mania in the United States not only facilitated what Cook-Lynn (2001) calls “anti-Indianism,” but has allowed the anti-Indianism to evolve into support for a new Messianic conquest that positions today’s Arabs in a fascinating theological continuum.** If Natives were the first victims of racism in North America, then Arabs, the new schematic evildoers, are merely the latest to be the first.

Security Good

Security endorsement is necessary to explore human becoming and open space for life possibilities

Booth 05 (Ken – visiting researcher – US Naval War College, Critical Security Studies and World Politics, p. 22)

The best starting point for conceptualizing security lies in the real conditions of insecurity suffered by people and collectivities. Look around. What is immediately striking is that **some degree of insecurity, as a life-determining condition, is universal.** **To the extent an individual or group is insecure, to the extent their life choices and changes are taken away;** this **is because of the resources and energy they need to invest in seeking safety from domineering threats**—whether these are the lack of food for one’s children, or organizing to resist a foreign aggressor. **The corollary of the relationship between insecurity and a determined life is that a degree of security creates life possibilities.** Security might therefore be conceived **as synonymous with opening up space in people’s lives. This allows for individual and collective human becoming**—the capacity to have some choice about living differently—**consistent with the same but different search by others.** Two interrelated conclusions follow from this. First, security can be understood as an instrumental value; it frees its possessors to a greater or lesser extent from life-determining constraints and so allows different life possibilities to be explored. Second, **security is not synonymous simply with survival.** One can survive without being secure (the experience of refugees in long-term camps in war-torn parts of the world, for example). **Security is therefore more than mere animal survival** (basic animal existence). **It is survival-plus, the plus being the possibility to**

explore human becoming. As an instrumental value, security is sought because it free people(s) to some degree to do other than deal with threats to their human being. The achievement of a level of security—and security is always relative – gives to individuals and groups some time, energy, and scope to choose to be or become, other than merely surviving as human biological organisms. Security is an important dimension of the process by which the human species can reinvent itself beyond the merely biological.

Realism

Realism and securitization are inevitable

Thayer 04 – Thayer has been a Fellow at the Belfer Center for Science and International Affairs at the Kennedy School of Government at Harvard University and has taught at Dartmouth College and the University of Minnesota (*Darwin and International Relations: On the Evolutionary Origins of War and Ethnic Conflict*, University of Kentucky Press, 2004, pg. 75-76)

The central issue here is what causes states to behave as offensive realists predict. Mearsheimer advances a powerful argument that anarchy is the fundamental cause of such behavior. **The fact that there is no world government compels the leaders of states to take steps to ensure their security, such as striving to have a powerful military, aggressing when forced to do so, and forging and maintaining alliances. This is what neorealists call a self-help system:** leaders of states are forced to take these steps because nothing else can guarantee their security in the anarchic world of international relations. I argue that **evolutionary theory also offers a fundamental cause for offensive realist behavior. Evolutionary theory explains why individuals are motivated to act as offensive realism expects**, whether an individual is a captain of industry or a conquistador. My argument is that anarchy is even more important than most scholars of international relations recognize. **The human environment of evolutionary adaptation was anarchic; our ancestors lived in a state of nature in which resources were poor and dangers from other humans and the environment were great**—so great that it is truly remarkable that a mammal standing three feet high—without claws or strong teeth, not particularly strong or swift—survived and evolved to become what we consider human. Humans endured because natural selection gave them the right behaviors to last in those conditions. **This environment produced the behaviors examined here: egoism, domination, and the in-group/out-group distinction. These specific traits are sufficient to explain why leaders will behave, in the proper circumstances, as offensive realists expect them to behave. That is, even if they must hurt other humans or risk injury to themselves, they will strive to maximize their power**, defined as either control over others (for example, through wealth or leadership) or control over ecological circumstances (such as meeting their own and their family's or tribes need for food, shelter, or other resources).

AT – Threatcon -> War

Construction of threats does not cause wars

Kaufman 09 (Stuart J, Prof Poli Sci and IR – U Delaware, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs only if these factors are harnessed. Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. **Politicians must also seize the opportunity to manipulate that hostility,** evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. **Such mobilization is often spurred by prominent events** (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. **If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma** spiral of rising fear, hostility, and mutual threat that results in violence. A virtue of this symbolist theory is that **symbolist logic explains why ethnic peace is more common than ethnonationalist war. Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence:** this is consociationalism. ¹⁷ War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

Critical terror studies are garbage

Jones and Smith 9 – * University of Queensland, Queensland, Australia AND ** King's College, University of London, London, UK (David and M.L.R., “We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?,” *Studies in Conflict & Terrorism*, Volume 32, Issue 4 April 2009 , pages 292 – 302, Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word “terror,” its manipulation by ostensibly liberal democratic state actors, and the complicity of “orthodox” terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance?¶ Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard Jackson, suggested some uncertainty concerning the preferred title of the journal. *Critical Studies on Terrorism* appeared last on a list where the first choice was *Review of Terror Studies*. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve?¶ What it Means to be Critical¶ The editors and contributors explore what it means to be “critical” in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is “a growth industry,” observing with a mixture of envy and disapproval that “literally thousands of new books and articles on terrorism are published every year” (pp. 1-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective.¶ Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation “terror” is, for the critical theorist, misplaced. As the symposium explains, “acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and a few thousand casualties per year over the entire world” (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.¹ At the same time, the more pervasive and repressive terror practiced by the state has been “silenced from public and ... academic discourse” (p. 1).¶ The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution “Old Myths, New Fantasies and the Enduring Realities of Terrorism” (pp. 5-16), not only discovers ten “myths” informing the understanding of terrorism, but also finds that these myths reflect a “state centric security focus,” where analysts rarely consider “the violence perpetrated by the state” (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is “central to terrorism and counter-terrorism as political action,” that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be “the terrorist's best friend” (p. 7).¶ Stohl further compounds this incoherence, claiming that “the media are far more likely to focus on the destructive actions, rather than on ... grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories” (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The “media” is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misreported.¶ Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in “The End of Terrorism Studies” (pp. 37-49), asserts that established analysts like Bruce Hoffman “specifically exclude states as possible perpetrators” of terror. Consequently, the emergence of “critical terrorism studies” “may signal the end of a particular kind of traditionally state-focused and directed ‘problem-solving’ terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality” (p. 42).¶ Elsewhere, Adrian Guelke, in “Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror” (pp. 17-25), considers British government-induced media “scare-mongering” to have legitimated an “authoritarian approach” to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in “The Terrorist Subject: Terrorist Studies and the Absent Subjectivity” (pp. 27-36), find the War on Terror constitutes “the single,” all embracing paradigm of analysis where the critical voice is “not allowed to ask: what is the reality itself?” (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract “desire” that demands terror as “an ever-present threat” (p. 31). In order to sustain this fabrication: “Terrorism experts and commentators” function as “realist policemen”; and not very smart ones at that, who while “gazing at the evidence” are “unable to read the paradoxical logic of the desire that fuels it, whereby *lack* turns *to excess*” (original italics) (p. 32). Finally, Ken Booth, in “The Human Faces of Terror: Reflections in a Cracked Looking Glass” (pp. 65-79), reiterates Richard Jackson's contention that state terrorism “is a much more serious problem than non-state terrorism” (p. 76). Yet, one searches in vain in these articles for evidence to support the ubiquitous assertion of state bias: assuming this bias in conventional terrorism analysis as a

fact **seemingly does not require** a corresponding concern with **evidence** of this fact, **merely its continual reiteration by conceptual fiat**. **A critical perspective dispenses not only with terrorism studies** but also with the norms of accepted scholarship. Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But **critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry**.¶ Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. **The unproved “state centrism” of terrorism studies serves as a platform for further unsubstantiated accusations** about the state of the discipline. Jackson and his fellow editors, along with later claims by Zulaika and Douglass, and Booth, again assert that “orthodox” analysts rarely bother “to interview or engage with those involved in 'terrorist' activity” (p. 2) or spend any time “on the ground in the areas most affected by conflict” (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of “talking to terrorists” in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*.¶ A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with “the particular dynamics of the political world” (p. 70). Analogously, Stohl claims that “the US and English [sic] media” exhibit a tendency to psychologize terrorist acts, which reduces “structural and political problems” into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics.¶ By contrast, the critical approach is not only self-reflective, but also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, “reflexivity” is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity “to challenge dominant knowledge and understandings, is sensitive to the politics of labelling ... is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation” (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications.¶ Reflexive or Defective? ¶ Firstly, **to challenge dominant knowledge and understanding and retain sensitivity to labels leads inevitably to a fixation with language, discourse, the ambiguity of the noun, terror, and its political use and abuse**. **Terrorism**, Booth enlightens the reader unremarkably, is “a politically loaded term” (p. 72). Meanwhile, Zulaika and Douglass consider terror “the dominant tropic [sic] space in contemporary political and journalistic discourse” (p. 30). Faced with the “serious challenge” (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is “one of the most powerful signifiers in contemporary discourse.” There is, moreover, a “yawning gap between the 'terrorism' signifier and the actual acts signified” (p. 1). “[V]irtually all of this activity,” the editors pronounce *ex cathedra*, “refers to the *response* to acts of political violence not the violence itself” (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security.¶ In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the “instability (and thoroughly politicized nature) of the unifying master-terms of our field: 'terror' and 'terrorism’” (p. 38). To address this he contends that a critical stance requires us to “keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis.” Indeed, “without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all” (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke “*questions the question*.” This intellectual *potpourri* apparently enables the critical theorist to “question the ontological status of a 'problem' before any attempt to map out, study or resolve it” (p. 38).¶ Interestingly, Burke, Booth, and the symposiastahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility.¶ **The critical approach to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much confusion and inconsequentiality in the practice of the social sciences**. It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. **This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and a real theory of language**.¶ The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they are talked about in a certain way. More precisely, as J.L. Mackie explains, “if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there.”² Indeed, **in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves**.¶ It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the

study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows.¶ What is To Be Done?¶ This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. “[C]ritical knowledge,” Booth declares, “involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions” (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with “big-picture navigation aids” (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson's nineteen points, in a somewhat different context, “God Almighty only gave us ten”). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should “avoid exceptionalizing the study of terrorism.”³ “recognize that states can be agents of terrorism,” and “keep the long term in sight.” Unexceptional advice to be sure and long recognized by more traditional students of terrorism. The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth's concluding injunction to “stand outside” prevailing ideologies (p. 78).¶ In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists.¶ The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable.¶ On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”⁴¶ The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an inspissated moral confusion. This is paradoxical given that the editors make much in the journal's introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape.¶

Historically Speaking¶ Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such understanding is not serious or genuine but histrionic.”⁵ It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact.¶ On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives ... or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33).¶ At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist. Further, the greater terrorist uses the greater violence: Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists.¶ In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “terror has multiple forms” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75).¶ Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors

contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues.

Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting

around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental

communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46).¶ In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be.

This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda under the guise of soi-disant cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) and no doubt bursts into spontaneous chanting of Kumbaya.¶ In analogous visionary terms,

Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision.¶ Overall, the journal’s fallacious commitment

to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach

to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors

to the journal appear to hold Western politicians and the Western media.6¶ It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.”

However, in order to justify their disciplinary niche they have to insist on the failure of

established modes of terrorism study. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear.¶ Critical Studies and Strategic Theory—A Missed Opportunity¶

Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against ‘Critical Terrorism Studies’” (pp. 51-74).

Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors’ willingness to acknowledge deficiencies in some

terrorism research shows that critical self-reflection is already present in existing terrorism studies. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position.¶ Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved.¶

Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the

perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author’s distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an

end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In

strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.”¶ Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great

political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism.¶ Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.⁷ The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun.¶ Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the flawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.¶ Conclusion ¶ In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged.¶ At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama Boston Legal Judge Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of Critical Studies on Terrorism are its natural home.

Internal Link Defense

Aff can't resolve how deeply islamophobia has engrained itself in the American psyche.

Ali 12 (Yaser, Managing Attorney at Yaser Ali Law and J.D at University of California, Berkeley - School of Law, “Shariah and Citizenship—How Islamophobia Is Creating a Second-Class Citizenry in America”, CALIFORNIA LAW REVIEW, 8-1-2012, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=4176&context=californialawreview>)

One would assume that anti-Muslim sentiment reached its high water mark after 9/11. To the contrary, however, it has increased dramatically in the third phase of Islamophobia, which began during President Obama's 2008 campaign. If Volpp's contentions about Muslims' being relegated to second-class citizenship were true in 2002, then today that distinction has crystallized even further.¹³⁶ Whereas a vast majority of the incursions in the second phase occurred under the umbrella of national security, Islamophobia has now evolved beyond simply encouraging profiling and other surveillance techniques aimed at Muslims under the professed interests of national security. An institutionalized version of Islamophobia in this third phase now focuses on the “creeping threat of Shariah” and, in the process, more explicitly threatens the foundational conceptions of citizenship described by Professor Bosniak. Further, while citizens enjoy some fundamental level of respect for their individual beliefs and practices, this is no longer the case with regard to Muslims, both in journalism and politics today. Whereas it is widely recognized as socially unacceptable to be openly disparaging toward

minority groups, the privilege reflected in that norm is increasingly denied to Muslims. In this third phase of Islamophobia, mainstream discourse now explicitly challenges the notion that American Muslims deserve the same liberal notions of rights that other citizens enjoy. One might surmise that since the contours of this phase cannot easily be demarcated, the third phase is in fact a difference in degree rather than in kind. It is true that unlike the transition from the first to the second phase, there is no single demonstrable event or tipping point that represents the transition from the second to third period; however, there was a gradual progression that increased in intensity since the presidential campaign of 2008 when the term "Muslim" was actually converted into a slur, as political opponents "accused" then-Senator Obama of secretly being a Muslim. The **suggestion that a Muslim citizen would be less suited for office represents the deep-seated fear and mistrust of Muslims in the American consciousness.** President Obama's opponents recognized this fact and knew that it would be a powerful tool for discrediting him. Yet what was perhaps most striking about the "allegations" was not the partisan claims themselves, but the responses that President Obama and other government leaders offered. Obama felt compelled to reject the "accusations," doing his best to distance himself from the Muslim community and choosing not to make any campaign stops in mosques or meet with any Muslim organizations during the campaign (despite making numerous stops at churches and synagogues). President Obama did not state, that although he was not a Muslim, there was nothing wrong with Muslims per se. Instead, he reiterated the bias by referring to the accusations on his website as a "smear." Further, during one campaign rally, his aides asked two young Muslim women dressed in headscarves to exit the stage area where he would be speaking. Arguably, the pervasiveness of such insidious discourse from the President helped normalize the notion to the public that American Muslims are not "citizens," but indeed "others."

Circumvention

Generic

State-centric curtailment will inevitably fail—circumvention, increase in suppression, and extension of power

Schriefer, 10—advocacy director at Freedom House and contributor to New York Times (Paula, 11/9/10, "The Wrong Way to Combat 'Islamophobia'", New York Times, [//twemchen](http://www.nytimes.com/2010/11/10/opinion/10iht-edschriefer.html?_r=0&module=ArrowsNav&contentCollection=Opinion&action=keypress®ion=FixedLeft&pgtype=article)

This week, member states of the United Nations will vote on what has become an annual resolution, "On Combating Defamation of Religions," put forward by the Organization of the Islamic Conference, a group of 57 states with large Islamic populations. The resolution condemns what it calls "defamation of religions" — a vague notion that can perhaps best be described as a form of expression that offends another's religious sensibilities — and urges countries to enact laws that prohibit such forms of expression. The resolutions are part of a larger and dangerous campaign to create a global blasphemy law to combat what Muslim leaders refer to as "Islamophobia." **Such a campaign is deeply flawed from a human rights perspective, both in its equation of religious discrimination (a legitimate human rights violation) with the vague concept of defamation, as well as in the proposed remedy of imposing legal limits on freedom of expression.** A recent Freedom House report looking at blasphemy laws in seven countries documents the negative impact of such laws on a range of fundamental human rights, while noting how such laws actually contribute to greater interfaith strife and conflict. Because no one can agree on what constitutes blasphemy, **laws that attempt to ban it are themselves vague, highly prone to arbitrary enforcement and are used to stifle everything from political opposition to religious inquiry. Particularly when applied in countries with weak democratic safeguards — e.g., strong executives, subservient judiciaries, corrupt law enforcement — blasphemy laws do nothing to achieve their supposed goals of promoting**

religious tolerance and harmony and instead are **disproportionally used to suppress the freedom of religious minorities** or members of the majority religion that hold views considered unorthodox. In Pakistan, for example, Christians and Ahmadiyya (Muslims who do not believe Muhammad was the final prophet) make up only 2 percent of the population, but have been the target of nearly half of the more than 900 prosecutions for blasphemy in the past two decades. The remaining prosecutions have been made against Muslims themselves, often simply as an easy way to settle personal scores that have nothing to do with religion. Mere accusations of blasphemy have led to mob violence in which people have been maimed or killed and whole communities devastated. The governments of countries that already have such problematic laws on the books are precisely those countries leading the charge to create an international blasphemy law through the United Nations. The motivations of states like Egypt, Pakistan and Saudi Arabia — countries with appalling records on religious freedom and broader human rights — are unquestionably hypocritical and have more to do with their desire to score points with unhappy domestic populations and religious extremists than the desire to foster religious tolerance. Support for blasphemy laws is high among the general public in the Islamic world. Even the staunchest advocates of human rights in the Middle East, individuals who are openly critical of their corrupt and authoritarian leaders, balk at the idea that the publication of the Danish cartoons or the burning of a Koran should be protected forms of freedom of expression. In a part of the world where one's religion is as key to one's identity as nationality and race, most people simply view such forms of expression as a bigoted attack on their very existence. Such views are bolstered by the need to better address the real issues of discrimination and violence against individuals because of their religious beliefs, even in established democracies. It is a fact that political parties espousing xenophobic and anti-Islamic views in Europe have gained in both popularity and representation, and that legal policies have been enacted that most human rights organizations rightly see as restricting the fundamental rights of Muslims to practice their religious beliefs. It is also a fact that many of the same people who defended the Danish cartoons as an important form of free expression somehow feel perfectly justified in criticizing the plans to build an Islamic Center near the site of the World Trade Center because it offends them. Yet hypocrisy in Europe and the United States does not justify attempts to bring governmental oversight into what constitutes offensive expression. Even with the best intentions, which are often lacking, governments should never be in the business of policing speech. The tools of defeating intolerance, including religious intolerance, start with a legislative environment that protects people's fundamental political rights and civil liberties, including freedom of expression. Blasphemy laws don't work in any context and U.N. member states should reject them unconditionally.

Circumvention – Fusion centers

**Note: don't read against strict standards SWS version*

Fusion centers monitor lawful religious activity

Patel and Price '12 Faiza Patel serves as co-director of the Brennan Center's Liberty and National Security Program; Michael Price serves as counsel for the Brennan Center's Liberty and National Security Program (10/18/12, Faiza Patel, Michael Price, Brennan Center for Justice, "Fusion Centers Need More Rules, Oversight", <https://www.brennancenter.org/analysis/fusion-centers-need-more-rules-oversight>)

Instead of looking for terrorist threats, fusion centers were monitoring lawful political and religious activity. That year, the Virginia Fusion Center described a Muslim get-out-the-vote campaign as "subversive." In 2009, the North Central Texas Fusion Center identified lobbying by Muslim groups as a possible threat. The DHS dismissed these as isolated episodes, but the two-year Senate investigation found that such tactics were hardly rare. It concluded that fusion centers routinely produce "irrelevant, useless or inappropriate" intelligence that endangers civil liberties. None of their information has disrupted a single terrorist plot. These revelations call into question the value of fusion centers as currently structured. At a minimum, they underscore the need for greater oversight and clearer rules on what information fusion centers collect and disseminate. Of course, effective information sharing is critical to national security. But as the Senate investigation demonstrates, there is little value in distributing information if it is shoddy, biased or simply irrelevant. When fusion centers feed such information into the echo chamber of federal databases, they only compound mistakes and clog the system. The DHS has failed to create effective mechanisms or incentives for quality control.

Instead, **fusion centers collect and share information according to their individual standards, which vary considerably. These rules often permit information to flow to federal agencies that has no connection to criminal activity** — let alone terrorism. This creates the risk that intelligence networks will become saturated with poor or irrelevant information as well as lend undue credibility to inaccurate data. The Senate report showed that these risks are not just theoretical. **Fusion centers need explicit and consistent rules.** The DHS should ensure that the information the centers collect and distribute is relevant, useful and constitutional by requiring them to show some reasonable suspicion that criminal activity is afoot. This is not a particularly high bar to clear. The reasonable suspicion standard is familiar to every police officer. The requirement would serve as an important bulwark against privacy and civil rights violations, but it would also keep meaningless information out of the system. Without such well-defined and familiar standards, as the Senate report demonstrates, fusion centers are left rudderless. In addition, fusion centers must have active, independent oversight. While Congressional inquiries are important for exposing problems, the Senate should not have been the first governmental body to take a critical look at fusion centers. At the state and local level, **there is often no mechanism to ensure that fusion centers are generating useful information or complying with the law.** At the federal level, the DHS is responsible for verifying that the data shared by fusion centers meet certain minimum standards. But **the DHS has delegated this responsibility to the centers themselves and has not conducted independent audits. DHS oversight has been so poor that the department could not even say how much money it has spent** on fusion centers, estimating the cost at somewhere from \$289 million to \$1.4 billion.

Fusion centers guarantee profiling will continue post-plan

Constitution Project '12 The Constitution Project (8/15/12, The Constitution Project, “RECOMMENDATIONS FOR FUSION CENTERS”,

<http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>

2. Reports of Political, Racial and Religious Profiling Despite these constitutional principles, there have been numerous anecdotal reports of incidents in which fusion centers have targeted individuals in the United States for surveillance and investigation based solely on beliefs and characteristics that are protected by the First and Fourteenth Amendments. Although federal guidance to fusion centers cautions against profiling, these incidents demonstrate that significant additional guidance, training and oversight are crucial to ensure that fusion centers and other law enforcement agencies do not engage in racial, religious and political profiling.⁴¹ Recent **reports from across the country bear testament to the potential for problematic profiling at fusion centers, particularly regarding bulletins and intelligence reports circulated by fusion centers.** These are a few examples: • **The February 2009 “Prevention Awareness Bulletin,” circulated by a Texas fusion center, described Muslim lobbying groups as “providing an environment for terrorist organizations to flourish”** and warned that “the threats to Texas are significant.” The bulletin called on law enforcement officers to report activities such as Muslim “hip hop fashion boutiques, hip hop bands, use of online social networks, video sharing networks, chat forums and blogs.”⁴² • A Missouri-based fusion center issued a February 2009 report describing support for the presidential campaigns of Ron Paul or third party candidates, possession of the iconic “Don’t Tread on Me” flag and anti-abortion activism as signs of membership in domestic terrorist groups.⁴³ • **The Tennessee Fusion Center listed a letter from the American Civil Liberties Union (ACLU) to public schools on its online map of “Terrorism Events and Other Suspicious Activity.”** The letter had advised schools that **holiday celebrations focused exclusively on Christmas were an unconstitutional government endorsement of religion.**⁴⁴ • **The Virginia Fusion Center’s 2009 Terrorism Risk Assessment Report described student groups at Virginia’s historically black colleges as potential**

breeding grounds for terrorism and characterized the “diversity” surrounding a military base as a possible threat.⁴⁵

Circumvention – NYPD

Local Surveillance like the NYPD is Islamophobic

Kane 13 (Alex Kane is an assistant editor for the news website Mondoweiss, which covers the Israel–Palestine conflict, and the World section editor at AlterNet. His work has also appeared in Salon, The Daily Beast’s “Open Zion” blog, Vice, BBC Persian, +972 magazine, the Electronic Intifada, Extra!, and Common Dreams, Kane is citing the book “Enemies Within” by Matt Apuzzo and Adam Goldman, “Alex Kane on Enemies Within : Inside the NYPD’s Secret Spying Unit and bin Laden’s Final Plot Against America”, October 24th, 2013, <http://lareviewofbooks.org/review/raking-the-coals-islamophobia-surveillance-targeting-and-the-nypds-secret-spying-unit>)

Like the NYPD, the FBI has used its own power to pressure Muslims into becoming informants in exchange for help. According to the American Civil Liberties Union, the FBI has told Muslim-Americans trapped abroad because of their inclusion on a no-fly list that they could get off easily — by spying on their own communities back home in the US. For all the oversight of the FBI — something the NYPD doesn’t have to contend with — parts of the federal agency still view Muslims as targets for spying rather than partners in the fight against terrorism. Far from an aberration in America's post-9/11 landscape, the NYPD is merely the most extreme example of a law enforcement apparatus running roughshod over the rights of Muslim Americans.[¶] What's also missing from Apuzzo and Goldman’s otherwise excellent exposé of **the NYPD is the larger political context in which the spying took place. The NYPD's logic is Islamophobic at its core: all Muslims are deemed potential terrorists until they're proven not to be, an inversion of how law enforcement is supposed to work.** Yet there's little exploration of how Islamophobic discourse from the media and elected officials contribute to the implementation and acceptance of spying targeting Muslims.[¶] In the same year that **Apuzzo and Goldman began reporting on the NYPD's Intelligence Division, New York Republican Peter King set up House hearings to probe “radicalization” among Muslim-Americans — a transparent attempt to cast aspersions on one particular community.** In 2010, anti-Muslim blogger Pamela Geller worked the national media into a frenzy over what was inaccurately labeled the “Ground Zero mosque.” **King, Geller and other prominent figures who demonized Muslims directly after 9/11 opened up space for institutions with even more power, like the police, to move a discourse of bigotry into policies of bigotry. In an atmosphere where anti-Muslim sentiment largely went unchallenged, it's no surprise that hardly an eye was batted when the NYPD hired CIA officials to implement an intelligence collection program aimed at law-abiding citizens.**[¶] The book presents an undeniably damning portrait of the NYPD’s surveillance operation. Now, it’s up to the courts and lawmakers to decide whether these operations are legal or prudent. Three federal lawsuits are being pursued in reaction to Apuzzo's and Goldman's groundbreaking investigations. The next New York City mayor will have to grapple with the question of continuing or halting the spy operations. Judges and elected officials will have a documented record on which to look back to decide these weighty questions in the coming months: Enemies Within.[¶]

Surveillance is heavily biased– It is assumed that Muslims are terrorists

Khalek 14 (Rania Khalek is an independent journalist reporting on the underclass and marginalized communities, “How NSA Spying Impacts Muslim Communities and Cultivates Islamophobia”, January 26, 2014, <http://raniakhalek.com/2014/01/26/how-nsa-spying-impacts-muslim-communities-and-cultivates-islamophobia/> -JD)

RANIA KHALEK: That's a really good point that you make and I actually want you to touch on that a little bit more about how **the vilification and demonization of Muslims inside the United States and foreign has really been used to justify this type of mass surveillance and in some cases it seems to have worked. All you have to do is say terrorist, Islamic terrorism and people are like, oh okay.**

Could you talk a little bit about that?¶ ABBAS: I agree wholeheartedly that **the fear of Islam, the fear of Muslims, is a notion I think has been cultivated by policy choices at the federal level. The use of airport screenings, that inevitably cultivates and reflects the bias that people have against Muslims, has** I think **created space for an anti-Muslim movement to take root.** Right after September 11, you didn't

have your Act for America's, your David Yerushalmi's, your Center for Security Policy's—**this well-organized, well-financed movement dedicated towards marginalizing Muslims and that gave rise to essentially an engine of generating anti-Muslim sentiment that creates this terrible and despicable cycle** where now you have the overt argument being made that Muslims are here in the United States to abrogate the US constitution, to overthrow the US government and replace it with Sharia law, which couldn't be further from the truth.¶ As the facts would have it, the American Muslim community is a well-educated, well-integrated and looking to continue to do so in the world. You can't identify an American Muslim radical voice in the United States, whereas if you go to Europe, you can find people that have a platform that say despicable objectionable things. In the US, that's just not the case.¶ But we still have in the US, which is really exporting anti-Muslim sentiment to other parts of the world especially Europe, we still have this fear of Islam that absolutely does give rise to justify these surveillance policies.¶ GOSZTOLA: So for people who are hearing this debate and they maybe think it's kind of abstract, we've been hearing people talk about collection of the information and then we've been hearing about how the information is stored. And right now when we're talking about the program under the Patriot Act, the Section 215 program, which is the bulk records collection of the phone records, it's all about who's going to hold it, who's going to store it, and it's kind of like we're not talking about the collection. I'd like you to talk about why the collection would be really bad and I think a thing you could address is how the collection of people's information in Muslim communities in New York is a huge deal for them and collecting that information is the beginning of the injustice.¶ ABBAS: Absolutely. What we know a lot about now regarding the NSA's surveillance programs is what is collected,

some of the searching mechanisms that can be utilized to sift through the collected information. But what **we really get to see in more granular detail with the NYPD's specifically designed Muslim surveillance program is how indiscriminately collected information gets utilized and what people in positions of authority that can collect such information think is an appropriate use of taxpayer dollars.** And what we find is that **the NYPD thought it was absolutely worth taxpayer money to send their agents on camping trips of 19 and 20-year-old college students. They thought it was absolutely critical for them to map the Muslim community in Newark, New Jersey, and beyond, identifying every halal grocery store, every halal restaurant.** These things are laughable when we see them up close and in granular detail and just like the PCLOB board has determined itself, a board that was authorized by Congress years ago, that the sifting through everybody's information on an ongoing basis actually is not only objectionable in itself but it's not productive by any criteria.¶ So you have for instance James Clapper arguing that there's the 'piece of mind' quotients that is part of the benefit of their surveillance program because we're monitoring everything. At the very least we know that nothing is happening. But this mentality that gave rise to the NSA program is really the objectionable thing that needs to end because it gives rise to not only indiscriminate collection of information automatically through these telecommunications companies, but it's also given rise to a network of 15,000 FBI informants that have saturated the Muslim community across the country, that are sent to mosques without any type of criminal predicate just to collect information because there's a sense that that's where the problem. And that's the inevitable result of indiscriminate collection. It's always going to be the case that indiscriminate collection—in addition to not being productive—will lead to despicable consequences.¶ And I'll end my answer here.¶ The saddest thing I've ever heard as a CAIR staff attorney, and I hear lots of sad things, was when **a young guy told me that when he goes to the mosque to pray, his mom warns him to be careful. And the mom warns him to be careful because there's an understanding based on experience that the mosque is likely filled with informants and infiltrators that are not there to make us any safer but there to extract information from innocent Americans by any means necessary.**¶

NYPD surveillance of Muslim communities increasing in the status quo

Martini 13 (Judge Williams Martini, United States District Court/Eastern District of New York, 6/18/2013)

As documented extensively in the NYPD's own records, **its Intelligence Division has singled out Muslim religious and community leaders, mosques, organizations, businesses, and individuals for pervasive surveillance that is not visited upon the public at large or upon institutions or individuals belonging to any other religious faith. That surveillance has included the mapping of Muslim communities and their religious, educational, and social institutions and businesses in New York**

City (and beyond); deploying NYPD officers and informants to infiltrate mosques and monitor the conversations of congregants and religious leaders without Any suspicion of wrongdoing; and conducting other forms of suspicionless surveillance of Muslim individuals, organizations, and institutions, including through the use of informants and monitoring of websites, blogs, and other online forums. Information collected from these activities has been entered into intelligence databases. According to the commanding officer of the NYPD's Intelligence Division, its mapping activities have not generated a single lead, nor led to a single terrorism investigation. The NYPD's mapping efforts specifically excluded non-Muslims from law enforcement scrutiny. For example, the Intelligence Division's Demographics Unit mapped Iranian community institutions in one NYPD document, but specifically noted when those persons and institutions were Jewish or Christian—not Muslim—and therefore not of interest to the NYPD. In a report mapping the Egyptian community in 2007, the NYPD noted that Coptic Christian Egyptians were "the majority of the Egyptian community in New York City. This report does not represent the Coptic Egyptian community and is merely an insight into the Muslim Egyptian community of New York City." Similarly, in its 2007 map of the Syrian community in New York City, the NYPD stated that the community is "divided into two parts, a Jewish Syrian and a Muslim Syrian community with the Jewish community being the larger of the two. This report will focus on the smaller Muslim community." Although the NYPD acknowledged the religious diversity in New York's Albanian population, police officials only mapped and photographed Albanian mosques for the NYPD's Demographics Report on Albanians. The NYPD dispatched teams of plainclothes officers known as "rakers" into neighborhoods with concentrated communities associated with Muslim "ancestries of interest" to monitor daily life in those communities. In addition, the NYPD has engaged informants to conduct suspicionless surveillance of Muslims. So-called "seeded" informants work or reside in certain ethnic neighborhoods and report to the police on neighborhood happenings. "Directed" informants gather information from locations that rakers have identified as "hot spots," notwithstanding the absence of any indication of criminal activity. Among the institutions on which the NYPD has specifically focused its suspicionless surveillance are mosques, which are central to Muslim religious life. The NYPD identified and mapped more than 250 area mosques in New York and neighboring states, NYPD officials then determined the "ethnic orientation, leadership, and group affiliations" of each mosque, either by surveilling it from the outside, or by entering the mosque to make those determinations. Using rakers and informants, the NYPD identified fifty-three "mosques of concern" in which the Department placed additional informants and plainclothes officers.

NYPD surveillance of Mosques will continue post plan.

Pilkington '13 (Ed, 10-24, "ACLU leads call for federal investigation of NYPD mosque surveillance," Guardian, <http://www.theguardian.com/world/2013/oct/24/aclu-new-york-nypd-mosques-muslims>)

A coalition of 125 civil rights, religious and community groups has written to the Department of Justice, calling for a federal investigation into the blanket surveillance of mosques and other Muslim outlets by the New York Police Department (NYPD). The coalition, which includes the American Civil Liberties Union (ACLU) and the Council on American Islamic Relations (CAIR), is calling on the attorney general, Eric Holder, to use his powers to launch a federal civil rights investigation into NYPD practices. Once any investigation is completed, the Department of Justice could, if it chose, take civil legal action to put a stop to the controversial surveillance dragnet. "For over a decade, the NYPD has engaged in unlawful religious profiling and suspicionless surveillance of Muslims in New York City," the letter says. "The NYPD's biased policing practices hurt not only Muslims, but all communities who rightfully expect that law enforcement will serve and protect America's diverse population equally, without discrimination." The NYPD's focus on Muslim communities in

the wake of the 9/11 attacks on the Twin Towers, in 2001, began in 2002 and is ongoing. The city's police commissioner, Ray Kelly, and mayor, Michael Bloomberg, have consistently defended their counter-terrorism strategy. In a series of Pulitzer-prize winning articles, the Associated Press revealed **details of the NYPD's joint surveillance program with the CIA, based on the police department's internal documents. The files showed that the police had designated entire mosques as "terrorism enterprises", allowing them to circumvent normal constraints on surveillance. The department sent undercover officers, codenamed "rakers", into Muslim neighbourhoods, and ran a network of informants known as "mosque crawlers" to monitor sermons – even when there had been no evidence of criminality.** One 2007 NYPD report, titled "Radicalization in the West: the Homegrown Threat", stated that "enclaves of ethnic populations that are largely Muslim often serve as 'ideological sanctuaries' for the seeds of radical thought". **The AP also revealed that since 2003 the NYPD has been mapping New York communities for monitoring, based on whether the local population originates from countries with Muslim majorities.**

TSA-No Enforcement

TSA regulation enforcement is ineffective- Sikh turbans are still invasively searched despite better regulation

Leadership Conference 11

The Leadership Conference, coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, "The Reality of Racial Profiling", <http://www.civilrights.org/publications/reports/racial-profiling2011/the-reality-of-racial.html?referrer=https://www.google.com/>, 2011//SRawal

Individuals wearing Sikh turbans or Muslim head coverings are also profiled for higher scrutiny at airports. In response to criticism from Sikh organizations, the Transportation Security Administration (TSA) recently revised its operating procedure for screening head coverings at airports. **The current procedure provides that: All members of the traveling public are permitted to wear head coverings (whether religious or not) through the security checkpoints.** The new standard procedures subject all persons wearing head coverings to the possibility of additional security screening, which may include a patdown search of the head covering. **Individuals may be referred for additional screening if the security officer cannot reasonably determine that the head area is free of a detectable threat item. If the issue cannot be resolved through a pat-down search, the individual will be offered the opportunity to remove the head covering in a private screening area.**⁶³ Despite this new procedure, and TSA's assurance that in implementing it "TSA does not conduct ethnic or religious profiling, and employs multiple checks and balances to ensure profiling does not happen,"⁶⁴ Sikh **travelers report that they continue to be profiled and subject to abuse at airports.**⁶⁵ Amardeep Singh, director of programs for the Sikh Coalition and a second-generation American, recounted the following experience in his June 2010 testimony before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Judiciary Committee: Two months ago, my family and I were coming back to the United States from a family vacation in Playa Del Carmen, Mexico. At Fort Lauderdale Airport, **not only was I subjected to extra screening, but so was [my 18 month-old son Azaad].** I was sadly forced to take my son, Azaad, into the infamous glass box so that he could [be] patted down. He cried while I held him. He did not know who that stranger was who was patting him down. His bag was

also thoroughly searched. His Elmo book number one was searched. His Elmo book number two was searched. His minimail truck was searched. **The time spent waiting for me to grab him was wasted time. The time spent going through his baby books was wasted time.** I am not sure what I am going to tell him when he is old enough and asks why his father and grandfather and soon him—**Americans all three**—are **constantly stopped by the TSA 100% of the time at some airports.**

Government action has empirically failed to avoid racial profiling in airports individual action is key.

Chandrasekha 3 (Charu A. Chandrasekha, Writer for Asian American Law Journal Volume 10 Issue 2 Article 4 Flying while Brown: Federal Civil Rights Remedies to Post-9/11 Airline Racial Profiling of South Asians, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1014&context=aalj>)

In response to similar incidents, less than a month after 9/11 **the Department of Transportation ("DOT") issued several strong directives banning airlines from racially profiling their customers.**¹
4 The DOT instructed airlines: Do not subject persons or their property to inspection, search and/or detention solely because they appear to be Arab, Middle Eastern, Asian, and/or Muslim; or solely because they speak Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead you to believe they are Arab, Middle Eastern, Asian, and/or Muslim. This directive contained detailed instructions for performing passenger security checks on Sikh men wearing turbans and Muslim women wearing headcoverings to avoid violating these passengers' civil liberties and religious beliefs.¹⁶ **In spite of these efforts, the airlines persisted in discriminating against South Asian passengers who posed no apparent flight risks.**⁷ Some victims of these activities have sought legal redress for the harms they suffered. Notably, in June 2002, the American Civil Liberties Union ("ACLU") and Relman & Associates, a Washington, D.C.-based civil rights law firm, jointly filed five individual lawsuits against American Airlines, Continental Airlines, Northwest Airlines, and United Airlines on behalf of five passengers ejected from their flights.⁸ Although the airlines contended that these passengers posed security risks that justified denying them passage, the ACLU-Relman lawsuits allege that the removals constituted racial profiling tantamount to illegal discrimination.⁹ This Comment will not discuss the merits of the individual ACLU-Relman claims in detail, but rather will use the broad factual and legal issues raised by the cases to examine the legal redress available to South Asian airline passengers who were ejected from flights, as well as those who suffered disparate treatment but were ultimately granted passage. It examines the viability of claims alleging violations of 42 U.S.C. § 1981 ("section 1981")² and Title VI of the Civil Rights Act of 1964 ("Title VI")² 1 as an aspect of South Asian American and other community responses to post 9/11 racial and ethnic violence.

The aff does nothing –The CBP, TSA, and ICE will still be allowed to use racial profiling-

Horwitz 14

Sari Horwitz, covers the Justice Department and criminal justice issues nationwide for The Washington Post, where she has been a reporter for 30 years, 12-5-2014, "Racial profiling will still be allowed at airports, along border despite new policy," *Washington Post*, http://www.washingtonpost.com/politics/racial-profiling-will-still-be-allowed-at-airports-along-border-despite-new-policy/2014/12/05/a4cda2f2-7ccc-11e4-84d4-7c896b90abdc_story.html//SRawal

In recent months, **DHS officials pushed** the White House and Justice Department **to allow major exclusions for prominent DHS agencies such as the TSA, Immigration and Customs Enforcement, and Customs and Border Protection, officials said. CBP, for instance, will still be allowed to use racial profiling when conducting inspections at the country’s “ports of entry” and interdictions of travelers at the border, officials said. Some DHS officials also questioned the Justice Department’s authority to set policies for a separate federal agency.** DHS Secretary Jeh Johnson made the case in a series of high-level meetings, **arguing that while his department did not condone profiling, immigration and customs agents and airport screeners needed to consider a variety of factors to keep the nation safe, according to officials familiar with his personal efforts. TSA officials** meanwhile, **argued that they should not be covered by the new limits on the grounds that the TSA is not a law enforcement agency. “We tend to have a very specific clientele** that we look for,” said one federal official involved in immigration enforcement, who spoke on the condition of anonymity to discuss internal deliberations. “If you look at numbers, the vast majority of people we deal with are Hispanic. Is that profiling, or just the fact that most of the people who come into the country happen to be Hispanic?”

Racial profiling in these agencies is still legally allowed- Muslims will be targeted

Rhodan 14

Maya Rhodan, Web Reporter at Time Magazine, 12-8-2014, "New Federal Racial Profiling Guidelines Worry Civil Rights Groups," *TIME*, <http://time.com/3623851/justice-department-racial-profiling-muslims-sikhs-aclu//SRawal>

But some **carve-outs—such as screenings and inspections by the Transportation Security Administration and U.S. Customs and Border Protection—have raised eyebrows among groups including the American Civil Liberties Union, Muslim Advocates and the Sikh Coalition. “It’s baffling that even as the government recognizes that bias-based policing is patently unacceptable, it gives a green light for the FBI, TSA, and CBP to profile racial, religious and other minorities at or in the vicinity of the border and in certain national security contexts,** and does not apply the Guidance to most state and local law enforcement,” said Laura Murphy, the director of ACLU’s Washington legislative office. **Muslim Advocates,** a faith-based legal and educational advocacy organization, **echoed those sentiments. “While these changes are welcome,”** a statement reads, **“it is difficult to see how the guidance will improve the lives of law-abiding American Muslims who are singled out and targeted based on their faith,** not evidence of wrongdoing, **by the FBI, Customs and Border Protection, and other law enforcement agencies.”** **The Department of Justice guidelines do not apply to activities conducted by military, intelligence or diplomatic personnel.** Border screening activities are also not covered, which has been of particular concern to civil rights groups. After 9/11, sweeping counterterrorism efforts were imposed that led Arab and Muslim Americans—and some perceived to be Muslim or Arabic such as South Asians and Sikhs—to feel singled out and profiled by the federal government. A 2009 ACLU and Rights Working Group report found that **Arabs, Muslims and South Asians “have been disproportionately victimized through various government initiatives” including FBI surveillance, questioning, airline profiling and no-fly lists.**

Alt cause- the No Fly list disproportionately targets Muslim passengers and creates an atmosphere of Islamophobia

Huus 11 (Kari Huus, Fulbright Scholar Taiwan, "Muslim Travelers Say They're Still Saddled with 9/11 Baggage", www.today.com/id/44334738/ns/today-today_news/t/muslim-travelers-say-theyre-still-saddled-baggage/#.VafqhnTWKF4, 9/13/2011, // EMS)

The TSA is also required to conduct secondary screening according to two lists — **the “no-fly” list** and the “selectee” list, which are provided by the Terrorism Screening Center, a division of the FBI.¶ The screening center says **there are 16,000 individuals** — including about 500 U.S. citizens — **on the no-fly list, which bars the individuals on it from flying to, from or within the United States.** Another 16,000 are on the selectee list, which triggers secondary screening.¶ Both are subsets of a consolidated watch list called the Terrorism Screening Database of “known or appropriately **suspected terrorists.**” The number of names in the database fluctuates, but at present it names 420,000 individuals, about 2 percent of them Americans, the screening center says. The FBI distributes relevant subsets of the database to different frontline agencies such as TSA, CBP, financial watchdogs and law enforcers. **Even people stopped for traffic violations can be quickly checked against the list.**¶ Each agency “must comply with the law, as well as its own policies and procedures to protect privacy rights and civil liberties,” the screening center said.¶ The effectiveness of the lists came into question after an attempted bombing of an airliner on Christmas Day 2009, when Nigerian Umar Farouk Abdulmutallab, who was not on either watch list, tried to detonate plastic explosives on a flight from Amsterdam to Detroit. Ultimately he hurt only himself, but the scare prompted the screening center to expand the criteria it uses to populate the no-fly list.¶ By design, none of the criteria that land an individual in the database or on the watch lists is made public.¶ **“People are put on the watch list based on a series of criteria,”** said Sheldon Jacobson, a security expert and computer science professor at University of Illinois at Urbana-Champaign. **“Nobody really knows them. They are very secret and they keep evolving. In many ways (the government) has to keep it private because if they give it out, people will game the system.”**¶ **That secrecy presents a conundrum for many people who believe they are on a list and do not belong there.**¶ **Some of the cases involve mistaken identity because a traveler possesses a common name like Mohammad** — the Arabic equivalent of Smith. As a result, some civil rights lawyers believe that **the lists affect two to three times as many fliers as are legitimately on them.**¶ Marooned **One of the most chilling cases surrounding the no-fly list is that of Gulet Mohamed, a 19-year-old American citizen of Somali heritage.**¶ **Mohamed had been visiting family in Yemen and Somalia — two countries with active Islamist terrorist groups. When he went to the Kuwait airport to extend his visa in December, he was arrested and taken to a detention facility, where he was blindfolded, questioned and beaten by unknown agents,** according to his lawyer, Gadeir Abbas.¶ The questioners were especially interested in information about Anwar al-Awlaki, a dual U.S. and Yemeni citizen turned Islamic extremist in Yemen, Abbas said. Mohamed insisted he had no information and, after a week, Kuwait ordered his deportation.¶ But **when he tried to board a flight to the United States, he was told he was on the no-fly list.** Only after Abbas filed a lawsuit on his behalf in January was Mohamed allowed to return home to Virginia.¶ Mohamed is pursuing a claim for damages and to be removed from the list. The federal government wants the case thrown out on the grounds that it is irrelevant now that he is back in the U.S. Meantime, it will not confirm if he is on the no-fly list. The lawsuit is pending, after a judge moved it to a circuit court on jurisdictional grounds.¶ “It’s this very Kafkaesque world where no one has charged (people on the list) with any crime ... but they can see its effects,” said Abbas, an attorney with CAIR. “... His case is the most heinous example of what the no-fly list can do.”¶ Other pending court cases allege that **Muslim American travelers have encountered similar violations of their rights, including some who were forced to take thousand-mile circuitous land routes to get back into the U.S. or were stuck overseas for weeks or months** until lawyers here took up their cases.¶ The ACLU, which argues that the watch list system is unconstitutional, has filed a lawsuit against the Justice Department, the FBI and the Terrorist Screening Center naming 20 people — 18 U.S. citizens and two permanent residents — who allegedly have been prevented from boarding airline flights to or from the U.S. The plaintiffs say they were told by security or airline staff that their names were on the no-fly list.¶ **“Thousands of people have been barred altogether from commercial air travel without any opportunity to confront or rebut the basis for their inclusion, or apparent inclusion” on the no-fly list," the lawsuits says. "The result is a vast and growing list of individuals whom, on the basis of error or innuendo, the government deems too dangerous to fly,** but too harmless to arrest.”¶ In response,

the government objected on jurisdictional grounds and argued that the policy does not violate the constitutional rights of the travelers because “they have not been denied the right to re-enter and reside in the United States, nor have they been denied the ability to travel.”¶ But critics of the list note that in cases like that of the lead plaintiff, Ayman Latif, a 33-year-old U.S. citizen and disabled Marine Corps veteran, that would have meant weeks of travel from the Middle East to the United States by sea and land, at considerable additional expense.¶ The U.S. District Court in Portland, Ore., dismissed the case on jurisdictional grounds, ruling that it should go instead to an appeals court. The ACLU is appealing that decision.¶

Islamophobia exists at every level of the airport system- changing one TSA program can't solve.

Bazian 14 (Hatem, “The ‘Randomness’ of Islamophobia at US Airports,” TurkeyAgenda.com. Bazian has a Ph.D in Philosophy and Islamic Studies from UC Berkeley and is a professor and co-founder of Zaytuna College. They are also a senior lecturer at UC Berkeley. <http://www.turkeyagenda.com/the-randomness-of-islamophobia-at-us-airports-1111.html> // EMS).

In June 2014, **I traveled to Qatar to attend and present a paper at a conference focusing on Arab-US relations** hosted by the Arab Center for Research and Policy Studies, right before heading to Granada, Spain, to teach a summer course on Muslims in the West from pre-1492 to the present. The conference was well attended and had academic, non-academic, and participants from across the Arab world, Europe and the United States.¶ While it would be worthwhile to write a summary of the conference proceedings, this article is not about the gathering itself but the journey back, which was very eventful **as I came face to face with the ‘randomness’ of four largely printed SSSS on the face of my ticket.** For those well acquainted with this procedure, it means **you have been selected to ‘randomly’ be searched, given the necessary full-body pat down or “massage” as well as asked multiple questions at various moments by different people.**¶ My initial alarm went off when I was unable to check-in online for my flights and was directed on the computer screen at the hotel to go to the counter at the airport in the morning as the ticket required special agent handling. Once at the Frankfurt airport in Germany, **I was asked to accompany the agents and was subject to full body search, complete luggage check, computer and phone turned-on and off, questions about where I traveled, whom I met and what business I had** in Qatar and Spain.¶ This process took sometime and **I was close to being the last allowed to board the plane, even though I was one of the early arrivals at the airport.** The agents responsible for the secondary screening and body search were nice throughout the process but made small talk referring to the places that I traveled to and the concern it raised, which they thought I surely would understand considering the circumstances. I did respond by confirming that I completely understood the ‘randomness’ of Islamophobia and the need for extra security measures for someone attending an academic conference on Arab-US relations.¶ The flight from Frankfurt to San Francisco took 11 hours and I arrived around 7:49pm but had already prepared myself mentally for the questions to come due to the four largely printed SSSS ‘randomly’ appearing on the face of my ticket. I was quick out of the plane and into the passport line, **Sure enough, the process unfolded with a directive to go to another room at the end of the hall because I was ‘randomly’ selected for the extra special secondary screening.**¶ I followed the instruction and headed to the room at the end of the hall and gave my passport and ticket to the agent who directed me to sit down and wait to be called back to the counter. **I could only see a few Muslims in the room,** a Pilipino man with his family (I do not know if he was a Muslim) and no one else ‘randomly’ selected for this honor of questioning upon landing in San Francisco airport. In this context, **one gets a clearer image of the narrowly constructed security apparatus giving the impression of randomness but which in reality is laser focused on Muslims.** Flying while Muslim is riving or walking like Black in today’s America. **How are the names selected and what constitute a threat that warrant such secondary screening?**¶ After some time sitting and waiting, I was called-up to the counter and an interview soon got underway. **I** have to say part of me was laughing while the other **was getting angry at the questions and the racist nature implied in each one.** I was asked the same set of questions from the Frankfurt encounter then another line of interrogation began to unfold. “Did you meet any tribes on your travel?” I said, “Tribes like the fans of the 49ers or the Raider’s Nation?” I asked the person doing the interrogation, “what do you mean by tribes’ as I don’t know what you are talking about?” He responded, “you know what I mean by tribes.” I said, “no, I don’t know what you mean and when I met people on my travel I did not ask if they belonged to a tribe and what tribe it was. I attended an academic conference on Arab-US Relations held at the Doha’s Ritz Carlton Hotel, a Western company and they do not have an area on the registration for tribal affiliation or a tea-coffee time to meet the local tribes.”¶ After a back and forth on the tribe issue **he asked “whether I visited any suspicious countries during my travel?”** I asked if he could tell me what a suspicious country is so I can determine whether I did or did not

undertake such a trip since the countries I visited did not identify themselves as such at the airport or when I got the passport stamped. His response was again “you know what I am asking!” I said, “no, I don’t know what you are talking about and need you to define what a suspicious country is then I can answer your question.” After a back and forth on this few times he decided to drop it and went to ask questions about my work, employment, University of California, Berkeley summer course etc. The process took a while and afterward I was directed to collect my luggage and head to the customs section, which I thought would be easy and straightforward but it was not the case.¶ With my luggage in hand, **three custom officers directed me to place my bags on the counter and to step back so they could begin careful examination of all my items. They went ahead and searched it carefully examining each piece by hand and also took bomb swabs for tests.** I thought this would be the end of it but I encountered another round of questioning in the same pattern experienced in the earlier two stops. This time the focus was more on the officers wanting names of people and my contacts on the ground in Qatar and Granada, Spain and my relationship to each.¶ I did ask if it was Qatar or Spain that was a suspicious country to cause all this careful examination! If Qatar were the suspicious country then why would it be the case considering the U.S. Central Command’s Forward Headquarters and the Combined Air Operations Center are located in the country and I and other US citizens should have been warned about visiting the country in the first place and does this apply to all American civilians who work in and travel regularly to Doha!¶ **What I experienced is the norm for many American Muslims traveling through US airports on international and some also when flying domestically. The ‘random’ selection process is intended to produce a virtual internment feeling in the American Muslim community and engender a certain level of fear that is then cultivated to produce cooperation on a variety of domestic and international policies.¶ More critically, the monitoring structure and the secondary screening is a form of racial profiling based on religion but is pushed and rationalized under the war on terrorism rubric, which has witnessed a massive abrogation of civil and human rights in the US and abroad.** In a random unscientific poll of about 10 American Muslim leaders, each one of them said they faced the same ‘random’ screening at the airport and a few even upon returning from a State Department Public Diplomacy sponsored trip to the Muslim world. Thus, even when Muslims are working to support US soft power project in the Muslim world they are subject to this extra special treatment at the airport.¶ The challenge at this point is how to confront this security structure that has become normalized and developed a large bureaucratic infrastructure around it employing hundreds of thousands with billions allocated to sustain it. **Muslims today are living in a security fish bowl and everything they do, be it at the individual or community levels, are being watched since they collectively have been identified as the ‘archetypal terrorist’ and all measures are accepted in defending the society from him/her.¶ We can ask today how it feels to be treated like a prisoner while being free: the randomness of Islamophobia at the airport is a case in point and the current ‘war on terrorism’ has managed to problematize and criminalize Muslims across the globe and treating all as guilty until proven innocent.**¶

Solvency

AT – Strict Scrutiny

Strict Scrutiny is inconsistent and arbitrary – status quo solves better.

Riccucci 7 (Norma Riccucci, Rutgers University, June 2007, “Moving Away From a Strict Scrutiny Standard for Affirmative Action Implications for Public Management”, <http://arp.sagepub.com/content/37/2/123.short>)

This article addresses the concept of strict scrutiny, the burden of persuasion test used by the courts to determine the constitutionality of affirmative action. Through a systematic analysis of U.S. Supreme Court decisions, **it illustrates that strict scrutiny has been applied in an inconsistent, arbitrary manner and, therefore, should not serve as the basis for judicial review of affirmative action programs.** It shows that the rule of law established under the Civil Rights Act provides an equally if not more compelling basis for judging the legality of affirmative action programs. Relying

on the legal standards advanced by the courts under civil rights statutes provides managers with greater flexibility in developing and implementing affirmative action programs. In effect, the ability of governments to promote diversity of their workforces is greatly enhanced.

Strict scrutiny gets an unequivocal F.

Riccucci 7 (Norma Riccucci, Rutgers University, June 2007, "Moving Away From a Strict Scrutiny Standard for Affirmative Action Implications for Public Management", <http://arp.sagepub.com/content/37/2/123.short>)

The constitutional litmus test for judging affirmative action is a failure—it gets an unequivocal “F.” It lacks reliability, validity, and hence legitimacy, characteristics that even the most basic civil service tests are required to demonstrate. More over, it becomes almost impossible for policymakers in educational or employment settings to develop affirmative action policies that will meet some rule of law, when those rules are hollow and inconstant. It must be questioned at this point in the history of affirmative action: why does the Court continue to wrestle with appropriate standards of review, when it will ultimately disregard those standards on a whim or apply them in an erratic, illogical manner? Perhaps strict scrutiny is simply one area where the Court will expressly continue to “legislate from the bench.” As argued here, the framework advanced under Title VII is much less cryptic, arcane, and mercurial, and therefore, could be applied more broadly to all questions of law concerning affirmative action programs and policies. This will greatly facilitate the work of managers and policymakers who are striving to create culturally diverse environments for public employees and students in public universities. As the composition of the Supreme Court has changed since the 2003 Grutter ruling, it becomes imperative for public administrators and policymakers to engage in a dialogue around the irrelevance of strict scrutiny.

Strict scrutiny doesn't work in context of Muslims.

Figueroa 12 (Tiffani B. Figueroa, associate in Morrison Foerster's Litigation Department, J.D. magna cum laude from Hofstra University School of Law, "ALL MUSLIMS ARE LIKE THAT": HOW ISLAMOPHOBIA IS DIMINISHING AMERICANS' RIGHT TO RECEIVE INFORMATION, Hofstra Law Review, Winter 2012)

As discussed above, the fear of Muslims or those perceived as Muslim has resulted in the government's failure to protect Americans' First Amendment right to receive information. n332 The strict scrutiny test [*499] that courts normally employ when assessing the content-neutrality of a regulation on speech has not been effective in light of the increased development of Islamophobia. n333 Following the 9/11 attacks, Islamophobia has impacted the free speech rights of Muslims and the mobility of foreign scholars, as well as the right to receive information for all Americans. n334 "In an age of official insecurity and anxiety, the most difficult constitutional problem may not be controlling arbitrariness in permitting, but compensating for a chronic tendency to overestimate the likelihood of any damage to public security from public exercises of freedom of speech." n335 Given the current state of events and the vulnerability of the right to receive information, a new standard to deal with the right to receive information in times of political controversy is required. In order to resolve this issue of dealing with national security and the right to receive information, courts should adopt a specific test under First Amendment speech analysis where: (1) there is a political conflict and (2) there is a clear group that society and the government targets because of the conflict. As discussed earlier, the government may restrict the content of speech in certain situations; however, it cannot favor one viewpoint over another. n336 The test will essentially focus on the effects of a regulation on speech when a specific group is targeted by the government action. n337 Once the court determines there is a disparate impact on a certain group, the court will then resolve the issue as to whether the government has curtailed the right to receive information through this disproportionate treatment of the specified group. By first looking at the effects of a government action, courts will provide a framework for which they can work through their First Amendment analysis. n338 When dealing with political conflicts, such as [*500] the war on terror, there are often certain groups that are discriminated against through practices that seem constitutional. Such discrimination is not only overlooked, but it has a subsequent effect on all Americans who are willing to explore different ideas other than those the government makes readily available. n339 The government's actions discussed above, such as dealing with speech at a protest, n340 forcing a woman to remove her hijab in prison, n341 and

revoking the visas of foreign scholars n342 serve as examples. These actions appear to be neutral; however, the effects of the actions unevenly target one particular group: Muslims and those perceived as Muslim. n343 It is important that the courts look beyond the language of the laws or government actions in order to gauge whether the government is in fact practicing viewpoint discrimination and violating the First Amendment right to receive information for Americans. n344 When looking at the effects of government actions: A law [may] not discriminate against a particular viewpoint on its face, and there [may be] no evidence of an improper legislative purpose in enacting the law. Within that framework of facial neutrality, however, we must examine restrictions on speech with particular care when their effects fall unevenly on different viewpoints and groups in society. n345 Looking at the effects of regulation on speech is something that the Supreme Court itself has taken into consideration when looking at the right to receive information. n346 As determined in *Martin v. Struthers*, n347 the Court explained that, "in considering legislation which thus limits the dissemination of knowledge, we must "be astute to examine the effect of the challenged legislation' and must "weigh the circumstances and appraise the substantiality of the reasons advanced in support of the regulation." n348 Courts have taken a similar stance in other cases. n349 The [*501] bottom line is: courts must look at the effects of government regulations because laws that have a disparate impact on one viewpoint run the risk of being viewpoint-based. n350 As in the case of Islamophobia, it is easy to target a specific group because some Americans automatically associated the 9/11 hijackers with all Muslims and those perceived as Muslim. n351 Similarly, in the interest of national security, the government at times partook in practices that people may view as discriminatory. The government failed to protect the free speech rights of Muslims as a targeted group, and these actions subsequently harmed the right to receive information for Americans. Although the government's purpose in enforcing the laws discussed in this Note was not to close off Muslim ideas, the effects may show otherwise. n352 Justice Antonin Scalia stated, "the vice of content-based legislation - what renders it deserving of the high standard of strict scrutiny - is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes." n353 "Unavoidable targeting" stemming from a government regulation is included within this "vice of content-based legislation." This phenomenon may shine light on what has occurred following the 9/11 attacks. By employing an effects test in the First Amendment analysis, courts will more efficiently investigate whether there is viewpoint discrimination affecting the right to receive information since the courts must first establish if a government action falls disproportionately on a specific group. n354 [*502] VI. Conclusion Surely, the government has a highly supported interest in protecting the United States at all times. However, protection should not ensue at the expense of severely limiting civil liberties and substantially restricting the marketplace of ideas. In times of political strife, such as facing terrorism today, the courts' current approach to dealing with First Amendment violations of the right to receive information fails to protect civil liberties. By looking at the discriminatory effects of regulations on speech, the court can protect a thriving marketplace of ideas.

Strict scrutiny can easily be circumvented that destroys the rigor of legal proceedings – turns the case.

Bunker et al. 11 (MD Bunker, Clay Calvert, William C. Nevin, "Strict in Theory, But Feeble in Fact? First Amendment Strict Scrutiny and The Protection of Speech", <http://www.tandfonline.com/doi/abs/10.1080/10811680.2011.603624#.VZV-0-1Vikp>)

Professor Gerald Gunther famously declared strict scrutiny to be "strict' in theory and fatal in fact" in 1972. Although Professor Gunther's pithy and influential slogan may have been a reasonably accurate characterization at that time, strict scrutiny in the realm of the First Amendment is now much less fatal to government regulation of expression. This article explores the beginnings of the strict scrutiny test and the underpinnings of its subsequent dilution. The article examines the multiple ways courts can avoid applying strict scrutiny and argues that compelling state interests are proliferating in a manner that is harmful to robust speech protection. It also critiques the lack of precision in narrow tailoring analysis. The article concludes that First Amendment strict scrutiny has serious weaknesses that threaten to undermine vigorous protection for expression and offers suggestions for increasing the rigor and precision of the doctrine.

Difference between strict scrutiny and rational basis—and explanation by Justice Kennedy

McMillen 06 (Lucas McMillen, University of St. Thomas, “Eye on Islam: Judicial Scrutiny Along the Religious Profiling/Suspect Description Reliance Spectrum”, [http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1107&context=ustlj])

For the issue of religious-group targeting, of course, one must address an issue that Oneonta did not. While Oneonta's issue of racial profiling is a Fourteenth Amendment question exclusively, the issue of religious-group targeting-involving a potentially discriminatory infringement of religious exercise-represents a point of convergence for the protections of the First and Fourteenth Amendments.²⁵ When these two constitutional claims are collapsed, a court's analysis of them collapses as well, such that a court will use the Fourteenth Amendment's analytical framework to evaluate the state's imposition on First Amendment free exercise rights. Put another way, in reviewing a potentially unconstitutional state infringement on free exercise, a court will evaluate the infringement with one of two levels of scrutiny²⁶: it will determine whether the infringement is either (1) rationally related to a legitimate government purpose ("rational basis scrutiny"),²⁷ or (2) whether it is necessary to achieve a compelling government purpose ("**strict scrutiny**").²⁸ The question of which level of scrutiny will be applied is, of course, the crux of the matter, as rational basis scrutiny is enormously deferential, while strict scrutiny has generally proven to be, to quote Professor Gunther, "**strict in theory and fatal in fact.**"²⁹ 1. Level of Scrutiny In *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*,³⁰ the Court employed the converged First-and-Fourteenth-Amendment analysis and established that its critical question of scrutiny turns on whether government officials, in imposing upon religious exercise, have done so with intent to suppress the targeted religion-discriminatory intent. At issue in *Lukumi* was the constitutionality of the City of Hialeah's animal sacrifice prohibition, a prohibition contained in a series of ordinances that the city's Santeria practitioners challenged as being a thinly veiled effort to curtail their religious activities.³¹ Justice Kennedy, writing for the *Lukumi* majority, began describing the mechanics of the Court's merged First-and-Fourteenth-Amendment analysis by discussing *Employment Division v. Smith*,³² the case in which the Court gave a rational basis review to an Oregon peyote prohibition that frustrated Native American religious practice.³³ According to Kennedy, *Smith* establishes the first direction that a court can take in the merged analysis: when it finds that conditions similar to those in *Smith* are present-Le., when the state's action is neutrally postured towards religion-a court should review that action with light scrutiny. To this effect, Kennedy wrote, "A law that is neutral and of general applicability need not be justified by a compelling governmental interest even if the law has the incidental effect of burdening a particular religious practice."³⁴ Kennedy then continued, moving on to describe the second direction of the merged analysis, which he deemed to be the proper direction to take in *Lukumi*: when a court finds that the conditions of *Smith* are not met, such that **discriminatory intent is the state action's raison d'etre, the state's action will be subjected to strict scrutiny.** Kennedy worded the second direction this way: "If the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral; and it is invalid unless it is justified by a compelling interest and is narrowly tailored to advance that interest."³⁵ Ultimately, the Court determined that discriminatory intent lay behind *Lukumi*'s animal sacrifice prohibition-that it "had as [its] object the suppression of religion"-and struck it down as unconstitutional.

Squo Solves

Status quo solves – government is expanding regulations now, but local enforcement won't comply

Apuzzo 14 (Matt, "U.S. to Expand Rules Limiting Use of Profiling by Federal Agents", January 16, http://www.nytimes.com/2014/01/16/us/politics/us-to-expand-rules-limiting-use-of-profiling-by-federal-agents.html?_r=0)

The Justice Department will significantly expand its definition of racial profiling to prohibit federal agents from considering religion, national origin, gender and sexual orientation in their investigations, a government official said Wednesday. The move addresses a decade of criticism from civil rights groups that say federal authorities have in particular singled out Muslims in counterterrorism investigations and Latinos for immigration investigations. The Bush administration banned profiling in 2003, but with two caveats: It did not apply to national security

cases, and it covered only race, not religion, ancestry or other factors. Since taking office, Attorney General Eric H. Holder Jr. has been under pressure from Democrats in Congress to eliminate those provisions. "These exceptions are a license to profile American Muslims and Hispanic-Americans," Senator Richard J. Durbin, Democrat of Illinois, said in 2012. President George W. Bush said in 2001 that racial profiling was wrong and promised "to end it in America." But that was before the terrorist attacks of Sept. 11. After those attacks, federal agents arrested and detained dozens of Muslim men who had no ties to terrorism. The government also began a program known as special registration, which required tens of thousands of Arab and Muslim men to register with the authorities because of their nationalities. "Putting an end to this practice not only comports with the Constitution, it would put real teeth to the F.B.I.'s claims that it wants better relationships with religious minorities," said Hina Shamsi, a national security lawyer with the American Civil Liberties Union. It is not clear whether Mr. Holder also intends to make the rules apply to national security investigations, which would further respond to complaints from Muslim groups. "Adding religion and national origin is huge," said Linda Sarsour, advocacy director for the National Network for Arab American Communities. "But if they don't close the national security loophole, then it's really irrelevant." Ms. Sarsour said she also hoped that Mr. Holder would declare that surveillance, not just traffic stops and arrests, was prohibited based on religion. The Justice Department has been reviewing the rules for several years and has not publicly signaled how it might change them. Mr. Holder disclosed his plans in a meeting on Wednesday with Mayor Bill de Blasio of New York, according to an official briefed on the meeting who spoke on the condition of anonymity because the conversation was private. Mr. de Blasio was elected in November after running a campaign in which he heavily criticized the Police

Department's stop-and-frisk tactic, which overwhelmingly targets minorities and which a federal judge declared unconstitutional. The mayor and attorney general did not discuss when the rule change would be announced, the official said. A senior Democratic congressional aide, however, said the Obama administration had indicated an announcement was "imminent." The Justice Department would not confirm the new rules on Wednesday night but released a short statement saying that the mayor and the attorney general discussed "preventing crime while protecting civil rights and civil liberties." In the past, Mr. Holder has spoken out forcefully against profiling. "Racial profiling is wrong," he said in a 2010 speech. "It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing — whatever city, whatever state." Officials in the Bush administration made similar statements, however, which is why civil rights groups have eagerly waited to hear not just Mr. Holder's opinion, but also the rules he plans to enact. As written, the Justice Department's rules prohibit federal agents from using race as a factor in their investigations unless there is specific, credible information that makes race relevant to a case. For example, narcotics investigators may not increase traffic stops in minority neighborhoods on the belief that some minorities are more likely to sell drugs. They can, however, rely on information from witnesses who use race in their descriptions of suspects. The rules cover federal law enforcement agencies such as the F.B.I. They do not cover local or state police departments. That is significant because Muslim groups have sued the New York Police Department over surveillance programs that mapped Muslim neighborhoods, photographed their businesses and built files on where they eat, shop and pray. Mr. Holder's comments about the new racial profiling rules came up in a conversation about that topic, the official said. William J. Bratton, the city's new police commissioner, has said he will review those practices. While the rules directly control only federal law enforcement activities, their indirect effect is much broader, said Fahd Ahmed, the legal director of the Queens-based South Asian immigrant advocacy group Desis Rising Up and Moving. For instance, he said, immigration bills in Congress have copied the Justice Department profiling language. And civil rights groups can use the rules to pressure state and local agencies to change their policies. "Federal guidelines

definitely have an impact,” Mr. Ahmed said. “Local organizers can say, ‘These policies are not in line with what’s coming from the federal level.’”

Squo solves – newly established SORC limits religious surveillance

Bullard ’13 (Ben Bullard; June 14, 2013; Personal Liberty; “The FBI Can Pull Back Your Curtain, But Mosques Are Off-Limits”; <http://personalliberty.com/the-fbi-can-pull-back-your-curtain-but-mosques-are-off-limits/>)

Ever since Islamic groups cried out against the FBI’s semi-successful surveillance into terrorist plots that emanated from mosques, the agency has been forced to turn its attention elsewhere in the ongoing campaign to uncover domestic terrorism. In February 2011, the American Civil Liberties Union (ACLU) joined the Council for American-Islamic Relations of Greater Los Angeles in filing a Federal class-action lawsuit against the FBI for infiltrating mosques in Southern California and allegedly gathering general information without probable cause. Regardless of the merits of that suit, the backlash over the Southern California case had a subversive effect on Federal domestic surveillance policy. Later that same year, the Administration of President Barack Obama established a review panel within the Department of Justice called the Sensitive Operations Review Committee, effectively carving out special treatment for the religious, political, journalistic and academic spheres: A sensitive investigative matter (SIM) is defined as an investigative matter involving the activities of a domestic public official or domestic political candidate (involving corruption or a threat to the national security), a religious or domestic political organization or individual prominent in such an organization, or the news media; an investigative matter having an academic nexus; or any other matter which, in the judgment of the official authorizing the investigation, should be brought to the attention of FBI Headquarters (FBIHQ) and other DOJ officials. (Attorney General’s Guidelines for Domestic FBI Operations (AGG-I Dom), Part VILN.) As a matter of FBI policy, “judgment” means that the decision of the authorizing official is discretionary. Whether the FBI should be indiscriminately watching any individual or affiliated group is a matter for a separate article (indeed, we’ve written several of them), and recent scandals showing that the Nation’s vast enforcement empire is doing just that are both loathsome and alarming. But if Obama is going to watch most of us, it’s only fair (and makes a fair amount of sense) that he watch all of us.

No Data Sharing

Federal changes don’t affect local communities – fusion centers don’t work which is the only way for different levels of enforcement to share information.

PSI 12 (PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, the oldest subcommittee of the U.S. Senate Committee on Homeland Security and Governmental Affairs, “FEDERAL SUPPORT FOR AND INVOLVEMENT IN STATE AND LOCAL FUSION CENTERS”, October 3, 2012)

Sharing terrorism-related information between state, local and Federal officials is crucial to protecting the United States from another terrorist attack. Achieving this objective was the motivation for Congress and the White House to invest hundreds of millions of taxpayer dollars over the last nine years in support of dozens of state and local fusion centers across the United States. 1 Congress directed the Department of Homeland Security (DHS) to lead this initiative. A bipartisan investigation by the Permanent Subcommittee on Investigations has found, however, that DHS’s work with those state and local fusion centers has not produced useful intelligence to support Federal counterterrorism efforts. The Subcommittee investigation found that DHS-assigned detailees to the fusion centers forwarded “intelligence” of uneven quality – oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism. The Subcommittee investigation also found that DHS officials’ public claims about fusion centers were not always accurate. For instance, DHS officials asserted that some fusion centers existed when they did not. At times, DHS officials overstated fusion centers’ “success

stories.” At other times, DHS officials failed to disclose or acknowledge non-public evaluations highlighting a host of problems at fusion centers and in DHS’s own operations.

Local-federal police data distribution fails—it’s too unorganized—local law enforcement cellphone data collection is another alt cause

Ackerman 13 (Spencer, national security editor for Guardian US and won the 2012 National Magazine Award for Digital Reporting, “Data-sharing among US law agencies amounts to 'organised chaos' – report”, December 10, 2013, <http://www.theguardian.com/world/2013/dec/10/data-sharing-law-enforcement-organised-chaos>)

The sharing of crucial intelligence about counter-terrorism between the FBI, the Department of Homeland Security and local police departments takes place through a patchwork process that amounts to “organized chaos”, according to a new report. The report, released Tuesday by the Brennan Center for Justice, a public-policy institute at New York University law school that has a track record of being skeptical of government surveillance, found inconsistent rules, inadequate oversight, apparent wastefulness and insufficient regard for civil liberties nationwide. “This poorly organized system not only wastes time and resources; it also risks masking reliable intelligence that could be crucial to an investigation.” the report says, warning that a “din of data” is overwhelming law enforcement. “There’s a lot of irrelevant information being collected.” said Michael Price, a counsel with the Brennan Center and the author of the report. “As a result of that, it seems pretty easy for information to slip through the cracks.” A Department of Homeland Security spokesman took vigorous exception to the report’s factual presentation and its conclusions, saying that much of the responsibility for the patchwork rules should properly be attributed to discrepancies in laws across the 50 states and arguing that the fusion centers contribute strongly to national security while protecting civil liberties. Scrutiny of the wide-reaching intelligence apparatus in federal, state and local law enforcement since 9/11 has largely taken a backseat during the past six months’ worth of revelations from whistleblower Edward Snowden about the National Security Agency’s surveillance activities. But this week, several reports pointed to an enormous amount of data collected by police departments – particularly from cellular towers. The Brennan Center report examined 16 major police departments across the US, along with 19 affiliated “fusion centers” – controversial data-sharing pools between federal, state and local agencies – and 14 of the FBI’s joint terrorism task force partnerships with police. It found, among other problems, inconsistent quality control, which permitted a flood of local tips – some as innocuous as “ordering food at a restaurant and leav[ing] before the food arrives” (an example from California, according to a Fusion Center training document obtained by the report’s authors) – into fusion centers. Data like that does not meet the legal standard for “reasonable suspicion” normally required to pursue surveillance, let alone the requirements of probable cause. Yet it can be stored within fusion centers and accessed by a variety of law enforcement and homeland security agencies for up to a year. the report said. Despite efforts by the Department of Homeland Security, most of the fusion centers operate with “minimal oversight, or no oversight whatsoever”, the report found. Out of 19 centers reviewed, only five require independent audits of retained data. “We’re calling for clear, consistent processes and stronger standards for collecting and sharing information to reduce some of the noise coming from this din of data,” Price said. A Department of Homeland Security spokesman contended Tuesday that the report misrepresented the complexities of data-sharing across local, state and federal agencies, and strongly defended the relevance and performance of fusion centers. “This report fundamentally misunderstands the role of fusion centers within our national security structure and their value to state and local law enforcement,” said DHS press secretary Peter Boogaard. “As pointed out by congressional leaders and major law enforcement organizations across the country, fusion centers greatly improve information sharing and co-ordination between federal, state and local law enforcement. By receiving classified and unclassified information from the federal government and assessing its local implications, fusion centers help law enforcement on the front lines better protect their communities from all threats, whether it is terrorism or other criminal activities.” The FBI did not respond to a request for comment made after a media embargo on the Brennan Center report lifted. Fusion centers have been the subject of criticism from both civil libertarians and powerful elected officials. A 2012 investigation by the bipartisan Senate permanent subcommittee on investigations of more than 80,000 fusion center documents could not find any contribution

the centers had made to “disrupt[ing] an active terrorist plot”. DHS disputes the results of that investigation, as do several legislators on committees overseeing the department. Senator Tom Coburn, an Oklahoman who serves as the top Republican on the Senate government reform and homeland security committee, has emerged as a leading legislative critic of fusion centers and joint terrorism task forces, for many of the same reasons detailed in the Brennan Center report. After a government inquiry indicated many federal data-sharing efforts were duplicative, Coburn issued a statement in April calling them “a vital component of national security”, but adding, “that is not an excuse to waste taxpayer funds”. The Brennan Center’s report comes as **police departments’ widespread use of cellphone data is attracting new scrutiny**. On Monday, the Washington Post revealed that police departments around the country relied 9,000 times last year on so-called “tower dumps”, or data collected from cellphone signals that went to a given cellphone tower during a certain period of time. That data necessarily includes call information from cellphone subscribers who are never suspected of any crime. “There are **serious questions about how law enforcement handles the information of innocent people swept up in these digital dragnets,**” congressman Ed Markey, a Massachusetts Democrat who plans to introduce legislation limiting tower dumps, told the Post. Also on Monday, USA Today reported that approximately a quarter of police departments in the US have employed tower dumps, and at least 25 departments around the country employ a portable piece of spoofing hardware, called a Stingray, that tricks cellphones into thinking it is a cell tower, allowing it siphon data and send it directly to police. And all that information is on top of the fruits of the NSA’s vast data collection efforts, which are not entirely off limits to federal law enforcement. The controversial bulk collection of Americans’ phone data has been repeatedly described by the NSA as a tool to aid the FBI in detecting domestic terrorism activity. NSA deputy director John C Inglis recently stated that the FBI cannot search directly through the NSA’s data troves, but the agency shares telephone metadata with the bureau following searches through its databases based on “reasonable articulable suspicion” of connections to specific terrorist organizations. The Brennan Center report did not specifically analyze law enforcement tower dumps, but Price called the reports of them alarming. “This is another indication of the vast trove of information that state and local police are collecting about law abiding Americans,” Price said. “To date, that information does not appear to be particularly useful in preventing terror attacks.”

Fusion centers fail—local law enforcement doesn’t have oversight

Price 13 (Michael, serves as counsel for the Brennan Center’s Liberty and National Security Program, “NATIONAL SECURITY AND LOCAL POLICE, December 10, 2013, https://www.brennancenter.org/sites/default/files/publications/NationalSecurity_LocalPolice_web.pdf)

Since the attacks of September 11, 2001, many state and local law enforcement agencies have assumed a critical but unfamiliar role at the front lines of the domestic fight against terrorism. The federal government has encouraged their participation, viewing them as a tremendous “force multiplier”² with approximately 800,000 officers nationwide.³ Indeed, by collecting and sharing information about the communities they serve, police departments have been able to significantly increase the data accessible to members of the federal intelligence community.⁴ At the same time, **however, the headlong rush into counterterrorism intelligence has created risks for state and local agencies, with too little attention paid to how to manage them**. Although prevention of terrorist attacks is often described as a new, post-9/11 paradigm for law enforcement, the prevention of all crime has been a central tenet of modern policing since its debut nearly 200 years ago.⁵ Intelligence activities, including the use of surveillance, undercover officers, and informants, have helped fulfill this mandate. But due to the potential for abuse that came to light during the 1960s and 70s, many courts and legislatures placed checks on police intelligence operations. Most importantly, they required officers engaged in intelligence activities to have reasonable suspicion that a person or group is involved in criminal activity before collecting, maintaining, or sharing information about them. Of course, this rule does not apply to most other police activities. Officers responding to an emergency, for example, may record a victim’s statement or document an eyewitness account without suspecting either individual of wrongdoing. But for many police departments, reasonable suspicion became a prerequisite for creating intelligence files.⁶ Since 9/11, some police departments have established counterterrorism programs to collect and share intelligence information about the everyday activities of law-abiding Americans, even in the absence of reasonable suspicion.⁷ This information is fed into an array of federal information sharing networks, creating mountains of

data.⁸ Whether these practices have made us safer is debatable.⁹ What is clear is that they raise issues of accountability and oversight in ways that have not been given sufficient attention. The centerpiece of this new counterterrorism architecture is a national information sharing network connecting police departments and federal agencies, known as the Information Sharing Environment (ISE). But there is little consistency regarding the types of information that local law enforcement agencies collect and share with their federal counterparts. The policies and procedures governing such activities are often opaque or unavailable to the public, while a deliberately decentralized system produces rules that vary considerably across the country. Inconsistent rules jeopardize the quality of shared intelligence and raise serious civil liberties concerns. In some jurisdictions, for example, police have used aggressive information gathering tactics to target American Muslim communities without any suspicion of wrongdoing. Such practices have not generated investigative leads or proven especially useful in preventing potential terrorist attacks.¹⁰ But they have strained community relations with law enforcement, thereby jeopardizing the very terrorism prevention mission they are intended to accomplish.¹¹ Many state and local intelligence programs lack adequate oversight. While federal agencies operate under the watch of independent inspectors general, there is often no equivalent for state and local information sharing ventures. Very few local governments have built the kind of oversight structures that should accompany such a significant expansion of police functions.

Multitude of barriers to data-sharing—localized law enforcement cannot effectively model/cooperate with federal agencies

AFCEA International 7 (The Armed Forces Communications and Electronics Association (AFCEA) established in 1946, is a non-profit membership association serving the military, government, industry, and academia as an ethical forum for advancing professional knowledge and relationships in the fields of communications, information technology, intelligence, and security, “The Need to Share: The U.S. Intelligence Community and Law Enforcement”, April 2007)

The committee believes certain steps can help the intelligence and law enforcement communities move forward in their ability to share information and intelligence better. Communicate and Reinforce the Need for Sharing: People have a natural tendency to resist change. For this reason, leaders throughout the intelligence and law enforcement communities must consistently and repeatedly deliver the message of change and ensure that everyone understands the importance of sharing information. Analysts who have been told for years that releasing certain types of information violates the law must now be strongly encouraged to exchange the information with others. The new Director of National Intelligence, Mike McConnell, has made a strong statement to all intelligence professionals with his direction that it is not enough to share intelligence: There is a responsibility to provide it. Earn Public Trust: Abuses of the past have made the public skeptical about the government’s role in personal lives. Yet, the public wants and deserves a collaborative intelligence and law enforcement community effectively working together to prevent another terrorist attack. A Markle Foundation task force⁷ noted, “For information sharing to succeed, there must be trust.... Building trust requires strong leadership, clear laws and guidelines, and advanced technologies to ensure that information sharing serves important purposes and operates consistently with American values.” The communities must ensure compliance with the law and make the commitment visible to the public. Manage Risk: The intelligence and law enforcement communities have been risk averse in the past regarding sharing information—often for good reasons. Today’s environment calls for a different approach. The risk of sharing information must be balanced against the risk of not “connecting the dots.” What is the true value of having important information—even if it comes from a tenuous source in some cases—if the information is never shared with others who may need it and who may add value to the information? As a first step, local law enforcement should have a formal role and presence within the NCTC. This would give law enforcement officials early warning about terrorist tactics used overseas before the terrorists try to apply them in the United States, and it would help law enforcement plan and train better. Create Clear, Understandable, and Consistent Guidelines: Many current guidelines and policies are complex, confusing, inconsistent, and make sharing information difficult to achieve. This complexity causes delays in sharing data and undermines its utility. People are more apt to give up if the rules are too hard to follow.

Eliminate the Construct of “Data Ownership:” The “owners” do not always appreciate why information they control could be significant to others. For sharing to be effective, those who have a broader picture may be the best advocates regarding what needs to be shared. For example, local and state law enforcement, fire, and public health organizations can make a critical contribution in terms of detection, prevention, and response. The federal intelligence or law enforcement communities may not be taking full advantage of these capabilities and skills because they do not have a clear understanding of what they can contribute. These individuals on the “front lines” may hold key pieces of the puzzle. The fact that some of their information comes from an unclassified source does not automatically mean it is not useful or important. Use Technology in a Meaningful Way: Most of the obstacles to meaningful change in this arena are cultural, but technology still can play an important role. Most, if not all, of the technological impediments to protecting sources and methods while enabling effective information sharing have been solved. Technology should be embraced as a key in easing the administrative burdens of sharing information. Emphasize Training: Effective and focused training can improve the confidence of community members and the public’s perception that information is being handled appropriately. The right training, coupled with intelligence policies, will better enable sharing and ultimately will help change the cultures. Share Good Ideas and Lessons Learned: The District of Columbia, among others, has taken first and useful steps. It has initiated discussions in the law enforcement and intelligence communities to broaden understanding of what types of information are needed and why. Once state or local law enforcement organizations articulate and justify specific needs, and it becomes clear the contribution they can make to mission success, the willingness to share information will improve significantly. Other steps are possible. In the early 1980s the Drug Enforcement Agency (DEA) partnered with local law enforcement to educate U.S. police officers on the trends, tactics, and patterns of the South American drug cartels. As a result, local law enforcement officers knew what behavior, precursor chemicals, and modes of transportation were associated with major trafficking and violent crimes of the international cartels. Such partnerships work. Leaders in both communities should look to the partnership model within the Joint Terrorism Task Force as an approach to enabling information sharing. The Director of National Intelligence has recently created an Information Sharing Steering Committee (ISSC) and declared the ISSC will “move the Intelligence Community beyond the ‘need to share’ philosophy and more to a ‘responsibility to provide.’”⁸ This commitment can steer the federal, state, and local communities closer to the goal of a shared information environment. Conclusion Since September 11, 2001, the intelligence and law enforcement communities have struggled to adapt to new challenges and to refocus and reorder priorities. **Nonetheless, the seam between federal, state, and local communities has inhibited the United States’ ability to fight terrorism. Although Congress has removed many of the existing barriers to cooperation, and limited examples of progress exist, implementation is lagging. The key to change is strong leadership in both communities. Leaders must understand and nurture cultural change that emphasizes a responsibility for providing information—not just for sharing it.** They must also communicate to their subordinates a willingness to accept risk in sharing data and must deemphasize data ownership. These steps, along with clear guidelines, inter-community training, the exchange of lessons learned, and the effective use of technology, can open doors of cooperation that have been closed for too long.

AT – Modeling

Modeling args are wrong—no correlation between grants and modeling—only our studies include the broader law enforcement environment—other things are more important than federal influence

Burruss et al 12 (George W. Burruss has a Ph.D. in Criminology & Criminal Justice at Southern Illinois University Carbondale, Joseph A. Schafer has a Ph.D from Michigan State in Social Science (Criminal Justice), Matthew J. Giblin, an associate professor and undergraduate program director in the Department of Criminology and Criminal Justice at Southern Illinois University Carbondale, Melissa R. Haynes, Member of the Department of Criminology and Criminal Justice, “Homeland Security in Small Law Enforcement Jurisdictions: Preparedness,

Efficacy, and Proximity to Big-City Peers”, September 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/239466.pdf>)

Second, much of the literature implicitly or explicitly assumes that homeland security preparedness can be improved through funding allocations (e.g., grants), particularly from state and local governments (Davis et al., 2006; Gerber et al., 2005). Alternatively, other writings have assumed that preparedness is simply a byproduct of, or rational response to, the potential for a terrorist attack in a jurisdiction (Davis, 2004; Henry, 2002). What **these studies tend to ignore is the larger environment**. The efficacy of efforts to enhance homeland security may not be just a function of perceived/actual risk or funding, but both of those forces and others. For example, enhanced preparedness and innovative practices may also flow from written products such as books and journals, as well as conferences, training, and other professional networks and channels. These sources, as shown in a study of Illinois law enforcement agencies, play a significant role in determining preparedness levels, independent of risk and resource allocation (Burruss, Giblin, & Schafer, 2010). To date, however, **researchers have largely ignored these sources** (termed institutional pressures) as determinants of homeland security practices. Moreover, if these channels are salient, **the proximity of small agencies to big-city peers might be irrelevant as learning and modeling is indirect rather than direct. This omission is glaring considering that research verifying the significance of these factors could be used to shape the diffusion of a range of innovations across the law enforcement industry.**

No federal modeling internal link—local law enforcement models regional agencies—our ev is comparative

Burruss et al 12 (George W. Burruss has a Ph.D. in Criminology & Criminal Justice at Southern Illinois University Carbondale, Joseph A. Schafer has a Ph.D from Michigan State in Social Science (Criminal Justice), Matthew J. Giblin, an associate professor and undergraduate program director in the Department of Criminology and Criminal Justice at Southern Illinois University Carbondale, Melissa R. Haynes, Member of the Department of Criminology and Criminal Justice, “Homeland Security in Small Law Enforcement Jurisdictions: Preparedness, Efficacy, and Proximity to Big-City Peers”, September 2012, <https://www.ncjrs.gov/pdffiles1/nij/grants/239466.pdf>)

Respondents were asked a range of questions designed to assess the extent to which institutional pressures influenced their approaches to homeland security. The **measures address factors that are independent of any one person in the organization; that is, they focus on the influence of other agencies, professional associations, and publications without addressing who within the organization was specifically affected by these factors.**¹⁰ Table 8 reports the results of a number of questions measuring whether agency practices were influenced by the actions of their peers. In evaluating their own homeland security performance, 25.8 percent of respondents indicated they paid **significant attention to other agencies like their own**. An additional 59.8 percent of agencies paid some attention to similar agencies. Less than one percent of responding agencies reported that they paid no attention to similar agencies in evaluating their homeland security performance. Participating agencies were asked to what extent their agency modeled homeland security policies and practices after other agencies that they viewed as successful. The majority of agencies indicated they did engage in such modeling often (35.3 percent) or occasionally (54.9 percent). Other sources of institutional pressure are professional associations and relevant publications. In defining homeland security practices and approaches agencies might be influenced by the resources offered by these other entities. Respondents were asked to rate the influence of four sources of influence on a three-point scale from not at all influential (0.0) to very influential (2.0). **Peer agencies were reported to be the most influential.** Strong influence was also indicated for professional associations and government publications. Journal articles and books were the least

influential, with an average rating between somewhat influential and not at all influential. Grant programs and other funding opportunities were generally less influential. In relative terms, federal and state grant funding for equipment and training were most influential. Private or community funding sources were least influential in formulating homeland security approaches and practices.

Alt Causes

Aff can't resolve local policing which is more abusive – frisking and high-tech profiling

Cyril 15 (Malkia Amala, founder and executive director of the Center for Media Justice (CMJ) and co-founder of the Media Action Grassroots Network, a national network of 175 organizations working to ensure media access, rights, and representation for marginalized communities, March 30, 2015, “Black America's State of Surveillance”,

<http://www.progressive.org/news/2015/03/188074/black-americas-state-surveillance>)

This model is deceptive, however, because it presumes data inputs to be neutral. They aren't. In a racially discriminatory criminal justice system, surveillance technologies reproduce injustice. Instead of reducing discrimination, predictive policing is a face of what author Michelle Alexander calls the “New Jim Crow”—a de facto system of separate and unequal application of laws, police practices, conviction rates, sentencing terms, and conditions of confinement that operate more as a system of social control by racial hierarchy than as crime prevention or punishment. In New York City, the predictive policing approach in use is “Broken Windows.” This approach to policing places an undue focus on quality of life crimes—like selling loose cigarettes, the kind of offense for which Eric Garner was choked to death. Without oversight, accountability, transparency, or rights, predictive policing is just high-tech racial profiling—indiscriminate data collection that drives discriminatory policing practices. As local law enforcement agencies increasingly adopt surveillance technologies, they use them in three primary ways: to listen in on specific conversations on and offline; to observe daily movements of individuals and groups; and to observe data trends. Police departments like Bratton's aim to use sophisticated technologies to do all three. They will use technologies like license plate readers, which the Electronic Frontier Foundation found to be disproportionately used in communities of color and communities in the process of being gentrified. They will use facial recognition, biometric scanning software, which the FBI has now rolled out as a national system, to be adopted by local police departments for any criminal justice purpose. They intend to use body and dashboard cameras, which have been touted as an effective step toward accountability based on the results of one study, yet storage and archiving procedures, among many other issues, remain unclear. They will use Stingray cellphone interceptors. According to the ACLU, Stingray technology is an invasive cellphone surveillance device that mimics cellphone towers and sends out signals to trick cellphones in the area into transmitting their locations and identifying information. When used to track a suspect's cellphone, they also gather information about the phones of countless bystanders who happen to be nearby. The same is true of domestic drones, which are in increasing use by U.S. law enforcement to conduct routine aerial surveillance. While drones are currently unarmed, drone manufacturers are considering arming these remote-controlled aircraft with weapons like rubber bullets, tasers, and tear gas. They will use fusion centers. Originally designed to increase interagency collaboration for the purposes of counterterrorism, these have instead become the local arm of the intelligence community. According to Electronic Frontier Foundation, there are currently seventy-eight on record. They are the clearinghouse for increasingly used “suspicious activity reports”—described as “official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.” These reports and other collected data are often stored in massive databases like e-Verify and Prism. As anybody who's ever dealt with gang databases knows, it's almost impossible to get off a federal or state database, even when the data collected is incorrect or no longer true. Predictive policing doesn't just lead to racial and religious profiling—it relies on it. Just as stop and frisk legitimized an initial, unwarranted contact between police and people of color, almost 90 percent of whom turn out to be innocent of any crime, suspicious activities reporting and the dragnet approach of fusion centers target communities of color. One review of such reports collected in Los Angeles shows approximately 75 percent were of people of color.

Alt cause – Local police is the problem—community oriented policing is failing

Jrank Law Library No Date, (No Date,<http://law.jrank.org/pages/2228/Urban-Police-Policing-minority-citizens.html>)

Historically, cooperation and communication between police and minorities has been troubled. Williams and Murphy described a history of policing shaped by the enforcement of laws that

have discriminated against minority groups, particularly African Americans. Slavery, segregation, and discrimination are historical realities that shaped the current distrustful, strained, and often hostile relationship between police and minority citizens. This poor relationship reached its pinnacle during the police-citizen crisis of the 1960s. The civil rights movement had gained momentum and become more militant. Protesters gathered to demonstrate against race discrimination and injustice within the criminal justice system. Police officers responded to protesters with physical brutality, which increased the tension between minorities and the police. This tension exploded in the form of riots and civil disobedience, often sparked by incidents involving the police (Walker, 1999). As a result of several crime commission reports and research findings questioning the effectiveness of "professional" police organizations, police organizational strategies evolved to focus on strengthening relationships and creating partnerships between the police and citizens. Police departments attempted to improve community relations through the creation of police-community relations units, race relations training for officers, and the hiring of more minorities and women. Some of these techniques were relatively successful. As reported by Walker (1999), African American officers represented a majority of the force in departments such as Detroit, Washington, and Atlanta in 1993. In addition, African Americans were selected as police chiefs in several large departments, including New York City, Los Angeles, Atlanta, Chicago, Houston, and others. Furthermore, by the mid-1990s, women represented 13 percent of all officers in large police departments. Despite these advances, police still struggle with minority community relations. In 1993, the acquittal of four officers accused of beating Rodney King, an African American motorist in Los Angeles, sparked race riots across the country. Other major cases of police abuse of force in the 1990s (e.g., the Louima and Diallo cases in New York City) further increased tension between the police and minorities. In 1996, 26 percent of African American citizens surveyed reported they had very little or no confidence in the police, compared to only 9 percent of white respondents (Bureau of Justice Statistics, 1996). Furthermore, when asked about attitudes toward use of force, 60 percent of whites had favorable attitudes compared to 33 percent of African Americans and 42 percent of Hispanics (Huang and Vaughn). Serious questions regarding police discrimination remain. Studies routinely show that minorities are overrepresented as suspects who have force used against them, and who are shot and killed by officers. Worden's analysis of 1977 data showed that police were more likely to use both reasonable and unreasonable force against black male suspects. This is also true of the use of deadly force. However, changes in police departments' administrative policies led to decreases in the use of deadly force by officers. In a study of the New York City Police Department, Fyfe found that changes in the department's formal policies governing police shootings in 1972 reduced the average numbers of shots fired by officers by 30 percent. The total number of uses of deadly force decreased by nearly 50 percent from 1970 to 1984. In that same time period, the ratio of African Americans to whites who had deadly force used against them decreased from six-to-one to three-to-one (Walker, 1999). Reductions in police use of deadly force toward minorities were also noted after the fleeing-felon standard guiding police use of deadly force was ruled unconstitutional by the Supreme Court in *Tennessee v. Garner*, 105 S. Ct. 1694 (1985). African Americans are also disproportionately arrested more often than whites. It is unclear whether these disparities in arrest statistics represent actual discrimination (i.e., disparity based on extra legal factors, such as race). When other factors are taken into consideration (e.g., seriousness of the offense, the evidence available, demeanor of the suspect, etc.), it appears that arrest decisions are influenced more by situational and legal factors than strictly race (Riksheim and Chermak). However, police are more likely to police inner-city neighborhoods, which are predominantly minority areas. In this sense, police may be showing a form of contextual discrimination by heavily policing particular neighborhoods or particular types of crimes. A concern is that police officers are profiling citizens based on race and ethnicity. The term DWB or driving while black is a vivid descriptor of this phenomenon. Minority groups claim that police are more likely to pull over motorists simply because of their race. In fact, studies of New Jersey State Police have shown that minorities are pulled over disproportionately. This same argument is made in urban areas, where minorities believe they have become the targets of police harassment through tactics of aggressive enforcement of minor crimes. Studies of police have shown that African Americans and Hispanics are disproportionately stopped, questioned, and frisked by police (Browning et al.). Surveys of citizens also indicated that African Americans and Hispanics are more likely to be stopped and interrogated by police. One survey of African American high school students revealed that 80 percent had been stopped by police and 62 percent of those stopped said the police treated them disrespectfully (Walker, Spohn, and DeLone). At the same time, however, minority citizens complain that police are not responding to their needs in these areas. Citizens allege that police are not providing adequate protection or attention in their neighborhoods. According to Walker, this apparent contradiction can be explained by "the diversity within racial and ethnic minority communities Complaints about police harassment generally come from young males who have a high level of contact with the police. Most members of racial

minority communities, however, are law-abiding adults with jobs and families. Like their white counterparts, they want more not less police protection" (1999, p. 222). In the 1980s, **new strategies of community oriented policing** have encouraged the partnership between citizens and the police. Research has shown, however, that **strategies of community policing tend to have the strongest impact on neighborhoods where they are least needed**. Satisfaction with community policing techniques is highest in homogeneous, higher socioeconomic status communities, and lowest in heterogeneous, lower socioeconomic status communities (Bayley, 1988). It is clear that new approaches to improve police-minority relations are needed.

Alt Cause—Underrepresentation of local minorities in the police force is a larger problem

Badger, Keating, and Elliot 14 Emily Badger, Dan Keating, and Kennedy Elliot, ("Where minority communities still have overwhelmingly white police", August 14, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/14/where-minority-communities-still-have-overwhelmingly-white-police/>)

There is something unsettling about the scenes this week **out of Ferguson, Mo., that goes beyond the rare sight of military equipment on city streets or the disproportionate deployment of it. In so many of these images, the unarmed residents are black. But almost all of the officers facing them are white.** The fatal police shooting Saturday of an unarmed black teen that set off these confrontations in a St. Louis suburb has raised questions not just about the conduct of one officer, but the makeup of an entire police force. **How could a community that's two-thirds black have a police force that's almost entirely white?** How could such divisions ubiquitous in the 1960s persist in 2014? **Across the country, this racial imbalance is not rare.** Fifty years after the Civil Rights movement called attention to the under-representation of minorities in police departments, the pattern is still widespread. **More than three quarters of cities on which the Census Bureau has collected data have a police presence that's disproportionately white relative to the local population.** Meanwhile, in more than 40 percent of cities, **blacks are under-represented among police officers, a Washington Post analysis of Census data revealed.** While the pattern is widespread, broad variations exist. The charts below show which cities have the greatest and smallest disparities between population and police. **These numbers are more encompassing than a mere count of officers in a municipal police department.** From the point of view of residents in each community, **they reflect the larger police presence one might encounter.** The center line in each chart represents equality — or how we might expect a police force to look if it perfectly reflected the demographics of the city it serves. Non-Hispanic white representation in most cities is above this line; in other words, the share of white police officers in Memphis or Charlotte is higher than the share of whites living in those cities. **If we count cities within five percentage points of that line as having relative equality, just one in 10 cities and towns in America meets that standard. If we look at the data from the perspective of black officers, about 45 percent of cities and towns meet this definition of equality.** That number, though, is largely driven by cities with few or no black officers but also very small black populations. **Remove cities where less than 5 percent of the population is black, and 72 percent of all such places — 446 in total — have police forces where blacks are under-represented. In the 609 communities where Hispanics make up at least 5 percent of the population, they are under-represented among police as well in 66 percent of places.** Even **the best intentions by police departments won't automatically create perfect equality** because city demographics shift over time — in some places more rapidly than others. The Department of Justice, which has filed hundreds of lawsuits against discriminatory local agencies since the 1970s, has historically looked at demographic data like this, along with hiring and recruiting practices. **It is striking on the above charts, however, that many of America's biggest cities are hovering more closely around equality than others.** These are the same cities where fierce battles were fought and federal lawsuits waged over unequal hiring practices after 1972, when amendments to the Civil Rights Act extended protection from discrimination to state and local government employers. "Politicians realized that they couldn't have an all-white police force in a city with a substantial minority population," says Richard Ugelow, who worked on such lawsuits in the Civil Rights Division of the DOJ for 29 years. "That changed the culture of the police departments and the willingness of law enforcement, police and fire departments to become more diverse. You see that **in Chicago, New York, Atlanta, in these large cities. They want to have a diverse workforce.** You don't have those same pressures in these smaller

communities." The public outcry and federal pressure that made such inequality so visible in Chicago — prompting dramatic change there — hasn't historically extended to places like Ferguson, a suburb of 21,000 with 53 commissioned police officers. "It's hard for the government to bring a lawsuit," Ugelow says, "against a police force of 100 people." The above charts show many places with either all-white or no-black police forces. Many of them are smaller cities, such as Niagara Falls, N.Y., where 20 percent of the population is black but all 250 police are white, according to the data. In Florissant, Mo., a quarter of the population is black, but none of the 25 police are. Some seemingly unequal communities have also experienced demographic shifts that have exacerbated the imbalance between the police presence and the population. Ferguson is an example of such a place: In 1990, the city was almost three-quarters white. By 2010, it was two-thirds black. Its police force today may in some ways be a legacy of the makeup and policies of an earlier moment of time. Ugelow doubts that the picture above is the result of intentional discrimination today — "blacks need not apply." But some of the same historic practices and applicant tests that effectively excluded minorities may still exist in departments that never updated their policies. During the recession, small-town police agencies that have had to cut resources may have trimmed the HR staffs and recruitment programs that address this issue. Ugelow also worries that, since the Bush Administration, the DOJ has eased up on its civil rights litigation. Historically, the issue of inequality in police departments has focused on the relationship between blacks and whites. But as the country's Hispanic population continues to grow, communities have to take into account demographic patterns that encompass more than white and black. In San Antonio, for instance, blacks and whites only account for one-third of the local population, and a slightly higher proportion of the police; Hispanics make up 63 percent of the population, and 58 percent of the police. As a note, the data above draws from a special 2010 Census count of workers in 755 cities and towns, including every place with a population of at least 50,000 at that time. Once a decade, the Census creates this employment file for federal agencies that monitor employment practices and enforce civil rights laws. The data include the number and demographics of police officers — counting police and sheriff's patrol officers, and transit and railroad police — working in each city. The data do not include detectives, security guards or parking enforcement officers.

MASSIVE alt cause—they can't solve racial profiling by local law enforcement agencies—comparatively more exposure to them than federal law enforcement

Harris 99 (David A., Distinguished Faculty Scholar and Professor of Law at University of Pittsburgh, "DRIVING WHILE BLACK: RACIAL PROFILING ON OUR NATION'S HIGHWAYS", June 1999, <https://www.aclu.org/report/driving-while-black-racial-profiling-our-nations-highways>)

On a hot summer afternoon in August 1998, 37-year-old U.S. Army Sergeant First Class Rossano V. Gerald and his young son Gregory drove across the Oklahoma border into a nightmare. A career soldier and a highly decorated veteran of Desert Storm and Operation United Shield in Somalia, SFC Gerald, a black man of Panamanian descent, found that he could not travel more than 30 minutes through the state without being stopped twice: first by the Roland City Police Department, and then by the Oklahoma Highway Patrol. During the second stop, which lasted two-and-half hours, the troopers terrorized SFC Gerald's 12-year-old son with a police dog, placed both father and son in a closed car with the air conditioning off and fans blowing hot air, and warned that the dog would attack if they attempted to escape. Halfway through the episode – perhaps realizing the extent of their lawlessness – the troopers shut off the patrol car's video evidence camera. Perhaps, too, the officers understood the power of an image to stir people to action. SFC Gerald was only an infant in 1963 when a stunned nation watched on television as Birmingham Police Commissioner "Bull" Connor used powerful fire hoses and vicious police attack dogs against nonviolent black civil rights protesters. That incident, and Martin Luther King, Jr.'s stirring I Have a Dream speech at the historic march on Washington in August of that year, were the low and high points, respectively, of the great era of civil rights legislation: the 1964 Civil Rights Act and the 1965 Voting Rights Act. How did it come to be, then, that 35 years later SFC Gerald found himself standing on the side of a dusty road next to a barking police dog, listening to his son weep while officers rummaged through his belongings simply because he was black? I feel like I'm a guy who's pretty much walked the straight line and that's

respecting people and everything. We just constantly get harassed. So we just feel like we can't go anywhere without being bothered... I'm not trying to bother anybody. But yet a cop pulls me over and says I'm weaving in the road. And I just came from a friend's house, no alcohol, nothing. It just makes you wonder – was it just because I'm black?" – James, 28, advertising account executive Rossano and Gregory Gerald were victims of discriminatory racial profiling by police. There is nothing new about this problem. Police abuse against people of color is a legacy of African American enslavement, repression, and legal inequality. Indeed, during hearings of the National Advisory Commission on Civil Disorders ("The Kerner Commission") in the fall of 1967 where more than 130 witnesses testified about the events leading up to the urban riots that had taken place in 150 cities the previous summer, one of the complaints that came up repeatedly was "the stopping of Negroes on foot or in cars without obvious basis." Significant blame for this rampant abuse of power also can be laid at the feet of the government's "war on drugs," a fundamentally misguided crusade enthusiastically embraced by lawmakers and administrations of both parties at every level of government. From the outset, the war on drugs has in fact been a war on people and their constitutional rights, with African Americans, Latinos and other minorities bearing the brunt of the damage. It is a war that has, among other depredations, spawned racist profiles of supposed drug couriers. On our nation's highways today, police ostensibly looking for drug criminals routinely stop drivers based on the color of their skin. This practice is so common that the minority community has given it the derisive term, "driving while black or brown" – a play on the real offense of "driving while intoxicated." One of the core principles of the Fourth Amendment is that the police cannot stop and detain an individual without some reason – probable cause, or at least reasonable suspicion – to believe that he or she is involved in criminal activity. But recent Supreme Court decisions allow the police to use traffic stops as a pretext in order to "fish" for evidence. Both anecdotal and quantitative data show that nationwide, the police exercise this discretionary power primarily against African Americans and Latinos. No person of color is safe from this treatment anywhere, regardless of their obedience to the law, their age, the type of car they drive, or their station in life. In short, skin color has become evidence of the propensity to commit crime, and police use this "evidence" against minority drivers on the road all the time.

NYPD is an example of local, racist policies that the plan can't reform

AP 12 — Samantha Henry, Matt Appuzzo, Wayne Perry, reporters for the Associated Press, American multinational nonprofit news agency, 2012 ("New Jersey Muslims Angry Over NYPD Surveillance Findings," *The Huffington Post*, May 25, Available online at http://www.huffingtonpost.com/2012/05/25/new-jersey-muslims-cangry-nypd-surveillance_n_1545319.html)

Muslim leaders said they were told that every instance of NYPD activity in New Jersey had been justified by a lead, but that the attorney general would not provide any details on the nature of any of those leads, saying the fact-finding was ongoing. Imam Mustafa El-Amin of the Newark-based Masjid Ibrahim said he was concerned that Chiesa refused to explain what leads had been received. With the NYPD compiling a map of every mosque in Newark – including his – he said he wanted to know about any problems or potential dangers in his mosque he might be unaware of. "We understand the need for surveillance and security," said El-Amin, "We just don't appreciate how this was done. We as Muslims feel we were violated, simply because we are Muslims." Several Muslim leaders at Thursday's meeting said that they did not find the assertion that the NYPD had leads for all their operations in New Jersey credible, adding that efforts to maintain communication between the community and law enforcement would be hurt by the findings that the NYPD had done nothing wrong – and could keep doing what they have been doing. "It was basically an, 'FYI, good Thursday afternoon, let it die in the media before the Memorial Day weekend,'" said Mohamed El-Filali, executive director of the Islamic Center of Passaic County, across the Hudson River from New York. If the surveillance of every mosque, burger joint and barbershop targeted was justified, he asked, why were no arrests made? Aref Assaf of the American Arab Forum said the attorney general made them feel like second-class citizens. "I said to him it's not only insulting, it's offensive to our sense

of justice, that you bring us to Trenton to tell us that you accept as legal and valid the actions of the NYPD, and I will not be surprised if you're issuing an order informing your law enforcement officials that they too can spy on American Muslims because if it's legal for NYPD, than it must be legal for NJ to do the same." The Muslim leaders said they would consider all legal options, including renewed appeals for action by the U.S. Justice Department. A federal civil rights lawsuit has also been considered.

Local police surveillance targeted at Muslims is unchangeable

Friedersdorf 13 — Conor Friedersdorf, staff writer at The Atlantic, where he focuses on politics and national affairs, has a Masters degree in Journalism from New York University and a BA in Politics, Philosophy, and Economics from Pomona college, 2013 ("The Horrifying Effects of NYPD Ethnic Profiling on Innocent Muslim Americans," *The Atlantic*, March 28, Available online at <http://www.theatlantic.com/politics/archive/2013/03/the-horrifying-effects-of-nypd-ethnic-profiling-on-innocent-muslim-americans/274434/>)

The Associated Press brought the NYPD's clandestine spying on Muslims to the public's attention in a series of vital stories. Starting shortly after the September 11 terrorist attacks, officers infiltrated Muslim communities and spied on hundreds or perhaps thousands of totally innocent Americans at mosques, colleges, and elsewhere. These officers "put American citizens under surveillance and scrutinized where they ate, prayed and worked, not because of charges of wrongdoing but because of their ethnicity," the news agency reported, citing NYPD documents. Informants were paid to bait Muslims into making inflammatory statements. The NYPD even conducted surveillance on Muslim Americans outside its jurisdiction, drawing a rebuke from an FBI field office, where a top official charged that "the department's surveillance of Muslims in the state has hindered investigations and created 'additional risks' in counterterrorism." NYPD brass and Mayor Michael Bloomberg defend these policies as counterterrorism efforts that are necessary to keep New Yorkers safe. As you ponder the specific costs of these policies, as evocatively described below, keep in mind one thing about the ostensible benefits: "In more than six years of spying on Muslim neighborhoods, eavesdropping on conversations and cataloguing mosques," the Associated Press reported, "the New York Police Department's secret Demographics Unit never generated a lead or triggered a terrorism investigation." They acknowledged, in court testimony, having generated zero leads.

Local police are oppressive – maple heights proves

Dewan 14, Shaila Dewan, Reporter for the New York Times, 2014 (Mostly White Forces in Mostly Black Towns: Police Struggle for Racial Diversity, New York Times, September 9, <http://www.nytimes.com/2014/09/10/us/for-small-police-departments-increasing-diversity-is-a-struggle.html>)

Maple Heights police officers with a driver stopped for a traffic violation. The department has only two black officers out of 35. Credit Michael F. McElroy for The New York Times MAPLE HEIGHTS, Ohio — The population of this working-class Cleveland suburb has gone from nearly all white to two-thirds black since its mayor declared more than 35 years ago that he did not know "what a minority is." But its police and fire departments have not kept pace: The Maple Heights police force today still has only two black officers out of 35; the fire department is 100 percent white. Maple Heights is far from unique. Across the country, police departments still struggle to hire and retain minority candidates — in some cases despite great efforts, in others because of a lack of initiative. But now, the problem has taken on new relevance since the fatal shooting of a young black man last month in Ferguson, Mo., where just four of the 53 police officers are black, according to the police chief. Nationwide, the total number of minority police officers has risen, but they remain heavily concentrated in larger cities, with the numbers falling off sharply in smaller ones, like Ferguson and Maple Heights. In 1977, Maple Heights agreed to increase minorities in its police and fire departments. But officials did not follow through. Credit Michael F. McElroy for The New York Times Data from a federal survey of police departments in 2007, analyzed for The New York Times by Andrew A. Beveridge, a sociologist at Queens College, found that nearly 400

departments, most with fewer than a hundred officers, were substantially whiter than the populations they served. In these departments, the share of white officers was greater than the share of white residents by more than 50 percentage points. Ferguson and Maple Heights are about the same size, just over 20,000 people, and in both, the black population has surged in recent decades. Both cities have white mayors and largely white political leaderships. And both police departments have fallen far short of reflecting the communities they serve — even as some of Maple Heights’s neighboring police departments have achieved much higher levels of diversity. Critics point to the lack of racial balance in police departments as evidence of systemic racism. But experts say the experiences of the two towns illustrate the obstacles to achieving diversity in law enforcement, even for departments that have made it a priority. “I see all these pundits come on the Sunday talk shows and say: ‘Of course you can hire more black people. Of course they’re not trying,’ ” said Nelson Lim, a senior sociologist at the RAND Corporation’s Center on Quality Policing who has consulted with departments in Los Angeles and San Diego. “But it’s very, very, very difficult.” There is little hard evidence that diversity correlates with better performance, in part because it is difficult to control for complex variables and to know which outcomes, from crime rates to brutality cases, to measure. In fact, one study of a Florida police department found that black officers were more likely than white to use force against black suspects. A review of court cases going back to the early 1990s revealed only a handful of civil rights or excessive-force cases against the Maple Heights police, two of which involved a white officer who is no longer with the department, and none that involved a fatality like the shooting in Ferguson. Still, it is an accepted tenet of community policing that when departments reflect the communities they serve, they have an easier time building trust and defusing, rather than escalating, tense situations. In Maple Heights, some residents said they would like to see more black officers, while others said that it was the attitude, experience and training of the officer, not race, that mattered. Chris Turney, a home renovator who lives with his wife and two daughters, said it was more important for officers to live in the city. All but one do not. “The police come here, they do their jobs, they don’t try to get to know anybody,” said Mr. Turney, who is black. “The police don’t waver.” Hundreds of police departments across the nation have forces with a white percentage that is more than 30 percentage points higher than the communities they serve. Other residents drew a contrast between police attitudes in Maple Heights and neighboring Bedford Heights, where three-quarters of the residents, and nine of 28 police officers, are black. “Bedford’s not going to do you like Maple,” said Carlos Walker, 41, who is black. “You have to do something real stupid for Bedford. Maple, soon as they get behind you, you sweating.” In her 11 years as an officer in Bedford Heights, Detective Ericka Payne, who is black, has often provided backup on calls in Maple Heights. There are definitely differences in the ways the departments interact with the outside community,” Detective Payne said. “We try to be a little bit more community oriented. Because we are a little bit more diverse, we understand those dynamics and maybe have a little bit more ease dealing with that.” Several Maple Heights officials said the diversity of the police and fire departments had never been a major issue. It is hard to find qualified candidates of any race, said John C. Popielarczyk, who has been with the Maple Heights Police Department since 1990 and the acting police chief since May. Maple Heights, devastated by the foreclosure crisis, has fallen on hard times, and the police force has shrunk. And with most officers staying on the job for 25 years, Chief Popielarczyk said, the opportunity to hire is scarce. Of eight recent hires, two were black. One, the chief said, was fired for cause before his probationary period ended. The department has advertised in minority newspapers and changed the private company that administers its Civil Service exam in hopes that more minority candidates would pass, he said. But he added: “The real goal of the department is to provide qualified officers who are competent and can provide quality service regardless of race. I don’t think people really care about the color of the officer that responds; they care that the officer responds quickly, is effective, treats them well and is respectful.” The acting fire chief, James Castelucci, said much the same, adding that one promising black candidate withdrew when his current employer offered him more money. The obstacles to diversity are many, Dr. Lim, the sociologist, said. Candidates usually must pass written tests, physical agility tests, psychological tests, polygraphs and background checks, some of which can have a disparate impact on minority candidates. Qualified black candidates are sought after not just by competing police departments, but also by employers in other industries. And some police chiefs have cited a negative attitude toward law enforcement among blacks that hinders recruiting. Police departments have tried all kinds of remedies, from personal trainers to help with physical fitness tests to tailored recruiting. (A RAND survey found that women were attracted to the good salaries in policing, blacks to the profession’s prestige and Asians to the excitement of the job.) But many small departments lack the resources, or the will, to conduct an exhaustive review of their hiring practices. In Maple Heights, job candidates are ranked by how well they score on the written exam, earning bonus points for factors like previous training, military experience and city residency. For each opening, the candidates are considered one by one, in order of their score. Frank Ross said he did not accept the city’s explanations for having few minority police officers. Credit Michael F. McElroy for The New York Times Some nearby suburbs like Bedford Heights and Cleveland Heights — where about 40 percent of the residents and 22 of 102 officers are black — do things differently. The chiefs of both departments said officials were allowed to consider the top 10 candidates on the list, which helps them hire more minority candidates. Both chiefs said their cities took an aggressive approach to diversity as early as the 1970s. Cleveland Heights has two types of officer positions, one that requires a Civil Service exam and a college degree, and a lower tier, called basic patrol, that does not. Once a basic patrol officer is hired, the city will reimburse tuition costs, and many eventually earn a degree and work their way to the upper tier. The diversity of neighboring police departments poses a challenge to cities like Maple Heights, Dr. Lim said: “If the leadership, if the police chief, is dedicated to getting more diversity in the work force, how hard is it to figure out how the other department is doing such a good job?” Asked why Maple Heights considered only one candidate at a time, Chief Popielarczyk said: “We’ve always done it that way. My understanding is that that’s how we’re supposed to do it.” Some Maple Heights residents have tried to persuade the city to hire more blacks, forming a committee called the Maple Heights Citizens for Change. In 2012, Elaine Stone, a committee member who runs a blog called the

Maple Heights African American Gazette, was digging around and discovered a long-forgotten affirmative action agreement, signed by the mayor, a citizens' committee and a representative from the federal Justice Department in 1977. In that deal, Maple Heights, at the time about 96 percent white, agreed that within three years minorities would make up at least 4 percent of its police and fire departments. But it soon became clear that the city was less than fully committed to this goal. "I figure we're all minorities," the mayor at the time, Emil J. Lisy Jr., told reporters when he was criticized for failing to live up to the agreement. "The first thing is to find out what a minority is, and I haven't figured that out." Federal officials threatened to withhold \$500,000 in funds, but backed down after the mayor submitted a 65-page response. When Ms. Stone learned about the agreement, she contacted Frank Ross, the only surviving signer of the document. Mr. Ross was a teacher in his 20s when he came to Maple Heights, at a time when real estate brokers steered black customers to a part of town called Presidential Row. He now lives 12 miles away, but agreed to go to meetings of the committee, where he suggested that the group call the Community Relations Service of the Justice Department, the same office that helped broker the earlier deal. Though new discussions were opened between the city and the service, which provides mediation and training to governments, residents feel the talks have stalled. Neither the mayor nor the Maple Heights legal director returned calls for comment for this article, and the service does not publicly discuss its work. Participation by local governments is strictly voluntary. Ms. Stone said economics, not overt racism, had kept the police and fire departments largely white. "There was white flight, but people were trying to hold on to their jobs," she said. "I can understand you don't want to give up that job." Mr. Ross said apathy among black voters was partly to blame for the situation. But he does not accept the city's excuses. "They're telling me in 40 years they can't find any African-American policemen?" he said. Forty years later — it's very emotional for me. Forty years later, I'm still dealing with the same thing."

NSA surveillance targets those with Arab-sounding names and those who call Middle Eastern countries, creating an atmosphere of depression and anxiety throughout Muslim-American communities.

Miller 13 (Anna Lekas, "If Your Name is Ahmed or Fatima, You Live in Fear of NSA Surveillance," June 19, [TheGuardian.com](http://www.theguardian.com/commentisfree/2013/jun/19/nsa-surveillance-muslim-arab-americans). Miller is a journalist who specifically covers stories about Middle Eastern politics. <http://www.theguardian.com/commentisfree/2013/jun/19/nsa-surveillance-muslim-arab-americans> // EMS).

One of the most common responses from the 66% of American citizens in favor of the NSA's data-collection programs is, "I have nothing to hide, so why should I have anything to fear?" But what if you have nothing to hide but are targeted as a suspect nevertheless? By that I mean, what if your name is Ahmed, Jihad, Anwar or Abdulrahman? Fatima, Rania, Rasha or Shaima? What if some of your phone calls – which the NSA is tracking with particular interest – are made to loved ones in Pakistan, Yemen, Iraq, Syria, Iran, Lebanon or Palestine? What if the language you speak on these phone calls is not English, but Arabic, Urdu or Farsi, not because it is a special jihadist code, but because it is your native language that you still speak in your home. In other words, what if you are one of America's 1.9 million Arab-Americans or 2.8 million Muslim-Americans? President Barack Obama defends the NSA's recently revealed spying apparatus as essential to helping to prevent terrorist attacks. But how does the Obama administration define a terrorist or terrorism? In Pakistan, Yemen, Somalia or anywhere else that is designated a "strike zone" by the US government, subject to so-called signature strikes by drones, any military-age man – meaning all men between the ages of 16 and 40 – are potentially categorized as a "militant". If he is killed in a US-authorized drone strike, his death is recorded as a "militant" death rather than a civilian death. The rhetoric helps to feed the victories of the war on terror as innocent civilian casualties are recorded in history as militant terrorists. A number of said "militants" have spent significant amount of time in the west and many have family there. Sixteen-year-old Abdulrahman al-Awlaki was even a US citizen. Are these innocent civilians labeled as militants the same as the terrorists Barack Obama is talking about? Back on United States soil, invasive spying and government surveillance in the name of fighting terrorism is hardly news for Arab and Muslim-American communities. Starting as early as 2001 – immediately following the attacks on 11 September – the FBI began spying on Arab and Muslim communities across the United States, while the NYPD specifically kept tabs on Arab and Muslim communities in New York City. Any mosque, local business, community or student organization run by Arabs or Muslims – or focusing on Arab and Muslim issues – was fair game for informants to lurk, "befriend"

patrons and watch. After all, any of them could have been seasoned terrorists planning radical jihad.¶ Despite more than six years of surveillance, the NYPD program hasn't foiled any terrorist plots, according to the Associated Press reports. The FBI claims some success stories, but it is unclear whether they come from their specific targeting programs. What is clear is that **these programs worked to create a pervading sense of depression and anxiety throughout the Muslim and Arab American communities and a blanket distrust of authorities.**¶ Arab and Muslim communities are hardly new to the United States. Once upon a time, the neighborhood surrounding where the World Trade Center would later be built was known as Little Syria. Of course, these communities have since been pushed out of New York's financial district, but still thrive in pockets of Brooklyn, Boston, Chicago, Dearborn and many other American cities.¶ In the Middle East, most of the time when you mention you are from the United States, rather than spewing aspirations for radical jihad, locals will respond with, "Oh, the United States! My cousin lives in Chicago, do you know him?"¶ Despite the perception that the United States and the Arab and Muslim world operate in opposition to one another, the two regions are inextricably connected via the Arab and Muslim communities who immigrated, or are the descendants of immigrants to the United States. A snippet of Arabic conversation or a phone call to Syria, Yemen or Pakistan is more likely to be a standard family phone call than the prelude of the demise of western civilization.¶ **After all, most of us really do have nothing to hide – so why is it that we have everything to fear?**

The media causes Islamoprejudice by demonizing all Muslims and treating them as a monolithic whole.

Harrison 06 (David, "Media 'Contributing to Rise of Islamophobia,'" *The Telegraph.com*. Harrison was a journalist at *The Telegraph*. They won the Paul Foot Award and the Amnesty International Press Award for journalism. <http://www.telegraph.co.uk/news/1528485/Media-contributing-to-rise-of-Islamophobia.html> // EMS).

"There are a few bad apples in the Muslim community who are doing terrible acts and we want to root them out," Dr Bari told *The Sunday Telegraph*.¶ "But some police officers and sections of **the media are demonising Muslims, treating them as if they're all terrorists — and that encourages other people to do the same.**" If that demonisation continues, then Britain will have to deal with two million Muslim terrorists — 700,000 of them in London," he said. **"If you attack a whole community, it becomes despondent and aggressive."**¶ Mr Bari was speaking at the East London Mosque, where he is chairman, after a month-long tour of Britain's Muslim communities, during which he said he picked up a mood of "anxiety, frustration and, especially among young people, anger".¶ His comments come days after Peter Clarke, the head of the Metropolitan Police anti-terrorist branch, said "thousands" of British Muslims were being watched by police and MI5 over suspected terrorist links.¶ Dr Bari, 52, who has succeeded Sir Iqbal Sacranie as the head of the council, said: "We want to isolate the bad people and put them in the dock. But we all have to work together to do that — police, politicians, the media and the Muslim community."¶ He did not understand why "the whole of our diverse community" was being targeted. **"When the IRA was blowing people up, the entire Catholic population of Britain was not demonised, so why is it happening to the Muslim community?"**¶ The council leader — who took his post two days before a police raid in east London, in which a Muslim man was shot but no charges were brought — said **the media had contributed to the demonisation by concentrating on a few extremists and ignoring the law-abiding majority.**¶ He said it was "ridiculous" that moderate Muslims had been accused of not speaking out. **"When we speak we are ignored by the media, but when Abu Hamza or Omar Bakri Mohammed say something they are all over the papers."**¶ Mr Bari, a former air force engineer in Bangladesh and now a special needs teacher in east London, said Islamophobia had increased after 9/11, 7/7, last month's arrests over the alleged plot to blow up transatlantic aircraft, and the raids last weekend on **an Islamic school in East Sussex** and a London restaurant. Seventeen people have been charged over the alleged plot and 14 were arrested in last weekend's raids¶

Media reporting paints Muslims as the dangerous other- this legitimizes anti-Muslim violence.

Ahmed 12 (Nafeez Mosaddeq, "Time to Hold the Media Accountable for Islamophobia," June 18, *HuffPost Politics*. Dr. Nafeez Mosaddeq Ahmed is an investigative journalist, international security scholar and bestselling author. He is a regular contributor to *The Guardian*, writing on the geopolitics of interconnected environmental, energy, and economic crises via his *Earth Insight* blog. He has also written for *The Independent*, *Sydney Morning Herald*, *The Age*, *The Scotsman*, *Foreign Policy*, *The Atlantic*, *Quartz*, *Prospect*, *New Statesman*, *Le Monde diplomatique*, among others. http://www.huffingtonpost.co.uk/dr-nafeez-mosaddeq-ahmed/muslims-and-the-media_b_1682041.html // EMS).

Specialist **studies of media coverage on Islam and Muslims over the last two decades demonstrate an overwhelming trend of negative, stereotypical and inaccurate reporting.** As Jason Beattie, political editor of the *Daily Mirror*, told us: "In general, though not exclusively, the portrayal of Muslims in the mainstream media has been unsatisfactory... [including] sloppy and sometimes stereotypical reporting."¶ But this isn't because all media outlets sing from the same 'Islamophobic' hymn sheet - far from it. Rather, poor journalistic standards in the populist tabloid press generate inaccurate reporting which tends to set the wider news agenda in print and broadcasting by framing the 'big stories' of the day.¶ This was the case both before and after 9/11. One study of British **broadsheets** in the late 1990s, for example, **found that they consistently associated the Muslim world with "extremism and terrorism", "despotism", and "sexism"; while reporting of British Muslims focused primarily on "Muslim violence in the public sphere", including terrorism, faith schools, and crime.**¶ Another study of two liberal and conservative British broadsheets between 1994 and 1996 found that 88% of articles on Islam reported the faith as a foreign phenomenon; and that British Muslims were most commonly linked with "fundamentalism".¶ After 9/11, and 7/7, this trend accelerated. A study commissioned by the Greater London Authority of 352 articles over a randomly selected one week period in 2007, found that **91% of articles about Muslims were "negative"**. A wider Channel 4-commissioned survey of 974 British press articles from 2000 to 2008 found **two thirds of them to portray British Muslims as a "threat" and a "problem", with references to "radical Muslims" outnumbering references to "moderates" by 17 to one.**¶ A further big-picture University of Ottawa study of British press representations over the last 15 years found that the biggest shift in reporting after 9/11 was to associate British Muslims with terrorism and extremism; and to associate acts of terrorism with Islamic belief. In all articles on terrorism, the study concluded, the "Muslimness" of perpetrators of terrorism is emphasised.¶ So **there is no question about it. Reporting on Islam and Muslims in the British media has been predominantly inaccurate, false and racist.**¶ But there is another side to this picture which is, perhaps, even more disturbing. **Correlated with the rise in negative media reporting on Muslims, my survey of opinion poll data over the last decade illustrates a rising trend of anti-Muslim sentiment** in wider British society. Professor Julian Petley of the Campaign for Press & Broadcasting Freedom points out that, "if non-Muslims are led to believe that Muslims and Islam pose an existential threat to the 'English way of life', then this cannot but seriously damage community cohesion." Thus, from 2001 to 2006, the number of UK non-Muslims who said they felt threatened by Islam rose from 32% to 53%. By 2010, a further survey found that 75% of non-Muslims now believe Islam is negative for Britain, and that Muslims do not engage positively in society; **with 63% not disagreeing that "Muslims are terrorists."**¶ **This has had a double-whammy impact. On the one hand, media discrimination has contributed to the alienation of some British Muslims.** In 2007, 63% of British Muslims felt that UK media portrayals of Muslims were "Islamophobic" - and 72% of those reported that they "don't feel a sense of belonging" to Britain. As Julian Bond, Director of the Christian Muslim Forum, explains, "even the most engaged, integrated, and inter-faith Muslims" finds such negative media portrayals to be "wearying, frustrating and irritating".¶ On the other hand, **anti-Muslim hate crimes have risen steadily over the last decade, and are now at record levels.** Since 1999, racist offences in general have increased by fourfold - but Muslims are overrepresented as victims in these crimes. The latest Crown Prosecution Service (CPS) figures record a rise of 45% in the number of cases referred to the CPS by police on grounds of religious hostility, and that over most of this decade **Muslims accounted for more than 54% of religiously aggravated offences,** and are the largest faith group experiencing hate crimes. As of 2010, **though only 3% of the population, Muslims represent a massive 44% of those who have died in lethal racist attacks since the 1990s.** And police data from two regions over the period 2009 to 2011 documents a total of 1,200 recorded anti-Muslim hate crimes.¶ And so we come full circle: **the predominantly negative and racist reporting on Muslims in the media has promoted an increasingly dangerous anti-Muslim mindset** in British society, **which in turn has led to an escalation of violent attacks** on British Muslims. As former Daily Star reporter Richard Peppiatt observes, **"False and inaccurate stories about Muslims routinely put out by the press are, in turn, routinely used as tools by far right groups to legitimise their case and gain followers. The internet is full of forums using mainstream newspaper reporting as proof that their hateful views about Muslims are true. Unfortunately, newspapers refuse to recognise their role in that."**¶

Jurisprudence DDI

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Framework

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails. Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state.

1 modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives," 12 thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism; 14 but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats. 15¶ While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies, 17 abstruse philosophical concepts, 18 or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships. 21 Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."²² Surveillance can target a modern society's numerous communications networks, 28 which exist to send and receive information. 24 The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority. 25¶ But surveillance is not strictly the province of the federal government. 26 Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector. 29¶ The focus here, however, is on federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high. Their affirmative prevents arguments about ____.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through the question of “how does this function in a competitive venue of debate where there must be a win or a loss assigned to each team. All their evidence will assume non-competitive academic environment rather than one where a forced choice will inevitably take place with every ballot.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments, shift focus to different proscriptive claims of the 1AC while using traditional competition standards like perms to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links and have generic positions that can apply to everything. This is bad for education -- forcing us to the academic margins, makes us less effective scholars and less literate in current events. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs at every tournament making any real attempt at engagement irrelevant and decreasing the quality of all debates. They don't spur engagement and exploration cause there are so many teams reading so many Affs, the only way to respond it with generics. The Aff is conversely incentivized to pick a body of literature with very little negative literature and a prolif of aff advocacies based on single articles or created phrases. There is no incentive to produce detailed strategies because academic disagreements in the literature are minute and easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13

(professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political “debates” seldom deserve the name. For the most part representatives of the rival parties exchange one-liners: “The rich can afford to pay more” is met by “Tax increases kill jobs.” Slightly more sophisticated discussions may cite historical precedents: “There were higher tax rates during the post-war boom” versus “Reagan's tax cuts increased revenues.”¶ Such volleys still don't even amount to arguments: they don't put forward generally accepted premises that support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes.

Despite the name, candidates' pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with “zingers” (the historic paradigm: “There you go again.”)¶ There is a high level of political discussion in the editorials and op-eds of national newspapers and magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique.

Such exchanges occur frequently in our law courts (for example, oral arguments before the Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — with no need to think through the strengths of their rivals' positions or the weaknesses of their own.¶ Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?¶ A first condition is that the debates be focused on specific points of major disagreement. Not, “How can we improve our economy?” but “Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?” This will prevent vague statements of principle

that don't address the real issues at stake.¶ Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in Surveillance Studies is more likely to build from a solid foundation in contemporary social theory. Even so, such work often reflects both an insufficient grasp of the complexity of the legal system in action and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don't mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn't: legal processes are social processes, too, and in overlooking these processes, Surveillance Studies scholars also engage in a form of black-boxing that treats law as monolithic and surveillance and government as interchangeable. Legal actors engage in a variety of discursive and normative strategies by which institutions and resources are mobilized around surveillance, and understanding those strategies is essential to the development of an archaeology of surveillance practices. Work in Surveillance Studies also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I've written elsewhere (Cohen 2012a: 29), "[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers little more than a prescription for despair." Returning to the topics already discussed, let us consider some ways in which Surveillance Studies might benefit from dialogue with law.¶ Let us return first to the problem of digitally-enhanced surveillance by law enforcement—the problem of the high-resolution mosaic. As discussed in the section above, works by Surveillance Studies scholars exploring issues of mobility and control offer profound insights into the ways in which continual observation shapes spaces and subjectivities—the precise questions about which, as we have already seen, judges and legal scholars alike are skeptical. Such works reveal the extent to which pervasive surveillance of public spaces is emerging as a new and powerful mode of ordering the public and social life of civil society. They offer rich food for thought—but not for action. Networked surveillance is increasingly a fact of contemporary public life, and totalizing theories about its power don't take us very far toward gaining regulatory traction on it. That enterprise is, moreover, essential even if it entails an inevitable quantum of self-delusion. Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail. To put the point a different way, the networked democratic society and the totalitarian state may be points on a continuum rather than binary opposites, but the fact that the continuum exists is still worth something. If so, one needs tools for assessment and differentiation that Surveillance Studies does not seem to provide.¶ As an example of this sort of approach within legal scholarship, consider a recent article by legal scholars Danielle Citron and David Gray (2013), which proposes that courts and legislators undertake what they term a technology-centered approach to regulating surveillance. They would have courts and legislators ask whether particular technologies facilitate total surveillance and, if so, act to put in place comprehensive procedures for approving and overseeing their use. From a Surveillance Studies perspective, this approach lacks theoretical purity because its technology-specific focus appears to ignore the fact that total surveillance also can emerge via the fusion of data streams originating from various sources. But the proposal is pragmatic; it does not so much ignore that risk as bracket it while pursuing the narrower goal of gaining a regulatory foothold within the data streams. And because it focuses on the data streams themselves, it is administrable in a way that schemes based on linear timelines and artificial distinctions between different types of surveillance are not. One can envision both courts and legislatures implementing the Citron and Gray proposal in a way that enables far better oversight of what law enforcement is doing.¶ Turning next to the linked practices of commercial profiling and social media surveillance, we have already seen that work in Surveillance Studies again steps in where legal scholarship badly needs supplementation: on the question of how pervasive surveillance by private market actors shapes the production of culture and the patterns of emergent subjectivity. Such work typically does not, however, consider or explore the ways that the legal construct of consent mobilizes legal and policy discourses to sanction ongoing expansions of private-sector surveillance and insulate them from regulatory oversight. Work in Surveillance Studies also has not seemed to pay particularly careful attention to the roles that rhetorics of innovation and competition play in regulatory debates about information privacy. For a discipline that seeks to develop comprehensive and rigorous accounts of surveillance as social ordering and as cultural practice, these are large omissions. As we have seen, the notice-and-choice paradigm has deep roots within liberal theory, and legal and policy discourses about notice and choice reflect legal culture in action. By the same token, understanding surveillance simply as a means to effective administration, or as a means for pursuing and performing security, misses the extent to which a narrative about the inevitable nature of innovation and knowledge production positions

surveillance as a modality of technical and social progress (Cohen 2015). The “surveillance-industrial complex” does not simply parallel the military-industrial complex; it is also deeply rooted in Silicon Valley’s technoculture and (albeit paradoxically) in the tropes of romantic individualism and cultural iconoclasm with which its participants self-identify. These themes have been especially salient for privacy regulators. Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering and as culture in a number of complementary ways. First and most basically, many legal writings on information privacy are important as primary sources that reveal the notice-and-choice paradigm and the narrative of inevitable innovation at work. But there is also a rich vein of legal scholarship interrogating the assumptions and the politics that underlie privacy and data protection regulation (e.g., Cohen 2012a, 2012c, 2013, 2015; Kerr 2013; Ohm 2010; Solove 2013). In addition, legal scholars have produced richly detailed and revealing investigations of regulatory and compliance processes; for example, scholars concerned with the operation of “surveillant assemblages” and “digital enclosures” ought to read and consider the important work by Kenneth Bamberger and Deirdre Mulligan on corporate privacy compliance cultures (2011a, 2011b).¶ If Surveillance Studies is to inform the content of laws and the nature of regulatory practice in the domain of commercial profiling and social media, however, surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action. Here I want to identify three important sets of questions on which Surveillance Studies scholars who want their work to make a difference might take their cues from legal scholarship.¶ An initial set of questions concerns how to redefine privacy and data protection in functional terms that do not presuppose the stable, liberal self, and that instead offer real benefit to the situated subjects who might claim their protection. David Lyon (2001) has argued that the organizing concepts of “privacy” and “data protection” are inadequate to comprehend surveillance as a mode of social ordering. From a sociological perspective that is undoubtedly right, but privacy and data protection still might be made effective as legal constructs if articulated differently, in ways that correspond more closely to the ways that surveillance shapes experience. That project calls for the sort of theoretical cannibalization that makes Ph.D. committees in Real Disciplines nervous, but at which legal scholars excel. With some trepidation, I offer my own work on privacy as boundary management for the postliberal self (Cohen 2012a, 2013), as well as Valerie Steeves’ (2009) work on relational subjectivity, as examples of the sort of exercise that is necessary to reframe the effects of surveillance as social ordering in ways to which legal systems can respond. For law to develop a sustainable and effective approach to regulating data protection and protecting privacy, the ways of theorizing about the subject represented by these projects must become second nature, not only for scholars but also and more importantly for legislatures, regulators, and courts. That in turn requires second process of translation, from the language of academia into a vernacular that can supply inputs into policy processes.¶ A second set of questions concerns how to understand what constitutes privacy harm in an era in which some surveillance is a constant. To the Surveillance Studies reader this may seem to be a variation on the first question, but it is different: in law, harm is what makes violation of an interest actionable, and the potential for harm is what creates the predicate for comprehensive regulation of particular domains of activity. Harm need not be individualized or monetizable; environmental regulations and financial market regulations address systemic and often nonmonetizable risk. But it must be reasonably definite; talk of power, power everywhere is plainly insufficient and it should come as no surprise that policymakers find it risible. Work on this problem is still preliminary, but here legal scholarship has a leg up because it deals in practicalities. Surveillance Studies scholars might profitably read works by Danielle Citron (2007) and Paul Ohm (2010) that identify and name the systemic risks associated with leaky and largely unregulated data reservoirs, and that draw on resources ranging from the history of tort law to computational science to craft recommendations for more effective regulatory strategies.¶ A final set of questions concerns the design of governance mechanisms. As we have already seen, the flows of surveillance within social media create novel institutional design challenges. In the domain of commercial profiling, many activities on the business-facing side of personal information markets, removed from consumer-facing processes that purport to ensure notice and choice, have eluded regulatory scrutiny entirely. Some of the classic works on privacy governance originate within the Surveillance Studies tradition; these include Priscilla Regan’s (1995) study of the way privacy legislation emerges within the U.S. political system and Colin Bennett and Charles Raab’s (2006) work on privacy governance and the emergence of data protection as a regulatory paradigm. But the question of governance badly needs to be revisited; in particular, Surveillance Studies scholars have not yet engaged with the “new privacy governance” now emerging as official policy in the U.S. (and as de facto policy in the European Union) in a sustained and meaningful way. Works by legal scholars on the political, epistemological, and normative dimensions of the new governance (e.g., Bamberger 2010; Cohen 2012b, 2013; Freeman 2000; Lobel 2004) offer starting points for an inquiry that moves beyond “doing Surveillance Studies” to consider the more pressing challenge of doing surveillance regulation wisely and effectively.¶ Conclusion: Doing Law-and-Surveillance-Studies Differently¶ The prospects for fruitful interchange and collaboration between legal scholars and Surveillance Studies scholars are likely to remain complicated by pronounced differences in underlying theoretical orientation. But since Surveillance Studies is itself an interdiscipline (Garber 2001), and since legal scholarship has thrived on interdisciplinary exploration, the prospects for effective communication also seem reasonably good. Bridging the gaps requires, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward methodological hybridization. Within one’s own academic community, it can become too easy to mistake consensus on methodological conventions for epistemological rigor, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.¶ From the standpoint of theory, a more sustained dialogue between law and Surveillance Studies would count as a success if it produced a mode of inquiry

about surveillance that melded the theoretical sophistication of Surveillance Studies with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities. To do Surveillance Studies better, legal scholars need to challenge their own preference for putting problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems; legal scholars can help by demystifying legal and regulatory processes.¶ From a legal scholar's perspective, however, theory achieves its highest value when it becomes a tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice. Here the goal would be a hybridization between law's ingrained pragmatism and Surveillance Studies' attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, legal scholars and Surveillance Studies scholars might advance the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different policy levers that could be brought to bear on systems of surveillance.

Next is Mechanism Education

The Aff's failure to identify an agent and mechanism makes cost-benefits analysis impossible, meaning debates take place in an academic vacuum where tradeoffs are irrelevant. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)
(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.¶ Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of such mass activism if we focus simply on the local dimensions of our work.¶ The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship. Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally:¶ American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [*189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450¶ C. 'Activism': Towards a Broader, Deeper, Systematic Framework¶ In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on its own terms, the history of community organizing and social movements in the

United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)--which, given human creativity and progress, in any event may be impossible to do--but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups--for example "the poor" or the "subordinated"--are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation.¶ 1. Grassroots Activism¶ There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to "unpack" the term "organizing." n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between "mobilization as short-term community action and organizing as an effort to build long-term institutional power." n454 In the same breath, however, they define organizing "as shorthand for a range of community-based practices," n455 even though at least some activism, for example union organizing or, say, [*190] fasting, might not be best characterized as "community-based."¶ What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to "map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration." n456 This map would be inadequate--and therefore inaccurate--if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building.¶ 2. Agents of Social Change: Identity, Class and Political Ideology As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation. Have we defined, with theoretical precision, the social-change agents to whom we are orienting--e.g., the "people," the "poor," the "subordinated," "low-income communities" or "communities of color?" And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism--organizing on the bases of geography and identity, class and the workplace, and political ideology--modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is "community?" In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers' centers: "the tension between the local and particularistic focus of community unionism and the global scope of trendsetting corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as 'the' next paradigm of worker organization." n458 On the other hand, members of cross-class, identity-based "communities" may not necessarily share the same interests. In the "Asian American community," Ancheta explains: using the word "community" in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [*191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n45 Angela Harris echoes this observation by pointing out how some feminist legal theory assumes "a unitary, 'essential' women's experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." n460 The same might be said of the "people," which, like the "working class," may be too broad. Other categorizations--such as "low-income workers," "immigrants", and the "poor", for example--may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various "communities." In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain "subordinated" communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves "middle [*192] class" are in fact workers. Nor is class defined by categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking, those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461 The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and alternative political-party building, as part of our work.¶ 3. From Movementism to Political Organization¶ Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership. Such leadership, in turn, requires work not often associated with "activism," such as, for example, theoretical study. n462 "Movementism," n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political education, we have an enormous amount to learn from our predecessors. In the final analysis, fundamental social transformation will only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to respond to the twists and turns endemic in any struggle for power. "The problem," as Bellow astutely observed, "is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject." n464 Such opportunities typically occur when there is a confluence of three factors: a social

crisis: a socio-economic elite that finds itself divided over how to overcome it; and a powerful mass movement from below. As I understand the nature of social change, successful social transformations occur when there is a fourth element: political organization.¶ Conclusion¶ Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [*193] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? Culturally? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any? What demands are they articulating, and how are they articulating them?¶ This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective. My aim in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory. Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action--to defining the lawyer's role in fostering activism--if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices.¶ Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers' use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical "breaks" to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice.¶ The argument is turned on its head: we often assume or tend to [*194] assume agreement over the meanings and underlying conceptual frameworks relating to "fundamental social change," current political analysis, and "community organizing," and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se, I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to "rebellious" and not traditional "public interest" lawyering, for example, or "collaborative" over "critical" lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have different political goals, are based on different political analyses, and employ different political activist strategies.¶ Activist lawyers already engage in these analyses--necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don't think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn't time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative--and when we feel strongly enough about certain political issues--we engage on issues and argue them out. In either event, we undertake an unsystematic engagement of these fundamental issues at our peril.¶ If we adhere to the belief that only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change, then, as progressive lawyers, we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment. Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail to live up to its potential.¶

Now the State debate

We do not need to win that the state is good, rather just that the value of the state is something that should be debated about. This is the screen you should adopt for the Aff's ev – it can't just say that the state is bad or ineffective, their ev has to say that the state should not even be discussed. General indictments of the state can be done on the neg, while still preserving limited and effective debate and research.

First, engaging with the law is inevitable and can be effective

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Nevertheless, in contrast to what Steve Bachmann has called the [*116] "a-legal" or "crude Marxist" approach, n19 progressive activists recognize that the legal arena remains a forum for social struggle. n20 This is so for three reasons:

First, activists often do not have a choice but to work within the legal system, as when they are arrested or otherwise prevented from engaging in activism by state authorities. Second, because law is relatively autonomous from economic and political interests, n21 campaigns for legal reform can win substantial gains and are frequently the only vehicles through which more far-reaching change takes shape; struggles for reform, in other words, beget more radical possibilities and aspirations. n22 And third, law is constitutive of the social order. Law--or, more accurately, the concept of it--is not (again as some crude analysts would argue) simply a tool of one ruling class or other, but rather an essential component of a just society. n23¶ Commentators observe that lawyers who base their practice on these three premises are "hungry for theory," n24 for theory checks the "occupational hazards [of] reformism or cynicism." n25 The theoretical project is thus a dialectic: while law reform alone cannot "disturb the basic political and economic organization of modern American society," n26 [*117] law and lawyering are "a complex, contradictory, and open-textured setting that provides opportunities to challenge the status quo."¶

Second, debate about arcane legal details are crucial to the short-term survival of oppressed populations. Outside of the law being good or bad, legal education is crucial to empower even the most revolutionary of movements.

Arkles et al 10

(Gabriel Arkles, Pooja Gehi and Elana Redfield, The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change, Seattle Journal for Social Justice, 8 Seattle J. Soc. Just. 579, Spring / Summer, 2010, LN)

While agenda-setting by lawyers can lead to the replication of patterns of elitism and the reinforcement of systems of oppression, we do believe that legal work is a necessary and critical way to support movements for social justice. We must recognize the limitations of the legal system and learn to use that to the advantage of the oppressed. If lawyers are going to support work that dismantles oppressive structures, we must radically rethink the roles we can play in building and supporting these movements and acknowledge that our own

individual interests or even livelihood may conflict with doing radical and transformative work. n162 A. Community Organizing for Social Justice When we use the term community organizing or organizing, we refer to the activities of organizations engaging in base-building and leadership development of communities directly impacted by one or more social [*612] problems and conducting direct action issue campaigns intended to make positive change related to the problem(s). In this article, we discuss community organizing in the context of progressive social change, but community-organizing strategies can also be used for conservative ends. Community organizing is a powerful means to make social change. A basic premise of organizing is that inappropriate imbalances of power in society are a central component of social injustice. In order to have social justice, power relationships must shift. In Organizing for Social Change: Midwest Academy Manual for Activists (hereinafter, "the Manual"), n163 the authors list three principles of community organizing: n164 (1) winning real, immediate, concrete improvements in people's lives; (2) giving people a sense of their own power; and (3) altering the relations of power. n165 Before any of these principles can be achieved it is necessary to have leadership by the people impacted by social problems. n166 As Rinku Sen points out: [E]ven allies working in solidarity with affected groups cannot rival the clarity and power of the people who have the most to gain and the least to lose . . . organizations composed of people whose lives will change when a new policy is instituted tend to set goals that are harder to reach, to compromise less, and to stick out a fight longer. n167 She also notes that, "[I]f we are to make policy proposals that are grounded in reality and would make a difference either in peoples' lives or in the debate, then we have to be in touch with the people who are at the center of such policies." n168 We believe community organizing has the potential to make fundamental social change that law reform strategies or "movements" led by lawyers cannot achieve on their own. However, community organizing is not always just and effective. Community-organizing groups are not immune to any number of problems that can impact other organizations, including internal oppressive dynamics. In fact, some strains of white, male-dominated [*613] community organizing have been widely criticized as perpetuating racism and sexism. n169 Nonetheless, models of community organizing, particularly as revised by women of color and other leaders from marginalized groups,

have much greater potential to address fundamental imbalances of power than law reform strategies. They also have a remarkable record of successes. Tools from community organizers can help show where other strategies can fit into a framework for social change. The authors of the Manual, for example, describe various strategies for addressing social issues and illustrate how each of them may, at least to some extent, be effective. n170 They then plot out various forms of making social change on a continuum in terms of their positioning with regard to existing social power relationships. n171 They place direct services at the end of the spectrum that is most accepting of existing power relationships and community organizing at the end of the spectrum that most challenges existing power relationships. n172 Advocacy organizations are listed in the middle, closer to community organizing than direct services. n173 The Four Pillars of Social Justice Infrastructure model, a tool of the Miami Workers Center, is somewhat more nuanced than the Manual. n174 According to this model, four "pillars" are the key to transformative social justice. n175 They are (1) the pillar of service, which addresses community needs and stabilizes community members' lives; (2) the pillar of policy, which changes policies and institutions and achieves concrete gains with benchmarks for progress; (3) the pillar of consciousness, which alters public opinion and shifts political parameters through media advocacy and popular education; and (4) the pillar of power, which achieves autonomous community power through base-building and leadership development. n176 According to the Miami Workers Center, all of these pillars are essential in making social change, but the pillar of power is most crucial in the struggle to win true liberation for all oppressed communities. n177 [*614] In their estimation, our movements suffer when the pillar of power is forgotten and/or not supported by the other pillars, or when the pillars are seen as separate and independent, rather than as interconnected, indispensable aspects of the whole infrastructure that is necessary to build a just society. n178 Organizations with whom we work are generally dedicated solely to providing services, changing policies, or providing public education. Unfortunately, each of these endeavors exists separate from one another and perhaps most notably, separate from community organizing. In SRLP's vision of change, this separation is part of maintaining structural capitalism that seeks to maintain imbalances of power in our society. Without incorporating the pillar of power, service provision, policy change, and public education can never move towards real social justice. n179 B. Lawyering for Empowerment In the past few decades, a number of alternative theories have emerged that help lawyers find a place in social movements that do not replicate oppression. n180 Some of the most well-known iterations of this theme are "empowerment lawyering," "rebellious lawyering," and "community lawyering." n181 These perspectives share skepticism of the efficacy of impact litigation and traditional direct services for improving the conditions faced by poor clients and communities of color, because they do not and cannot effectively address the roots of these forms of oppression. n182 Rather, these alternative visions of lawyering center on the empowerment of community members and organizations, the elimination of the potential for dependency on lawyers and the legal system, and the collaboration between lawyers and directly impacted communities in priority setting. n183 Of the many models of alternative lawyering with the goal of social justice, we will focus on the idea of "lawyering for empowerment," generally. The goal of empowerment lawyering is to enable a group of people to gain control of the forces that affect their lives. n184 Therefore, the goal of empowerment lawyering for low-income transgender people of [*615] color is to support these communities in confronting the economic and social policies that limit their life chances.¶ Rather than merely representing poor people in court and increasing access to services, the role of the community or empowerment lawyer involves:¶ organizing, community education, media outreach, petition drives, public demonstrations, lobbying, and shaming campaigns . . . [¶]Individuals and members of community-based organizations actively work alongside organizers and lawyers in the day-to-day strategic planning of their case or campaign. Proposed solutions--litigation or non-litigation based--are informed by the clients' knowledge and experience of the issue. n185¶ A classic example of the complex role of empowerment within the legal agenda setting is the question of whether to take cases that have low chances of success. The traditional approach would suggest not taking the case, or settling for limited outcomes that may not meet the client's expectations. However, when our goals shift to empowerment, our strategies change as well. If we understand that the legal system is incapable of providing a truly favorable outcome for low-income transgender clients and transgender clients of color, then winning and losing cases takes on different meanings.¶ For example, a transgender client may choose to bring a lawsuit against prison staff who sexually assaulted her, despite limited chance of success because of the "blue wall of silence," her perceived limited credibility as a prisoner, barriers to recovery from the Prison Litigation Reform Act, and restrictions on supervisory liability in § 1983 cases. Even realizing the litigation outcome will probably be unfavorable to her, she may still develop leadership skills by rallying a broader community of people impacted by similar issues. Additionally, she may use the knowledge and energy gained through the lawsuit to change policy. If our goal is to familiarize our client with the law, to provide an opportunity for the client [*616] and/or community organizers to educate the public about the issues, to help our client assess the limitations of the legal system on their own, or to play a role in a larger organizing strategy, then taking cases with little chance of achieving a legal remedy can be a useful strategy.¶

Lawyering for empowerment means not relying solely on legal expertise for decisionmaking. It means recognizing the limitations of the legal system, and using our knowledge and expertise to help disenfranchised communities take leadership.

If community organizing is the path to social justice and "organizing is about people taking a role in determining their own future and improving the quality of life not only for themselves but for everyone," then "the primary goal [of empowerment lawyering] is building up the community." n186¶ C. Sharing Information and Building Leadership¶ A key to meaningful participation in social justice movements is access to information. Lawyers are in an especially good position to help transfer knowledge, skills, and information to disenfranchised communities--**the legal system is maintained by and predicated on arcane knowledge that lacks relevance in most contexts but takes on supreme significance in courts, politics, and regulatory agencies.** It is a system intentionally obscure to the uninitiated; therefore the lawyer has the opportunity to expose the workings of the system to those who seek to destroy it, dismantle it, reconfigure it, and re-envision it.¶ As Quigley points out, the ignorance of the client enriches the lawyer's power position, and thus the transfer of the power from the lawyer to the client necessitates a sharing of information. n187 Rather than simply performing the tasks that laws require, a lawyer has the option to teach and to collaborate with clients so that they can bring power and voice back to their communities and perhaps fight against the system, become politicized, and take leadership. "This demands that the lawyer undo the secret wrappings of the legal system and share the essence of legal advocacy--doing so lessens the

mystical power of the lawyer, and, in practice, enriches the advocate in the sharing and developing of rightful power." n188¶ Lawyers have many opportunities to share knowledge and skills as a form of leadership development. This sharing can be accomplished, for example, through highly collaborative legal representation, through community clinics, through skill-shares, or through policy or campaign meetings where the lawyer explains what they know about the existing structures and fills in gaps and questions raised by activists about the workings of legal systems.¶ D. Helping to Meet Survival Needs¶ SRLP sees our work as building legal services and policy change that directly supports the pillar of power. n189 Maintaining an awareness of the limitations and pitfalls of traditional legal services, we strive to provide services in a larger context and with an approach that can help support libratory work. n190 For this reason we provide direct legal services but also work toward leadership development in our communities and a deep level of support for our community-organizing allies.¶ Our approach in this regard is to make sure our community members access and obtain all of the benefits to which they are entitled under the law, and to protect our community members as much as possible from the criminalization, discrimination, and harassment they face when attempting to live their lives. While we do not believe that the root causes keeping our clients in poverty and poor health can be addressed in this way, we also believe that our clients experience the most severe impact from state policies and practices and need and that they deserve support to survive them. n191 Until our communities are truly empowered and our systems are fundamentally changed to increase life chances and health for transgender people who are low-income and people of color, our communities are going to continue to have to navigate government agencies and organizations to survive.¶

Monolithic rejections of the law are wrong – cooption is more likely in non-state activism and fails to compare to alternative mechanisms for change. Concrete mechanisms for success should be your metric for evaluation.

Lobel 7 (Assistant Professor of Law, University of San Diego)

(Orly, THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS, 120 Harv. L. Rev. 937, February, 2007, LN)

In the following sections, I argue that the extralegal model has suffered from the same drawbacks associated with legal cooption. I show that as an effort to avoid the risk of legal cooption, the current wave of suggested alternatives has effects that ironically mirror those of cooption itself. Three central types of difficulties exist with contemporary extralegal scholarship. First, in the contexts of the labor and civil rights movements, arguments about legal cooption often developed in response to a perceived gap between the conceptual ideal toward which a social reform group struggled and its actual accomplishments. But, ironically, the contemporary message of opting out of traditional legal reform avenues may only accentuate this problem. As the rise of informalization (moving to nonlegal strategies), civil society (moving to extralegal spheres), and pluralism (the proliferation of norm-generating actors) has been effected and appropriated by supporters from a wide range of political commitments, these concepts have had unintended implications that conflict with the very social reform ideals from which they stem. Second, the idea of opting out of the legal arena becomes self-defeating as it discounts the ongoing importance of law and the possibilities of legal reform in seemingly unregulated spheres. A model encompassing exit and rigid sphere distinctions further fails to recognize a reality of increasing interpenetration and the blurring of boundaries between private and public spheres, profit and nonprofit sectors, and formal and informal institutions. It therefore loses the critical insight that law operates in the background of seemingly unregulated relationships. Again paradoxically, the extralegal view of decentralized activism and the division of society into different spheres in fact have worked to subvert rather than support the progressive agenda. Finally, since extralegal actors view their actions with romantic idealism, they fail to develop tools for evaluating their success. If the critique of legal cooption has involved the argument that legal reform, even when viewed as a victory, is never radically transformative, we must ask: what are the criteria for assessing the achievements of the suggested alternatives? As I illustrate in the following sections, much of the current scholarship obscures the lines between the descriptive and the prescriptive in its formulation of social activism. If current suggestions present themselves as alternatives to formal legal struggles, we must question whether the new extralegal politics that are proposed and celebrated are capable of producing a constructive theory and meaningful channels for reform, rather than passive status quo politics.¶ A. Practical Failures: When Extralegal Alternatives Are Vehicles for Conservative Agendas¶ We don't want the 1950s back. What we want is to edit them. We want to keep the safe streets, the friendly grocers, and the milk and cookies, while blotting out the political bosses, the tyrannical headmasters, the inflexible rules, and the lectures on 100 percent Americanism and the sinfulness of dissent. n163¶ A basic structure of cooption arguments as developed in relation to the labor and civil rights movements has been to show how, in the move from theory to practice, the ideal that was promoted by a social group takes on unintended content, and the group thus fails to realize the original vision. This risk is particularly high when ideals are framed in broad terms that are open to multiple interpretations. Moreover, the pitfalls of the potential risks presented under the umbrella of cooption are in fact accentuated in current proposals. Paradoxically, as the extralegal movement is framed by way of opposition to formal legal reform paths, without sufficiently defining its goals, it runs the very risks it sought to avoid by working outside the legal system.¶ Extralegal paths are depicted mostly in negative terms and as resorting to new alternative forms of

action rather than established models. Accordingly, because the ideas of social organizing, civil society, and legal pluralism are framed in open-ended contrarian terms, they do not translate into specific visions of social justice reform. The idea of civil society, which has been embraced by people from a broad array of often conflicting ideological commitments, is particularly demonstrative. Critics argue that "some ideas fail because they never make the light of day. The idea of civil society ... failed because it [*972] became too popular." n164 Such a broadly conceived ideal as civil society sows the seeds of its own destruction.¶ In former eras, the claims about the legal cooptation of the transformative visions of workplace justice and racial equality suggested that through legal strategies the visions became stripped of their initial depth and fragmented and framed in ways that were narrow and often merely symbolic. This observation seems accurate in the contemporary political arena; the idea of civil society revivalism evoked by progressive activists has been reduced to symbolic acts with very little substance. On the left, progressive advocates envision decentralized activism in a third, nongovernmental sphere as a way of reviving democratic participation and rebuilding the state from the bottom up. By contrast, the idea of civil society has been embraced by conservative politicians as a means for replacing government-funded programs and steering away from state intervention. As a result, recent political uses of civil society have subverted the ideals of progressive social reform and replaced them with conservative agendas that reject egalitarian views of social provision.¶ In particular, recent calls to strengthen civil society have been advanced by politicians interested in dismantling the modern welfare system. Conservative civil society revivalism often equates the idea of self-help through extralegal means with traditional family structures, and blames the breakdown of those structures (for example, the rise of the single parent family) for the increase in reliance and dependency on government aid. n165 This recent depiction of the third sphere of civic life works against legal reform precisely because state intervention may support newer, nontraditional social structures. For conservative thinkers, legal reform also risks increasing dependency on social services by groups who have traditionally been marginalized, including disproportionate reliance on public funds by people of color and single mothers. Indeed, the end of welfare as we knew it, n166 as well as the [*973] transformation of work as we knew it, n167 is closely related to the quest of thinkers from all sides of the political spectrum for a third space that could replace the traditional functions of work and welfare. Strikingly, a range of liberal and conservative visions have thus converged into the same agenda, such as the recent welfare-to-work reforms, which rely on myriad non-governmental institutions and activities to support them. n168¶ When analyzed from the perspective of the unbundled cooptation critique, it becomes evident that there are multiple limits to the contemporary extralegal current. First, there have been significant problems with resources and zero-sum energies in the recent campaigns promoting community development and welfare. For example, the initial vision of welfare-to-work supported by liberal reformers was a multifaceted, dynamic system that would reshape the roles and responsibilities of the welfare bureaucracy. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 n169 (PRWORA), supported by President Clinton, was designed to convert various welfare programs, including Aid to Families with Dependent Children, into a single block grant program. The aim was to transform passive cash assistance into a more active welfare system, in which individuals would be better assisted, by both the government and the community, to return to the labor force and find opportunities to support themselves. Yet from the broad vision to actual implementation, the program quickly became limited in focus and in resources. Indeed, PRWORA placed new limits on welfare provision by eliminating eligibility categories and by placing rigid time limits on the provision of benefits. n170¶ Moreover, the need to frame questions relating to work, welfare, and poverty in institutional arrangements and professional jargon and to comply with various funding block grants has made some issues, such as the statistical reduction of welfare recipients, more salient, whereas other issues, such as the quality of jobs offered, have been largely eliminated from policymakers' consideration. Despite aspects of the reform that were hailed as empowering for those groups they were designed to help, such as individual private training vouchers, serious questions have been raised about the adequacy of the particular [*974] policy design because resources and institutional support have been found lacking. n171 The reforms require individual choices and rely on the ability of private recipients to mine through a vast range of information. As in the areas of child care, health care, and educational vouchers, critics worry that the most disadvantaged workers in the new market will not be able to take advantage of the reforms. n172 Under such conditions, the goal of eliminating poverty may be eroded and replaced by other goals, such as reducing public expenses. Thus, recalling the earlier cooptation critique, once reforms are envisioned, even when they need not be framed in legalistic terms, they in some ways become reduced to a handful of issues, while fragmenting, neglecting, and ultimately neutralizing other possibilities.¶ At this point, the paradox of extralegal activism unfolds. While public interest thinkers increasingly embrace an axiomatic rejection of law as the primary form of progress, their preferred form of activism presents the very risks they seek to avoid. The rejected "myth of the law" is replaced by a "myth of activism" or a "myth of exit," romanticizing a distinct sphere that can better solve social conflict. Yet these myths, like other myths, come complete with their own perpetual perils. The myth of exit exemplifies the myriad concerns of cooptation. For feminist agendas, for example, the separation of the world into distinct spheres of action has been a continuous impediment to meaningful reform. Efforts to create better possibilities for women to balance work and family responsibilities, including relaxing home work rules and supporting stay-at-home parents through federal child care legislation, have been couched in terms of support for individual choice and private decisionmaking. n173 Indeed, recent initiatives in federal child care legislation to support stay-at-home parents have been clouded by preconceptions of the separation of spheres and the need to make one-or-the-other life choices. Most importantly, the emergence of a sphere-oriented discourse abandons a critical perspective that distinguishes between valuing traditional gender-based characteristics and celebrating feminine difference in a universalist and essentialist manner. n174 [*975] Not surprisingly then, some feminist writers have responded to civil society revivalism with great skepticism, arguing that efforts to align feminine values and agendas with classic republican theory of civil society activism should be understood, at least in part, as a way of legitimizing historical social structures that subordinated women.¶ The feminist lesson on the law/exit pendulum reveals a broader pattern. In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with conservative privatization agendas. Indeed, in significant social policy contexts, legal scholarship oriented toward the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward

spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship accepts these developments as natural and inevitable. Similar to the arguments developed in relation to the labor movement - in which focusing on a limited right to collective bargaining demobilized workers and stripped them of their voice, participation, and decisionmaking power - contemporary extralegal agendas are limited to very narrow and patterned sets of reforms.¶ A striking example has been the focus on welfare reform as the single frontier of economic redistribution without a connection being made between these reforms and social services in which the middle class has a strong interest, such as Social Security and Medicare. Similarly, on the legal pluralism frontier, when activists call for more corporate social responsibility, the initial expressions are those of broad demands for sustainable development and overall industry obligations for the social and environmental consequences of their activities. n176 The discourse, however, quickly becomes coopted by a shift to a narrow focus on charitable donations and corporate philanthropy or [*976] private reporting absent an institutionalized compliance structure. n177 Moreover, because of institutional limitations and crowding out effects possible in any type of reform agenda, the focus shifts to the benefits of corporate social responsibility to businesses, as marketing, recruitment, public relations, and "greenwashing" strategies. n178 Critics therefore become deeply cynical about the industry's real commitments to ethical conduct.¶ A similar process can be described with regard to the literature on globalization. Globalization scholarship often attempts to produce a unifying narrative and an image of unitary struggle when in fact such unity does not exist. Embodied in the aforementioned irony of a "global anti-globalization" movement, social reform activism that resides under the umbrella of global movements is greatly diverse, some of it highly conservative. An "anti-globalization" movement can be a defensive nationalist movement infused with xenophobia and protective ideologies. n179 In fact, during central instances of collective action, such as those in Seattle, Quebec, Puerto Alegre, and Genoa, competing and conflicting claims were frequently encompassed in the same protest. n180 Nevertheless, there is a tendency to celebrate and idealize these protests as united and world-altering.¶ Similarly, at the local level, grassroots politics often lack a clear agenda and are particularly ripe for cooptation resulting in far lesser achievements than what may have been expected by the groups involved. In a critical introduction to the law and organizing model, Professor Scott Cummings and Ingrid Eagly describe the ways in which new community-based approaches to progressive lawyering privilege grassroots activism over legal reform efforts and the facilitation of community mobilization over conventional lawyering. n181 After carefully unpacking the ways in which community lawyers embrace [*977] law and organizing, Professor Cummings and Eagly rightfully warn against "exaggerating the ineffectiveness of traditional legal interventions" and "closing off potential avenues for redress." n182 Significantly, the strategies embraced by new public interest lawyers have not been shown to produce effective change in communities, and certainly there has been no assurance that these strategies fare comparatively better than legal reform. Moreover, what are meant to be progressive projects of community action and community economic development frequently can have a hidden effect of excluding worse-off groups, such as migrant workers, because of the geographical scope and zoning restrictions of the project. n183 In the same way that the labor and corporate social responsibility movements have failed because of their embrace of a legal framework, the community economic development movement - so diverse in its ideological appeal yet so prominent since the early 1990s as a major approach to poverty relief - may bring about its own destruction by fracture and diffusion. n184¶ In all of these cases, it is the act of engagement, not law, that holds the risks of cooptation and the politics of compromise. It is not the particularities of lawyers as a professional group that create dependency. Rather, it is the dynamics between skilled, networked, and resourced components and those who need them that may submerge goals and create reliance. It is not the particularities of the structural limitations of the judiciary that threaten to limit the progressive vision of social movements. Rather, it is the essential difficulties of implementing theory into practice. Life is simply messier than abstract ideals. Cooptation analysis exposes the broad, general risk of assuming ownership over a rhetorical and conceptual framework of a movement for change. Subsequently, when, in practice, other factions in the political debate embrace the language and frame their projects in similar terms, groups experience a sense of loss of control or possession of "their" vision. In sum, in the contemporary context, in the absence of a more programmatic and concrete vision of what alternative models of social reform activism need to achieve, the conclusions and rhetoric of the contemporary critical legal consciousness are appropriated by advocates representing a wide range of political commitments. Understood [*978] from this perspective, cooptation is not the result of the turn to a particular reform strategy. Rather, cooptation occurs when imagined ideals are left unchecked and seemingly progressive rhetoric is reproduced by a conservative agenda. Dominant interpretations such as privatization and market competitiveness come out ahead, whereas other values, such as group empowerment and redistributive justice, receive only symbolic recognition, and in turn serve to facilitate and stabilize the process. n185¶

Neoliberalism K

The AFF's paranoia of excessive government induces neoliberalism's control of society

Anderson 12

Ben Anderson, Reader in the Department of Geography at Durham University, "Affect and biopower: towards a politics of life," *Transactions of the Institute of British Geographers*, Vol. 37, No. 1, p. 37-8, fwang

By 'affective condition' I mean an affective atmosphere that predetermines how something - in this case the state - is habitually encountered, disclosed and can be related to. Bearing a family resemblance to concepts such as 'structure of feeling' (Williams 1977) or 'emotional situation' (Virno 2004), an 'affective condition' involves the same doubled and seemingly contradictory sense of the ephemeral or transitory alongside the structured or durable. As such, it does not slavishly determine action. An 'affective condition' shapes and influences as atmospheres are taken up and reworked in lived experience, becoming part of the emotions that will infuse policies or programmes, and may be

transmitted through assemblages of people, information and things that attempt to organise life in terms of the market. **State-phobia obviously exists in complex coexistence with other affective conditions.** To give but two examples, note how Connolly (2008) shows how **existential bellicosity and resentments infuse the networks of think tanks, media and companies that promote neoliberal policies.** Or consider how Berlant (2008) shows how 'nearly utopian' affects of belonging to a world of work are vital to the promise of neoliberal policies in the context of precariousness. In addition **state-phobia has and will vary as it is articulated with distinct political movements.** For example, **the USA 'Tea Party' phenomenon is arguably animated by an intensified state-phobia named in the spectre of 'Big Government' and linked to a reactivation of Cold War anxieties about the threat of 'Socialism'**. But the 'Tea Party' also involves a heady combination of white entitlement and racism, affective-ideational feelings of freedom, and the pervasive economic insecurity that follows from economic crisis.

How, then, do we get from state-phobia to a logic of governing that purports to govern 'as little as possible' but actually intervenes 'all the way down' through 'permanent activity, vigilance and intervention' (Foucault 2008, 246)? **State-phobia traverses quite different apparatuses, and changes across those apparatuses.** As Foucault puts it, it has many 'agents and promoters' (2008, 76), meaning that **it can no longer be localised.** It circulates alongside the concern with excessive government, reappears in different sites and therefore overflows any one neoliberalising apparatus (2008, 187). Hinting to a genealogy of state-affects, **Foucault differentiates it from a similarly 'ambiguous' phobia** at the end of the 18th century **about despotism**, as linked to tyranny and arbitrariness (2008, 76). **State-phobia is different. It gives a push to the question of whether government is excessive, and as such animates policies and programmes that are based on extending the market form to all of society. State-phobia is, on this account, both cause and effect of the neoliberal identification of an 'economic-political invariant'** (2008, 111) **across disparate forms of economic intervention** (including the New Deal, Keynesianism and Nazism). Developing Foucault's brief comments on its 'inflationary' logic (2008, 187), **we can think of state-phobia as being bound up with the anticipatory hyper-vigilance of paranoia** (Sedgwick 2003). It is based on an 'elision of actuality' that passes over what the state is actually doing **to always find the 'great fantasy of the paranoid and devouring state'** (Foucault 2008, 188). In short, **neoliberalism is imbued with a suspicion of any state economic action that is not wholly in the service of organising life around the market form.**

The idea of racism is swabbed through the neoliberal ideology- failure to take into account reinforces racist pedagogy

Davis, 08

(Angela Y. Davis is a Professor of History of Consciousness and Feminist Studies University of California, Santa Cruz. "Recognizing Racism in the Era of Neoliberalism."
http://www.omi.wa.gov.au/resources/clearinghouse/Recognizing_Racism_in_the_Era_of_Neoliberalism_davis.pdf. Date Accessed-07/22/15.//Anshul)

To recapitulate, neoliberalism sees the market as the very paradigm of freedom and democracy emerges as a synonym for capitalism, which has reemerged as the telos of history. In the official narratives of U.S. history, the historical victories of Civil Rights are dealt with as the final consolidation of democracy in the U.S., having relegating racism to the dustbin of history. **The path toward the complete elimination of racism is represented in the neoliberalist discourse of colorblindness. Equality can only be achieved when the law, as well as individual subjects, become blind to race and fail to apprehend the material and ideological work that race continues to do.** When obvious examples of **racism appear to the public, they are considered to be isolated aberrations,** to be addressed as anachronistic attributes of individual behavior. There have been a number of such cases in recent months in the U.S. I mention the noose that was hung on a tree branch by white students. 1 What is Neoliberalism? A Brief Definition for Activists by Elizabeth Martinez and Arnoldo Garcia <http://www.corpwatch.org/article.php?id=376> Vice Chancellor's Oration 2008 at a school in Jena, Louisiana as a sign that black students were prohibited from gathering under that tree. I can also allude to the public use of racist epithets by a well-known white comedian, the racist and misogynist language employed by a well-known radio host in referring to black women on a college basketball team, and finally, the recent comments regarding the golfer Tiger Woods. Perhaps I should elaborate on this final example: two sports journalists were recently involved in a conversation regarding the seemingly unstoppable

Tiger Woods in relation to the new generation of golfers, who are having great difficulty catching up with him. One journalist noted that the younger golfers would probably have to get together and gang up on Woods. The other responded by saying that they would have to catch him and “lynch him in a back alley,” thus conjuring, with a single casual phrase, a vast repressed history of ruthless racist violence. These comments were, of course, readily identified as racist, familiar – exceedingly familiar – expressions of **attitudinal racism that are now treated as anachronistic expressions of racism that were once articulated with state-sponsored racisms but are now relegated to the private sphere** and only become public when they are literally publicized. Whereas, during an earlier period in our history, such comments would have been clearly understood as linked to state policy and to the material practices of social institutions, they are now **treated as individual and private irregularities, to be solved by punishing and reeducating the individual by teaching them colorblindness, by teaching them not to notice the phenomenon of race.** But if we see these individual eruptions of racism as connected to the persistence and further entrenchment of institutional and structural racism that hides behind the curtain of neoliberalism, their meanings cannot be understood as individual aberrations. In the cases we have discussed, the racism is explicit and blatant. There is no denying that these are racist utterances. What happens, however, when racism is expressed, not through the words of individuals, but rather through institutional practices that are “mute” – to borrow the term Dana-Ain Davis uses – with respect to racism? The inability to recognize the contemporary persistence of racisms within institutions and other social structures results in the attribution of responsibility for the effects of racisms to the individuals who are its casualties, **thus further exacerbating the problem of failing to identify the economic, social, and ideological work of racism.** There is a similar logic undergirding the criminalization of those communities, which are vastly overrepresented in jails and prisons. **By failing to recognize the material forces of racism that are responsible for offering up such large numbers of black and Latino youth to the carceral state,** the process of criminalization imputes responsibility to the individuals who are its casualties, thus reproducing the very conditions that produce racist patterns in incarceration and its seemingly infinite capacity to expand. **The misreading of these racist patterns replicates and reinforces the privatization that is at the core of neoliberalism,** whereby social **activity is individualized and the enormous profits generated by the punishment industry are legitimized.** O

The impact is extinction – neoliberal social organization ensures extinction from resource wars, climate change, and structural violence – only accelerating beyond neoliberalism can resolve its impacts

Williams & Srnicek 13

(Alex, PhD student at the University of East London, presently at work on a thesis entitled 'Hegemony and Complexity', Nick, PhD candidate in International Relations at the London School of Economics, Co-authors of the forthcoming *Folk Politics*, 14 May 2013, <http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/>)

At the begin-ning of the second dec-ade of the Twenty-First Cen-tury, **global civilization faces a new breed of cataclysm.** These com-ing apo-ca-lypses ridicule the norms and organ-isa-tional struc-tures of the polit-ics which were forged in the birth of the nation-state, the rise of cap-it-al-ism, and a Twen-ti-eth Cen-tury of unpre-ced-en-ted wars. 2. **Most significant is the break-down of the planetary climatic system.** In time, **this threatens the continued existence of the present global human population.** Though this is the most crit-ical of the threats which face human-ity, **a series of lesser but potentially equally destabilising problems exist along-side and inter-sect with it.** **Terminal resource depletion, especially in water and energy reserves, offers the prospect of mass starvation, collapsing economic paradigms, and new hot and cold wars.** **Continued financial crisis has led governments to embrace the para-lyz-ing death spiral**

policies of austerity, privatisation of social welfare services, mass unemployment, and stagnating wages. Increasing automation in production processes including 'intellectual labour' **is evidence of the secular crisis of capitalism, soon to render it incapable of maintaining current standards of living** for even the former middle classes of the global north.

3. In contrast to these ever-accelerating catastrophes, **today's politics is beset by an inability to generate the** new ideas and **modes of organisation necessary to transform our societies to confront** and resolve the **coming annihilations**. While crisis gathers force and speed, politics withers and retreats. In this paralysis of the political imaginary, the future has been cancelled.

4. Since 1979, **the hegemonic global political ideology has been neoliberalism**, found in some variant throughout the leading economic powers. In spite of the deep structural challenges the new global problems present to it, most immediately the credit, financial, and fiscal crises **since 2007 – 8, neoliberal programmes have only evolved** in the sense of deepening. **This continuation** of the neoliberal project, or neoliberalism 2.0, **has begun to apply another round of structural adjustments**, most significantly in the form of encouraging new and aggressive incursions by the private sector into what remains of social democratic institutions and services. **This is in spite of the immediately negative** economic and social **effects of such policies**, and the longer term fundamental barriers posed by the new global crises.

The alternative articulates a "counter-conduct" – voting neg pushes towards a *cooperative conduct* that organizes individuals around a collectively shared *commons* – affirming this conduct creates a new heuristic that de-couples government from the demand for competition and production

Dardot & Laval 13

(Pierre Dardot, philosopher and specialist in Hegel and Marx, Christian Laval, professor of sociology at the Université Paris Ouest Nanterre La Défense, *The New Way of the World: On Neoliberal Society*, pgs. 318-321)

This indicates to what extent we must take on board in our own way the main lesson of neoliberalism: **the subject is always to be constructed**. **The whole question is then how to articulate subjectivation with resistance to power**

Now, precisely this issue is at the heart of all of Foucault's thought. However, as Jeffrey T. Nealon has recently shown, part of the North American secondary literature has, on the contrary, stressed the alleged break between Foucault's research on power and that of his last period on the history of subjectivity.⁵⁵ According to the 'Foucault consensus', as Nealon aptly dubs it, the successive impasses of the initial neo-structuralism, and then of the totalizing analysis of panoptical power, led the 'last Foucault' to set aside the issue of power and concern himself exclusively with the aesthetic invention of a style of existence bereft of any political dimension. Furthermore, if we follow this de-politicizing reading of Foucault, the aestheticization of ethics anticipated the neo-liberal mutation precisely by making self-invention a new norm. In reality, far from being oblivious of one another, the issues of power and the subject were always closely articulated, even in the last work on modes of subjectivation. If one concept played a decisive role in this respect, it was 'counter-conduct', as developed in the lecture of 1 March 1978.⁵⁶

This lecture was largely focused on the crisis of the pastorate. It involved identifying the specificity of the 'revolts' or **'forms of resistance of conduct'** that are the correlate of the pastoral mode of power. If such forms of resistance are said to be 'of conduct', it is because they are forms of resistance to power as conduct and, as such, **are themselves forms of conduct opposed to this 'power-conduct'**. **The term 'conduct'** in fact **admits of two meanings: an activity that consists in conducting others, or 'conduction'; and the way one conducts oneself under the influence of this activity of conduction.**⁵⁷ **The idea of 'counter-conduct'** therefore **has the advantage of directly signifying a 'struggle against the procedures implemented for conducting others', unlike the term 'misconduct', which only**

refers to the passive sense of the word.⁵⁸ Through ‘counter-conduct’, people seek both to escape conduction by others and to define a way of conducting themselves towards others.[¶]

What relevance might this observation have for a reflection on resistance to neo-liberal governmentality? It will be said that the concept is introduced in the context of an analysis of the pastorate, not government. **Governmentality**, at least in its specifically neo-liberal form, precisely makes conducting others through their conduct towards themselves its real goal. The peculiarity of this conduct towards oneself, conducting oneself as a personal enterprise, is that it immediately and directly induces a certain conduct towards others: competition with

others, regarded as so many personal enterprises. Consequently, counter-conduct as a form of resistance to this governmentality must correspond to a conduct that is indivisibly a conduct towards oneself and a conduct towards others. One cannot struggle against such an indirect mode of conduction by appealing for rebellion against an authority that supposedly operates through compulsion external to individuals. If ‘politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation’⁵⁹ it means that ethics and politics are absolutely inseparable.[¶] To the subjectivation-subjection represented by ultra-subjection, we must oppose a subjectivation by forms of counter-conduct. To neo-liberal governmentality as a specific way of

conducting the conduct of others, we must therefore oppose a no less specific double refusal: a refusal to conduct oneself towards oneself as a personal enterprise and a refusal to conduct oneself towards others in accordance with the norm of competition. As such, the double refusal is not ‘passive disobedience’.⁶⁰ For, if it is true that the personal enterprise’s relationship to the self immediately and directly determines a certain kind of relationship to others – generalized competition – conversely, the refusal to function as a personal enterprise, which is self-distance and a refusal to line up in the race for performance, can only practically occur on condition of establishing cooperative relations with others, sharing and pooling. In fact, where would be the sense in a self-distance severed from any cooperative practice? At worst, a cynicism tinged with contempt for those who are dupes. At best, simulation or double dealing, possibly dictated by a wholly justified concern for

self-preservation, but ultimately exhausting for the subject. Certainly not a counter-conduct. All the more so in that such a game could lead the subject, for want of anything better, to take refuge in a compensatory identity, which at least has the advantage of some stability by contrast with the imperative of indefinite self-transcendence. Far from threatening the neo-liberal order, fixation with identity, whatever its nature, looks like a fall-back position for subjects weary of themselves, for all those who have abandoned the race or been excluded from it from the outset. Worse, it recreates the logic of competition at the level of relations between ‘little communities’. Far from being valuable in itself, independently of any articulation with politics, individual subjectivation is bound up at its very core with collective subjectivation. In this sense, sheer aestheticization of ethics is a pure and simple abandonment of a genuinely ethical attitude. The invention of new forms of existence can only be a collective act, attributable to the multiplication and intensification of cooperative counter-conduct.

A collective refusal to ‘work more’, if only local, is a good example of an attitude that can pave the way for such forms of counter-conduct. In effect, it breaks what André Gorz quite rightly called the ‘structural complicity’ that binds the worker to capital, in as much as ‘earning money’, ever more money, is the decisive goal for both. It makes an initial breach in the ‘immanent constraint of the “ever more”, “ever more rapidly”’.^{61¶} The genealogy of neo-liberalism attempted in this book teaches us that the new global rationality is in no wise an inevitable fate shackling humanity. Unlike Hegelian Reason, it is not the reason of human history. It is itself wholly historical – that is, relative to strictly singular conditions that cannot legitimately be regarded as untranscendable. The main thing is to understand that nothing can release us from the task of promoting a different rationality. That is why the belief that the financial crisis by itself sounds the death-knell of neo-liberal capitalism is the worst of beliefs. It is possibly a source of pleasure to those who think they are witnessing reality running ahead of their desires, without them having to move their little finger. It certainly comforts those for whom it is an opportunity to celebrate their own past ‘clairvoyance’. At bottom, it is the least acceptable form of intellectual and political abdication. Neo-liberalism is not falling like a ‘ripe fruit’ on account of its internal contradictions; and traders will not be its undreamed-of ‘gravediggers’ despite themselves. Marx had already made the point powerfully: ‘History does nothing’.⁶² There are only human beings who act in given conditions and seek through their

action to open up a future for themselves. It is up to us to enable a new sense of possibility to blaze a trail. The government of human beings can be aligned with horizons other than those

of maximizing performance, unlimited production and generalized control. It can sustain itself with self-government that opens onto different relations with others than that of competition between 'self-enterprising actors'. The practices of 'communization' of knowledge, mutual aid and cooperative work can delineate the features of a different world reason. Such an alternative reason cannot be better designated than by the term reason of the commons.

Policing the Color Line

The aff does nothing to solve local surveillance rooted in racism

APUZZO 15 (Matt Apuzzo is a reporter for the NYT, and Professor at Georgetown University, and reported for Associated Press and the Standard-Times, "Ferguson Police Routinely Violate Rights of Blacks, Justice Dept. Finds", MARCH 3, 2015, http://www.nytimes.com/2015/03/04/us/justice-department-finds-pattern-of-police-bias-and-excessive-force-in-ferguson.html?_r=0)

WASHINGTON — **Ferguson, Mo., is a third white, but the crime statistics compiled in the city over the past two years seemed to suggest that only black people were breaking the law.** They accounted for 85 percent of traffic stops, 90 percent of tickets and 93 percent of arrests. In cases like jaywalking, which often hinge on police discretion, blacks accounted for 95 percent of all arrests. **The racial disparity in those statistics was so stark that the Justice Department has concluded in a report** scheduled for release on Wednesday **that there was only one explanation: The Ferguson Police Department was routinely violating the constitutional rights of its black residents.** **The report,** based on a six-month investigation, **provides a glimpse into the roots of the racial tensions that boiled over in Ferguson last summer after a black teenager, Michael Brown, was fatally shot by a white police officer,** making it a worldwide flash point in the debate over race and policing in America. **It describes a city where the police used force almost exclusively on blacks and regularly stopped people without probable cause.** Racial bias is so ingrained, the report said, that Ferguson officials circulated racist jokes on their government email accounts. ¶ In a November 2008 email, a city official said Barack Obama would not be president long because "what black man holds a steady job for four years?" Another email included a cartoon depicting African-Americans as monkeys. A third described black women having abortions as a way to curb crime. ¶ **"There are serious problems here that cannot be explained away," said a law enforcement official** who has seen the report and spoke on the condition of anonymity because it had not been released yet. ¶ Those findings reinforce what the city's black residents have been saying publicly since the shooting in August, that the criminal justice system in Ferguson works differently for blacks and whites. A black motorist who is pulled over is twice as likely to be searched as a white motorist, even though searches of white drivers are more likely to turn up drugs or other contraband, the report found. ¶ Minor, largely discretionary offenses such as disturbing the peace and jaywalking were brought almost exclusively against blacks. When whites were charged with these crimes, they were 68 percent more likely to have their cases dismissed, the Justice Department found. ¶ "I've known it all my life about living out here," Angel Goree, 39, who lives in the apartment complex where Mr. Brown was killed, said Tuesday by phone. ¶ Many such statistics surfaced in the aftermath of Mr. Brown's shooting, but the Justice Department report offers a more complete look at the data than ever before. Federal investigators conducted hundreds of interviews, reviewed 35,000 pages of police records and analyzed race data compiled for every police stop. ¶ The report will most likely force Ferguson officials to either negotiate a settlement with the Justice Department or face being sued by it on charges of violating the Constitution. Under Attorney General Eric H. Holder Jr., the Justice Department has opened more than 20 such investigations into local police departments and issued tough findings against cities including Newark; Albuquerque, N.M.; and Cleveland. ¶ But the Ferguson case has the highest profile of Mr. Holder's tenure and is among the most closely watched since the Justice Department began such investigations in 1994, spurred by the police beating of Rodney King in Los Angeles and the riots that followed. ¶ While much of the attention in Ferguson has been on Mr. Brown's death, federal officials quickly concluded that the shooting was simply the spark that ignited years of pent-up tension and animosity in the area. The Justice Department is expected to issue a separate report Wednesday clearing the police officer, Darren Wilson, of civil rights violations in the shooting. ¶ **It is not clear what changes Ferguson could make that would head off a lawsuit.** **The report calls for city**

officials to acknowledge that the police department's tactics have caused widespread mistrust and violated civil rights. Ferguson officials have so far been reluctant to do so,

particularly as relations between the city and Washington have grown strained.¶ Mr. Holder was openly critical of the way local officials handled the protests and the investigation into Mr. Brown's death, and declared a need for "wholesale change" in the police department. Ferguson officials criticized Mr. Holder for a rush to judgment and saw federal officials as outsiders who did not understand their city.¶

Local Police police surveillance easily turns into violence – the Aff cannot solve this

FRIEDERSDORF 15 (Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of The Best of Journalism, a newsletter devoted to exceptional nonfiction, "Few Conservatives Take Police Abuses Seriously", MAY 1, 2015, <http://www.theatlantic.com/politics/archive/2015/05/few-conservatives-take-police-abuses-seriously/391886/>)

¶ Nearly a quarter century ago, the libertarian magazine Reason published an essay on civil unrest suffused with an insight that movement conservatism still hasn't grasped. Then-editor Virginia Postrel was writing in the wake of the Los Angeles riots of 1992. "What caused the riots?" she asked. "How do we prevent them from recurring?" She agreed with law-and-order voices of that era that a dearth of conscience and empathy were factors. **"Only people without empathy could drag people out of their cars and beat them within an inch of their lives,"** she wrote. **"Only people without empathy could burn and loot the lives and dreams of their neighbors." But she went on to observe that a small criminal element preys on South Los Angeles every day whereas riots occur once in a generation.** Rottenness may have been necessary to explain the beating of Reginald Denny or the terror inflicted on small business owners, but it wasn't sufficient to explain such mayhem.¶ **To turn rottenness into riots,** she argued, **another necessary condition was widespread rage. "Black Angelenos, black Americans, are very, very angry. Most did not riot; many saw their stores burn, their dreams explode, their lives suddenly get harder,"** she wrote. **"Nor were all the rioters either black or angry: a plurality of looters arrested were Latino; many in Hollywood and downtown were white ...** But rage did fuel these riots, at least at the beginning. To violent people, the not-guilty verdicts—and the rage they engendered among the general public—provided a signal to riot, to converge at once on shops and passersby. Rage supplied cover for more venal motivations. And it spurred the political apologies for the rioters.¶ As well, the attention paid to the riots gave the non-violent majority a chance to peacefully voice their rage. "If you listen to what those people are actually saying—often in loud and angry voices—you will not hear the clichés of pundits and politicians," she wrote. "The Great Society, pro or con, will not come up. Instead you will hear **this: The criminal justice system does not protect black Americans. It does not make their streets safe from violence. It does not rally to the side of black crime victims.** It sees black people only as criminals, never as citizens. It does not give them respect." **The LAPD was not the only contributing factor, but anyone hoping to understand the L.A. riots had to contend with the city's policing.**

Fusion centers will still continue racial profiling

Cyril '15 Staff writer for The Progressive (April 2015, Malkia Amala Cyril, The Progressive, "Black America's State of Surveillance", <http://www.progressive.org/news/2015/03/188074/black-americas-state-surveillance>)

They will use **fusion centers**. Originally designed to increase interagency collaboration for the purposes of counterterrorism, these **have instead become the local arm of the intelligence**

community. According to Electronic Frontier Foundation, there are currently seventy-eight on record. **They are the clearinghouse for increasingly used “suspicious activity reports”**—described as “official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.” These reports and other collected data are often stored in massive databases like e-Verify and Prism. As anybody who’s ever dealt with gang databases knows, **it’s almost impossible to get off a federal or state database, even when the data collected is incorrect or no longer true.**

Predictive policing doesn’t just lead to racial and religious profiling—it relies on it. Just as stop and frisk legitimized an initial, unwarranted contact between police and people of color, almost 90 percent of whom turn out to be innocent of any crime, **suspicious activities reporting and the dragnet approach of fusion centers target communities of color**. One review of such reports collected in Los Angeles shows approximately 75 percent were of people of color.

This is the future of policing in America, and it should terrify you as much as it terrifies me. Unfortunately, it probably doesn’t, because my life is at far greater risk than the lives of white Americans, especially those reporting on the issue in the media or advocating in the halls of power.

One of the most terrifying aspects of high-tech surveillance is the invisibility of those it disproportionately impacts

Miseducation

Self Serving Role of the Ballots bad because it justifies giving the ballot for other reasons besides to whoever did the better debating

Surveillance based on race is sometimes good because it prevents ethnographic segregation and database restriction **<Multiple uses for this card>** **<Can use this to talk about how the state is key in challenging racist practices; this helps for FW>**

Sperry, 15

(Paul Sperry is an analyst for the New York Post. “Obama collecting data for a secret race database.” <http://nypost.com/2015/07/18/obama-has-been-collecting-personal-data-for-a-secret-race-database/>. Date Accessed- 07/21/15. //Anshul)

A key part of President Obama’s legacy will be the fed’s unprecedented collection of sensitive data on Americans by race. The government is prying into our most personal information at the most local levels, all for the purpose of “racial and economic justice.”¶ Unbeknown to most Americans, **Obama’s racial bean counters are furiously mining data on their health,** home loans, credit cards, places of work, neighborhoods, even how their kids are disciplined in school **— all to document “inequalities” between minorities and whites**.¶ This Orwellian-style stockpile of statistics includes a **vast and permanent network of discrimination databases, which Obama already is using to make “disparate impact” cases against: banks that don’t make enough prime loans to minorities;** schools that suspend too many blacks; **cities that don’t offer enough Section 8 and other low-income housing for minorities;** and employers who turn down African-Americans for jobs due to criminal backgrounds.¶ Big Brother Barack wants the databases operational before he leaves office, and much of the data in them will be posted online.¶ So civil-rights attorneys and urban activist groups will be able to exploit them to show patterns of “racial disparities” and “segregation,” even if no other evidence of discrimination exists.¶ OBAMA IS PRESIDING OVER THE LARGEST CONSOLIDATION OF PERSONAL DATA IN US HISTORY.¶ Housing database¶ The granddaddy of them all is the Affirmatively Furthering Fair Housing database, which the

Department of Housing and Urban Development rolled out earlier this month to racially balance the nation, ZIP code by ZIP code. It will **map every US neighborhood by four racial groups** — white, Asian, black or African-American, and Hispanic/Latino — **and publish “geospatial data” pinpointing racial imbalances.** **The agency proposes using nonwhite populations of 50% or higher as the threshold for classifying segregated areas.** Federally funded cities deemed overly segregated will be pressured to change their zoning laws to allow construction of more subsidized housing in affluent areas in the suburbs, and relocate inner-city minorities to those predominantly white areas. HUD’s maps, which use dots to show the racial distribution or density in residential areas, will be used to select affordable-housing sites. HUD plans to drill down to an even more granular level, **detailing the proximity of black residents to transportation sites, good schools, parks and even supermarkets.** If the **agency’s social engineers rule the distance between blacks and these suburban “amenities” is too far, municipalities must find ways to close the gap or forfeit federal grant money and face possible lawsuits for housing discrimination.** Civil-rights groups will have access to the agency’s sophisticated mapping software, and will participate in city plans to re-engineer neighborhoods under new community outreach requirements. “By opening this data to everybody, everyone in a community can weigh in,” Obama said. “If you want affordable housing nearby, now you’ll have the data you need to make your case.” Mortgage database. Meanwhile, the Federal Housing Finance Agency, headed by former Congressional Black Caucus leader Mel Watt, is building its own database for racially balancing home loans. The so-called National Mortgage Database Project will compile 16 years of lending data, broken down by race, and hold everything from individual credit scores and employment records. Mortgage contracts won’t be the only financial records vacuumed up by the database. According to federal documents, the repository will include “all credit lines,” from credit cards to student loans to car loans — anything reported to credit bureaus. This is even more information than the IRS collects. The FHFA will also pry into your personal assets and debts and whether you have any bankruptcies. The agency even wants to know the square footage and lot size of your home, as well as your interest rate. FHFA will share the info with Obama’s brainchild, the Consumer Financial Protection Bureau, which acts more like a civil-rights agency, aggressively investigating lenders for racial bias. The FHFA has offered no clear explanation as to why the government wants to sweep up so much sensitive information on Americans, other than stating it’s for “research” and “policymaking.” However, CFPB Director Richard Cordray was more forthcoming, explaining in a recent talk to the radical California-based Greenlining Institute: **“We will be better able to identify possible discriminatory lending patterns.”** Credit database. CFPB is separately amassing a database to monitor ordinary citizens’ credit-card transactions. It hopes to vacuum up some 900 million credit-card accounts — all sorted by race — representing roughly 85% of the US credit-card market. Why? **To sniff out “disparities” in interest rates, charge-offs and collections.** Employment database. CFPB also just finalized a rule **requiring all regulated banks to report data on minority hiring** to an Office of Minority and Women Inclusion. It will collect reams of employment data, broken down by race, to police diversity on Wall Street as part of yet another fishing expedition. School database. Through its mandatory Civil Rights Data Collection project, the **Education Department is gathering information on student suspensions and expulsions, by race, from every public school district in the country.** **Districts that show disparities in discipline will be targeted for reform.** Those that don’t comply will be punished. Several already have been forced to revise their discipline policies, which has led to violent disruptions in classrooms. Obama’s educrats want to know how many blacks versus whites are enrolled in gifted-and-talented and advanced placement classes. Schools that show blacks and Latinos under-enrolled in such curricula, to an undefined “statistically significant degree,” could open themselves up to investigation and lawsuits by the department’s Civil Rights Office. Count on a flood of private lawsuits to piggyback federal discrimination claims, as **civil-rights lawyers use the new federal discipline data in their legal strategies against the supposedly racist US school system.** Even if no one has complained about discrimination, even if there is no other evidence of racism, the numbers themselves will “prove” that things are unfair. Such databases have never before existed. Obama is presiding over the largest consolidation of personal data in US history. He is creating a diversity police state where government race cops and civil-rights lawyers will micromanage demographic outcomes in virtually every aspect of society. The first black president, quite brilliantly, has built a quasi-reparations infrastructure perpetually fed by racial data that will outlast his administration.

Bell’s ideas of Racial Realism provide a smokescreen for the realities of racial domination Powell 1991

(John A. Powell is a Berkeley Law Graduate. “Racial Realism or Racial Despair.”
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1537&context=facpubs>. Date Accessed- 7/21/15. //Anshul)

The core message of Racial Realism is that the racial domination and subjugation of blacks in America is immutable. Bell contends: Black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than

temporary "peaks of progress," short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to-accept fact that all history verifies. We must acknowledge it and move on to adopt policies based on what I call: "Racial Realism." This mind-set or philosophy requires us to acknowledge the permanence of our subordinate status. That acknowledgement enables us to avoid despair, and frees us to imagine and implement. *National Legal Director of the American Civil Liberties Union, New York; J.D. 1973. University of California at Berkeley School of Law, B.A. 1969. Stanford University. I would like to thank Professor Martha Minow, Adam Cohen and Victor Bolden for their helpful suggestions, and Topaz Lennard for her editorial and secretarial assistance. ¶ 1. Derrick Bell, Racial Realism, 24 CONN. L. REV. 363 (1992). ¶ HeinOnline -- 24 Conn. L. Rev. 533 1991-1992. ¶ CONN. L. REV. [Vol. 24:533] ment racial strategies that can bring fulfillment and even triumph. 2. Bell's aim is to free blacks from the psychological burden of despair. The goal of "Racial Realism" is therefore limited. The despair, according to Bell, is not caused by actual racial domination that blacks experience, but by the false belief that things can get better and that eventually equality will be achieved. He asserts that it is the rhetoric of equality that keeps these false hopes alive in black America and prevents us from acknowledging the reality of racial domination. According to Racial Realism, therefore, it is the false hope for equality, and not racism, that must be vanquished. 3. Racial Realism is a provocative and thoughtful piece, written in an elegant style that adds to its power. It draws on a number of areas, from philosophy, politics, law, and history. Using broad strokes, Professor Bell both describes and explains the conditions of African Americans in society today. This all comes together as he takes what he describes as a "hard-eyed" view of this reality-Racial Realism concludes that racial subordination of blacks in this country is a permanent fixture of our society. Bell tries to support these troubling claims by attacking equality logically and pragmatically. He looks to history for proof that there has been no real change in racial domination in our society. He would have blacks continue to struggle, not for equality or to transform racial domination, but in order to "harass white folks." Despite the power of his message-seemingly plausible, given the current state of race relations-I will argue that he fails on all fronts to support his claim and that his message must be rejected. ¶ In Part I, I will examine Professor Bell's logical critique of equality; in Part II, I will focus on his pragmatic critique; and in Part III, I will examine Bell's treatment of hope and power. ¶ I. THE LOGICAL CRITIQUE OF EQUALITY ¶ Bell begins his attack by setting his sights on formal equality, using what I call his logical critique." He argues that formal equality-the idea that rights protection can be grounded on an objective foundation of principles-is merely an abstract concept that is not only incoherent and indeterminate, but also a tool of domination

The 1AC maintains the racial domination of the status quo Powell 1991

(John A. Powell is a Berkeley Law Graduate. "Racial Realism or Racial Despair."
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1537&context=facpubs>. Date Accessed- 7/21/15. //Anshul)

Professor Bell shifts to his pragmatic analysis as he moves into a discussion of legal cases. 20 From this perspective, he is no longer concerned with the logical foundation of the value or rhetoric of equality, but with how it affects the lives of subordinated blacks. ¶ The pragmatic analysis is much more significant in determining whether there is merit to Bell's claim that the goal of "equality" should be abandoned. Most people will not and should not abandon their values or goals simply because these aims do not rest on an objective, logical foundation. Bell claims that, aside from the issue of formal equality, the true condition of subjugation and subordination of blacks has never really improved, and never will. This claim is much more devastating and far-reaching than the earlier claim that formal equality is unattainable. It is the heart of the foundation for Racial Realism: If the goal of equality does not bring even some progress for the black situation, there is no reason to rely on it. Upon examination, though, it becomes clear that this claim is simply wrong, robbing Racial Realism of most of its value. ¶ Even if equality is unobtainable, as long as we can make substantial and real improvements in the status quo, equality as a regulative ideal would maintain much of its force. 2' If the ideal goal of equality could help us move from slavery to non-slavery, with or without Jim Crow laws in place, this would be progress. This would justify using equality as an ideal, even if it would never be a reality-especially if the alternative were to maintain the condition of slavery. The issue of whether equality can be achieved or not is irrelevant from a pragmatic view. This pragmatic reason for accepting equality as an ideal would fail only if it could not help improve the status quo. ¶ The pragmatic attack on equality has force only if it can be shown that equality has no positive transformative value for addressing black subjugation, or that equality rhetoric makes things worse. Bell cites Regents of the University of California v. Bakke 22 as the ultimate example of how "equality" in fact has been used to hurt blacks. ¶ As every civil rights lawyer has reason to know ... abstract principles lead to legal results that harm blacks and perpetuate their inferior status. Racism provides a basis for a

judge to select one available premise rather than another when incompatible claims arise. A paradigm example presents itself in the case of Regents of the University of California v. Bakke.²³ ¶ Bell goes on to add that "cases such as Bakke should inspire many civil rights lawyers to reexamine the role of equality jurisprudence in its potential to improve the lives of black Americans. ²¹ ¶ Bell is critical of the civil rights community for relying on these abstract legal principles. Not only is such reliance ill-founded, goes his critique, but the reliance worsens the condition of the black community. ¶ Although it seems clear that Bakke was wrongly decided for the reasons Bell suggests, it does not support his position that equality cannot have a transformative role in addressing the needs of black Americans. What Bakke demonstrates is that a conservative Court was able to ignore the present and historical conditions of blacks in using formal equality to limit the claims of blacks. Justice Powell wrote the majority opinion that accepted an abstract notion of equality of which Bell is critical. However, four members of the Court, as well as the civil rights community, rejected "formal equality" as the correct standard to apply in this case and argued for a standard that Bell seems to accept.²⁰ When Bell cites with approval the "flexible reasoning" used by the Court in Griggs, he seems to have in mind something close to the substantive equality standard argued by Brennan and Marshall and much of the civil rights community in Bakke.² ¶ But if the civil rights community was not attached to the false value of formal equality, the real injury in Bakke was not despair at the hand of the community's own false consciousness, but an injury at the hand of a conservative Court intent on maintaining the status quo. Racial Realism does not address this. Instead, Bell wrongly paints the civil rights community as ideological dupes, unaware of how abstract principles are used to visit damage on the black community.²⁸ ¶ Bell suggests that what is wrong with the reliance on the rule of law in Bakke is that it allowed a conservative Court the discretion to choose to adhere to "neutral principles," thereby hurting the goal of racial equality. But choice is not the problem. There is no method that can eliminate choice, whether one calls it flexible reasoning, substantive equality, or Racial Realism. There are two serious problems with how formalism in general, and formal equality in particular, is used by the Court. The first problem is that the Court obscures what it is doing by denying that it is making choices in deciding cases. The second more serious problem is that the choices the Court makes under formalism often maintain racial domination. I believe it is better to make explicit that choices are being made—in fact, must be made—and then demand justification to support their selection. By accepting this approach, I would argue that a choice that maintains the status quo of racial domination cannot be justified and must be refuted. ¶ Professor Bell, in broad strokes, collapses the nonformal aspects of equality into the suspect use of formal equality. He therefore concludes that all aspects of equality fail the black community. However, Bell's approach does not help us to determine if the value of equality plays either a role of transformation or a role of maintaining the status quo.

The state is key to monitor and address prejudice and discrimination inside their organizations

Devey et. al., 09

(Donald Tomaskovic-Devey and Patricia Warren are analysts for the magazine Contexts which includes feature articles, culture and book reviews, and photography, as well as analysis of the latest social science research. "explaining and eliminating racial profiling." <http://contexts.org/articles/explaining-and-eliminating-racial-profiling/>. Date Accessed- 07/23/15. //Anshul)

Unconscious biases are particularly difficult for an organization to address because offending individuals are typically unaware of them, and when confronted they may deny any racist intent. ¶ There is increasing evidence that even deep-seated stereotypes and unconscious biases can be eroded through both education and exposure to minorities who don't fit common stereotypes, and that they can be contained when people are held accountable for their decisions. Indeed, it appears that acts of racial discrimination (as opposed to just prejudicial attitudes or beliefs) can be stopped through managerial authority, and prejudice itself seems to be reduced through both education and exposure to minorities. ¶ Unconscious biases can be eroded through education and exposure to minorities who don't fit common stereotypes. Biases can also be contained when people are held accountable for their decisions. ¶ For example, a 2006 study by sociologists Alexandra Kalev, Frank Dobbin, and Erin Kelly of race and gender employment bias in the private sector found that holding management accountable for equal employment opportunities is particularly efficient for reducing race and gender biases. Thus, the active monitoring and managing of police officers based on racial composition of their stops and searches holds much promise for mitigating this "invisible" prejudice. ¶ Citizen and police review boards can play proactive and reactive roles in monitoring both individual police behavior as well as problematic organizational practices. Local police forces can use data they collect on racial disparity in police stops to identify problematic organizational behaviors such as intensively policing minority neighborhoods, targeting minorities in white neighborhoods, and racial profiling in searches. ¶ Aggressive enforcement of civil rights laws will also play a key role in encouraging local police chiefs and employers to continue to monitor and address prejudice and discrimination inside their organizations. This is an area where the federal government has a clear role to play. Filing lawsuits against cities

and states with persistent patterns of racially biased policing—whether based on the defense of segregated white neighborhoods or the routine patrolling of crime “hot spots”—would send a message to all police forces that the routine harassment of minority citizens is unacceptable in the United States.¶ justice in the obama era¶ **Given the crucial role the federal justice department has played in both creating and confronting racial profiling**, one may wonder whether the election of President Barack Obama will have any consequences for racially biased policing.¶ **Obama certainly has personal reasons to challenge racist practices.** And given the success of his presidential campaign, it would seem **he has the political capital to address racial issues in a way and to an extent unlike any of his predecessors.**¶ At the same time, the new president has vowed to continue to fight a war on terrorism, a war often understood and explicitly defined in religious and ethnic terms. In some ways, the threat of terrorism has replaced the threat of African Americans in the U.S. political lexicon. There’s evidence as well that politicians, both Democrat and Republican, have increased their verbal attacks on illegal immigrants and in doing so may be providing a fertile ground for new rounds of profiling against Hispanics in this country. So, while the racial profiling of African Americans as explicit national policy is unlikely in the Obama Administration, other groups may not be so **lucky.**¶ **Americans committed to racial justice and equality will likely take this as a cautionary tale.** **They will also likely hope the Obama Administration** decides to take a national leadership role in ending racial profiling. But if it does, as sociologists we hope the administration won’t make the all too common mistake of assuming racial profiling is primarily the result of racial prejudice or even the more widespread psychology of unconscious bias.

2NC Framework

Topical Version of the Aff

T-Version of the Aff: The USFG should ban the use of unwarranted stop & frisk, policing and criminalization based on skin color by revitalizing the End Racial Profiling Act

Brooks et. al., 14

(Cornell Williams Brooks is the president of the National Association of the Advancement of Colored People. “Stop-and-Frisk Abuses & the Continued Fight to End Racial Profiling in America” http://action.naacp.org/page/-/Criminal%20Justice/Born_Suspect_Report_final_web.pdf. Date Accessed- 07/23/15. //Anshul.)

Sponsored by Julius Volker, a member of the New York State Assembly, New York’s stop-and-frisk law was first passed in 1964, with the goal of making it easier for evidence that came from stops based on less than “probable cause” to be considered in court. The law would also allow police officers to prevent crimes and increase public safety in New York City. 50 African American communities have since challenged the law as a form of racial profiling that allows officers to more easily target and harass communities of color. The US Supreme Court has also addressed the question of stop-and-frisk. In 1968, in Terry v. Ohio, the Court ruled that stopping and frisking are constitutional if done under certain conditions. Specifically, the Court said that in order for a police officer to stop an individual, the officer only needs “reasonable suspicion” that an individual is committing or about to commit an illicit activity. However, for a police officer to then lawfully frisk an individual, somewhere between the “reasonable suspicion” standard and the “probable cause” standard, required for search warrants is necessary—where a police officer either witnessed or was informed that a suspect is armed and poses an immediate threat to the officer.⁵¹ However, in 2013 a federal court found that the NYPD’s use of stop-and-frisk reflected a widespread pattern and practice of stops that did not meet the legal standard of “reasonable suspicion” put forth by Terry. In fact, data indicated that many of the stops by the NYPD over the last decade failed to meet even this lower 11% standard. For example, in 2009, officers failed to cite an acceptable “suspected crime” for the stop 36% of the time.⁵² And in 2011, over half of the stops conducted were for “furtive movements”—an abstract, relatively subjective, and meaningless basis for a stop—although one that the courts have not yet taken a firm stance against.⁵³ The court also found a widespread pattern and practice of racially discriminatory stops and frisks, in violation of the 14th Amendment. A closer look at the statistics for stop-and-frisk throughout the last decade can shed further light on the NYPD’s abuse of this tactic, the negative impact it has had on communities, and ultimately serve as further evidence of the futility of racial profiling as a tool for effective law enforcement.

<Over 24 paragraphs later>

at the height of the movement to improve law enforcement accountability and end racial profiling, the End Racial Profiling Act (ERPA) was introduced in both houses of Congress.⁸² The bill had bipartisan support and aimed to ban racial profiling at all levels of government, provide provisions for data collection and monitoring, include training, and offer sanctions and remedies for violations of the law. The NAACP, along with a broad range of coalition partners, supported the bill, which at that point seemed likely to pass. Following the attacks of September 11, 2001, the bill lost momentum and with it the chance of passage for more than a decade. ERPA has been repeatedly introduced in Congress; without the level of support it enjoyed in 2001, its passage remains challenging. One roadblock is the false claim often used by political leaders that racial profiling is a necessary tool for enhancing national security. However, during this same period, leaders from the top ranks of several administrations have also verbally committed to ending racial profiling. In February of 2001, President George W. Bush promised to end racial profiling in America in an address to Congress: “Earlier today I asked John Ashcroft, the Attorney General to develop specific recommendations to end racial profiling. It’s wrong and we will end it in America.”⁸³ Two years later, in June 2003, the Department of Justice issued the Guidance Regarding the Use of Race by Federal Law Enforcement Agencies.⁸⁴ Although the guidance was a good first step in meeting the Bush Administration’s promise, it fell short in many ways that have not been addressed to date and the policy still stands as is almost 6 years into the Obama Administration.⁸⁵ Specifically, the Guidance: • Does not apply to local or state agencies • Does not protect people from being profiled on the basis of religion or national origin • Does not include a private right of action, fiscal sanctions or any other enforcement mechanisms • Does not offer penalties for officers found in violation of the provisions • Has a blanket exception for “enforcing laws protecting the integrity of the Nation’s borders,” and “threats to national security and other catastrophic events.”⁸⁶ More recently, during an address at the 2013 NAACP National Convention, following the verdict in the case of George Zimmerman on the shooting death of Trayvon Martin, Attorney General Eric Holder touched upon the problem of racial profiling. In his address, Holder shared personal stories of being profiled as a young adult, including being stopped and searched by police on the New Jersey Turnpike. Holder also recounted conversations his father had with him about how to properly conduct himself as an African American man with law enforcement—conversations he finds himself

having with his son.⁸⁷ Holder reiterated: [W]e must confront the underlying attitudes, mistaken beliefs, and unfortunate stereotypes that serve too often as the basis for police action, and private judgment.⁸⁸ In addition to advocating for the passage of ERPA, over the last decade advocates have also waged a campaign to update the Federal Guidance and to eliminate its shortcomings. In 2012, more than 225 groups, including the NAACP, signed a letter urging the Attorney General to update the Guidance to:

- Ban profiling based on religion or national origin.
- Close the “national security” and “border integrity” loophole.
- 19
- Apply profiling ban to data collection assessments and investigations carried out by law enforcement and to include the mapping of communities as demonstrated by the NYPD’s Demographics Unit.
- Create enforceable standards to be met by law enforcement agencies.
- Prevent federal agencies from working with state and local departments that do not have racial profiling policies meeting the standard of the renewed Guidance.

⁸⁹ An updated Guidance is expected in the near future, and it is expected that it will expand the prohibited profiling categories to include national origin, religion, gender, and sexual orientation. Initial reports indicate, however, that it will not ban the use of nationality to map communities stereotypically thought more likely to commit certain kinds of crime. Despite the existence of constitutional protections, a partial federal guidance, and numerous promises by officials over several presidential administrations, the country continues to grapple with solving the problem of racial profiling and preventing abuses of power by law enforcement

Neoliberalism K

2NC Links

Market organization of society is at least as coercive as state action – its interventions into society are simply cloaked as “protecting property rights” and “encouraging competition”

Noys 10

Benjamin Noys, Professor of Critical Theory at the University of Chichester, “The Grammar of Neoliberalism,” September 2010, talk given at the Accelerationism workshop at Goldsmiths, fwang

It was the extinction of the Nazi state that made post-war Germany the ideal site to re-found the state in terms of the economic, in which legitimation was achieved through economic growth rather than in political terms. At the same time **neo-liberalism solidifies a ‘state-phobia’, by arguing that the tendency of any intervention to a state-controlled economy, planning, and economic interventionism will lead to** Nazism or **totalitarianism**. In a provocative series of formulations Foucault argues that **this ‘state phobia’ permeates modern thought**, aligning the critique of the spectacle (Debord) and ‘one-dimensionality’ (Marcuse) with Werner Sombart’s proto-Nazi critiques of capitalism (113-4). Here we might say **we can see the emergence of the ‘grammar’ argument, in the sense of a common phobia of the state that leaves us vulnerable to historical re-inscription under the terms of neo-liberalism**, or, as Foucault puts it: ‘All those who share in the great state phobia should know that **they are following the direction of the wind and that in fact**, for years and years, **an effective reduction of the state has been on the way, a reduction of both the growth of state control and of a “statifying” and “statified” governmentality.**’ (191-2)

What is the precise nature, then, of neo-liberalism? Of course, the obvious objection to the ‘anti-state’ vision of neo-liberalism is that neo-**liberalism itself is a continual form of state intervention**, usually summarised in the phrase **‘socialism for the rich, capitalism for the poor’**. Foucault notes that neo-liberalism concedes this: **‘neo-liberal government intervention is no less dense, frequent, active, and continuous than in any other system.’** (145) **The difference**, however, **is the point of application. It intervenes on society ‘so that competitive mechanisms can play a regulatory role at every moment and every point in society and by intervening in this way its objective will become possible**, that is to say, a general regulation of society by the market.’ (145) Therefore, we miss the point if we simply leave a critique of neo-liberalism at the point of saying ‘neo-liberalism is as statist as other governmental forms’. Instead, **the necessity if to analyse how neo-liberalism creates a new form of governmentality in which the state performs a different function: permeating society to subject it to the economic.**

2NC Impact Framing

The “white gaze” survives through the guise of neoliberalism

Davis,08

(Angela Y. Davis is a Professor of History of Consciousness and Feminist Studies University of California, Santa Cruz. “Recognizing Racism in the Era of Neoliberalism.” http://www.omi.wa.gov.au/resources/clearinghouse/Recognizing_Racism_in_the_Era_of_Neoliberalism_davis.pdf. Date Accessed-07/22/15.//Anshul)

Parenthetically, when I recently mentioned these new figures to a group in London, including Members¶ of Parliament, almost everyone thought that either I had misspoken myself or that they had misheard¶ me. As it turns out, they were familiar with the figures

regarding the incarceration of young black men and were not so surprised that immense numbers of people of color were in jail. But it was difficult for them to grasp the idea that, given a majority white population, one in every one hundred adults in the U.S. is behind bars. In 1985, there were fewer than 800,000 people behind bars. Today there are almost three times as many imprisoned people and the vast increase has been driven almost entirely by the practices of incarcerating young people of color. Although the figures are not comparable, one can argue that a similar dynamic drives imprisonment here in Australia, with imprisoned aboriginal people accounting for ten times their proportion in the general population.

Why, then, is it so difficult to name these practices as racist? Why does the word “racist” have such an archaic ring to it – as if we were caught in a time warp? **Why is it so difficult to name the crisis in imprisonment as a crisis of racism?** According to the Pew Report, the United States incarcerates more people than any country in the world, including the far more populous nation of China. At the start of the new year, the American penal system held more than 2.3 million adults. China was second, with 1.5 million people behind bars, and Russia was a distant third with 890,000 inmates, according to the latest available figures. Beyond the sheer number of inmates, America also is the global leader in the rate at which it incarcerates its citizenry, outpacing nations like South Africa and Iran. In Germany, 93 people are in prison for every 100,000 adults and children. In the U.S, the rate is roughly eight times that, or 750 per 100,000. These figures have been produced by the vastly disproportionate numbers of youth of color, especially young black men who are currently behind bars. For example, if one out of every sixty white men between the ages of twenty and twenty-four is behind bars, then one out of every nine black men of the same age is incarcerated.

According to neoliberalist explanations, the fact that these young black men are behind bars has little to do with race or racism and everything to do with their own private family upbringing, and their inability to take moral responsibility for their actions. Such explanations remain “mute” – to use Dana-Ain Davis’s term again – about the social, economic, and historical power of racism. They remain “mute” about the dangerous contemporary work that race continues to do. The incarceration of youth of color – and of increasing numbers of young women of color (women have constituted the fastest growing sector of the incarcerated population for some time now) – is **not viewed as connected to the vast structural changes produced by deregulation, privatization, by the devaluation of the public good,** and by the deterioration of community. Because there is no public vocabulary which allows us to place these developments within a historical context, individual deviancy is the overarching explanation for the grotesque rise in the numbers of people who are relegated to the country’s and the world’s prisons.

According to Henry Giroux, “racism survives through the guise of neoliberalism, a kind of repartee that imagines human agency as simply a matter of individualized choices, the only obstacle to effective citizenship and agency being the lack of principled self-help and moral responsibility.”⁴ **Because racism is viewed as an anachronistic vestige of the past, we fail to grasp the extent to which the long memory of institutions** – especially those that constitute the intimately connected circuit of education and incarceration – continue to permit race to determine who has access to education and who has access to incarceration. While laws have had the effect of privatizing racist attitudes and eliminating the explicitly racist practices of institutions, **these laws are unable to apprehend the deep structural life of racism and therefore allow it to continue to thrive.**⁴

Giroux, Henry A. (2003) ‘Spectacles of Race and Pedagogies of Denial: Anti-Black Racist Pedagogy Under the Reign of Neoliberalism’, *Communication Education*, 52:3, 191 - 211. Vice Chancellor’s Oration 2008. This **invisible work of racism not only influences the life chances of millions of people, it helps to nourish a psychic reservoir of racism that often erupts through the utterances and actions of individuals,** as in the cases previously mentioned. The frequent retort made by such individuals who are caught in the act is: “I’m not a racist. I don’t even know where that came from” can only be answered if we are able to recognize this deep structural life of racism. The deep structural racism of the criminal justice system affects our lives in complicated ways. What we acknowledged more than a decade ago as the U.S. prison industrial complex through which racism generates enormous profits for private corporations can now be recognized as a global prison industrial complex that profits the world over from postcolonial forms of racism and xenophobia. With the dismantling of the welfare state and the structural adjustment in the southern region required by global financial institutions, the institution of the prison – which is itself an important product marketed through global capitalism – becomes the privileged site into which surplus impoverished populations are deposited. Thus new forms of global structural racism are emerging. The **deep structural life of racism bleeds out from the U.S. criminal justice system and is having a devastating effect on the political life of the nation and the world.** Since the era of slavery, racism has been associated with death. Geographer Ruth Gilmore has defined racism as “the state-sanctioned and/or legal production and exploitation of group-differentiated vulnerabilities to premature death, in distinct yet densely interconnected political geographies.”⁵ The death to which Gilmore refers is multi-dimensional, embracing corporeal death, social death, and civil death. From its advent, the institution of the prison has been organically linked to the political order of democracy in that it negatively demonstrates the centrality of individual rights and liberties. Civil life is negated and the prisoner is relegated to the status of Civil Death. Following Claude Meillasoux and Orlando Patterson, Colin (Joan) Dayan and other scholars have compared the social death of slavery to the civil death of imprisonment, particularly given the landmark legal case *Ruffin v. Commonwealth*, which in 1871 declared the prisoner to be “the slave of the state.” Although prisoners’ state of civil death has now mutated so that

Neoliberalism is producing accelerating inequality, environmental destruction, and conflict in the squo – statistics showing the world is getting better only illustrate the positive impact of Latin American and Chinese resistance to the neoliberal model

Milne 15

(Seumus Milne, Guardian columnist and associate editor, “The Davos oligarchs are right to fear the world they’ve made,” 22 January 2015,

<http://www.theguardian.com/commentisfree/2015/jan/22/davos-oligarchs-fear-inequality-global-elite-resist>)

The scale of the crisis has been laid out for them by the charity Oxfam. **Just 80 individuals now have the same net wealth as 3.5 billion people – half the entire global population.** Last year, the best-off 1% owned 48% of the world’s wealth, up from 44% five years ago. **On current trends, the richest 1% will have pocketed more than the other 99% put together next year.** The 0.1% have been doing even better, quadrupling their share of US income since the 1980s.¶ This is a wealth grab on a grotesque scale. **For 30 years, under the rule of what Mark Carney, the Bank of England governor, calls “market fundamentalism”, inequality in income and wealth has ballooned, both between and within the large majority of countries.** **In Africa, the absolute number living on less than \$2 a day has doubled** since 1981 as the rollcall of billionaires has swelled.¶ In most of the world, **labour’s share of national income has fallen continuously and wages have stagnated under this regime of privatisation, deregulation and low taxes on the rich.** At the same time **finance has sucked wealth from the public realm into the hands of a small minority,** even as it has laid waste the rest of the economy. Now the **evidence has piled up that** not only is **such appropriation of wealth** a moral and social outrage, but it **is fuelling social and climate conflict, wars, mass migration and political corruption, stunting health and life chances, increasing poverty, and widening gender and ethnic divides.**¶ **Escalating inequality has also been a crucial factor in the economic crisis** of the past seven years, squeezing demand and fuelling the credit boom. We don’t just know that from the research of the French economist Thomas Piketty or the British authors of the social study The Spirit Level. After years of promoting Washington orthodoxy, even the western-dominated OECD and IMF argue that the **widening income and wealth gap has been key to the slow growth** of the past two neoliberal decades. **The British economy would have been almost 10% larger if inequality hadn’t mushroomed.** Now **the richest are using austerity to help themselves to an even larger share** of the cake.¶ **The big exception** to the tide of inequality in recent years **has been Latin America. Progressive governments across the region turned their back on a disastrous economic model, took back resources from corporate control and slashed inequality. The numbers living on less than \$2 a day have fallen from 108 million to 53 million** in little over a decade. **China, which also rejected much of the neoliberal catechism, has seen sharply rising inequality at home but also lifted more people out of poverty than the rest of the world combined, offsetting the growing global income gap.**¶ **These two cases underline that increasing inequality and poverty are very far from inevitable. They’re the result of political and economic decisions.** The thinking person’s Davos oligarch realises that allowing

things to carry on as they are is dangerous. So some want a more “inclusive capitalism” – including more progressive taxes – to save the system from itself.¶ But it certainly won’t come about as a result of Swiss mountain musings or anxious Guildhall lunches. Whatever the feelings of some corporate barons, **vested corporate and elite interests** – including the organisations they run and the political structures they have colonised – **have shown they will fight even modest reforms tooth and nail**. To get the idea, you only have to listen to the squeals of protest, including from some in his own party, at Ed Miliband’s plans to tax homes worth over £2m to fund the health service, or the demand from the one-time reformist Fabian Society that the Labour leader be more pro-business (for which read pro-corporate), or the wall of congressional resistance to Barack Obama’s mild redistributive taxation proposals.¶ **Perhaps a section of the worried elite might be prepared to pay a bit more tax. What they won’t accept is any change in the balance of social power** – which is why, in one country after another, they resist any attempt to strengthen trade unions, even though weaker unions have been a crucial factor in the rise of inequality in the industrialised world.¶ **It’s only through a challenge to the entrenched interests that have dined off a dysfunctional economic order that the tide of inequality will be reversed. The anti-austerity Syriza party, favourite to win the Greek elections this weekend, is attempting to do just that – as the Latin American left has succeeded in doing over the past decade and a half. Even to get to that point demands stronger social and political movements to break down or bypass the blockage in a colonised political mainstream**. Crocodile tears about inequality are a symptom of a fearful elite. But **change will only come from unrelenting social pressure and political challenge**.

Social inequality causes extinction – produces background of structural violence that makes conflict and environmental collapse inevitable

Szentes ‘8

Tamás Szentes, a Professor Emeritus at the Corvinus University of Budapest. “Globalisation and prospects of the world society” 4/22/08

http://www.eadi.org/fileadmin/Documents/Events/exco/Glob.____prospects_-_jav..pdf

It’s a common place that human society can survive and develop only in a lasting real peace. Without peace countries cannot develop. Although since 1945 there has been no world war, but --numerous local wars took place, --terrorism has spread all over the world, undermining security even in the most developed and powerful countries, --arms race and militarisation have not ended with the collapse of the Soviet bloc, but escalated and continued, extending also to weapons of mass destruction and misusing enormous resources badly needed for development, --**many “invisible wars” are suffered by the poor** and oppressed people, **manifested in mass misery, poverty, unemployment, homelessness, starvation** and malnutrition, epidemics and poor health conditions, **exploitation and oppression**, racial and other discrimination, physical terror, organised injustice, disguised forms of violence, the denial or regular infringement of the democratic rights of citizens, women, youth, ethnic or religious minorities, etc., **and** last but not least, **in the degradation of human environment**, which means that --the “war against Nature”, i.e. the disturbance of ecological balance, wasteful management of natural resources, and large-

scale pollution of our environment, is still going on, causing also losses and fatal dangers for human life. **Behind global terrorism and “invisible wars” we find striking international and intrasociety inequities and distorted development patterns, which tend to generate social as well as international tensions,** thus **paving the way for unrest and “visible” wars.** It is a commonplace now that peace is not merely the absence of war. The prerequisites of a lasting peace between and within societies involve not only - though, of course, necessarily - demilitarisation, but also a systematic and gradual elimination of the roots of violence, of the causes of “invisible wars”, of the structural and institutional bases of large-scale international and intra-society inequalities, exploitation and oppression. Peace requires a process of social and national emancipation, a progressive, democratic transformation of societies and the world bringing about equal rights and opportunities for all people, sovereign participation and mutually advantageous co-operation among nations. It further requires a pluralistic democracy on global level with an appropriate system of proportional representation of the world society, articulation of diverse interests and their peaceful reconciliation, by non-violent conflict management, and thus also a global governance with a really global institutional system. Under the contemporary conditions of accelerating globalisation and deepening global interdependencies in our world, **peace** is indivisible in both time and space. It cannot exist if reduced to a period only after or before war, and **cannot be safeguarded in one part of the world when some others suffer visible or invisible wars.** Thus, peace requires, indeed, a new, demilitarised and democratic world order, which can provide equal opportunities for sustainable development. “Sustainability of development” (both on national and world level) is often interpreted as an issue of environmental protection only and reduced to the need for preserving the ecological balance and delivering the next generations not a destroyed Nature with overexhausted resources and polluted environment. However, **no ecological balance can be ensured, unless the deep international development gap and intra-society inequalities are substantially reduced.** Owing to global interdependencies there may exist hardly any “zero-sum-games”, in which one can gain at the expense of others, but, instead, the “negative-sum-games” tend to predominate, in which everybody must suffer, later or sooner, directly or indirectly, losses. Therefore, the actual question is not about “sustainability of development” but rather about the “sustainability of human life”, i.e. survival of mankind – because of ecological imbalance and globalised terrorism. When Professor Louk de la Rive Box was the president of EADI, one day we had an exchange of views on the state and future of development studies. We agreed that development studies are not any more restricted to the case of underdeveloped countries, as the developed ones (as well as the former “socialist” countries) are also facing development problems, such as those of structural and institutional (and even system-) transformation, requirements of changes in development patterns, and concerns about natural environment. While all these are true, today I would dare say that besides (or even instead of) “development studies” we must speak about and make “survival studies”. While the monetary, financial, and debt crises are cyclical, we live in an almost permanent crisis of the world society, which is multidimensional in nature, involving not only economic but also socio-psychological, behavioural, cultural and political aspects. **The narrow-minded, election-oriented, selfish behaviour motivated by thirst for power and wealth,** which still characterise the political leadership almost all over the world, **paves the way for the final, last catastrophe.** One cannot doubt, of course, that great many positive historical changes have also taken place

in the world in the last century. Such as decolonisation, transformation of socio-economic systems, democratisation of political life in some former fascist or authoritarian states, institutionalisation of welfare policies in several countries, rise of international organisations and new forums for negotiations, conflict management and cooperation, institutionalisation of international assistance programmes by multilateral agencies, codification of human rights, and rights of sovereignty and democracy also on international level, collapse of the militarised Soviet bloc and system-change³ in the countries concerned, the end of cold war, etc., to mention only a few. Nevertheless, the crisis of the world society has extended and deepened, approaching to a point of bifurcation that necessarily puts an end to the present tendencies, either by the final catastrophe or a common solution. **Under the circumstances provided by rapidly progressing science and technological revolutions, human society cannot survive unless such profound intra-society and international inequalities prevailing today are soon eliminated.** Like a single spacecraft, the Earth can no longer afford to have a 'crew' divided into two parts: the rich, privileged, wellfed, well-educated, on the one hand, and the poor, deprived, starving, sick and uneducated, on the other. Dangerous 'zero-sum-games' (which mostly prove to be "negative-sum-games") can hardly be played any more by visible or invisible wars in the world society. Because of global interdependencies, the apparent winner becomes also a loser. The real choice for the world society is between negative- and positive-sum-games: i.e. between, on the one hand, continuation of visible and "invisible wars", as long as this is possible at all, and, on the other, transformation of the world order by demilitarisation and democratization. No ideological or terminological camouflage can conceal this real dilemma any more, which is to be faced not in the distant future, by the next generations, but in the coming years, because of global terrorism soon having nuclear and other mass destructive weapons, and also due to irreversible changes in natural environment.

Case

2NC Miseducation

Bell's views are flawed because he is narrow-sighted with the ideologies of giving values
Powell 1991

(John A. Powell is a Berkley Law Graduate. "Racial Realism or Racial Despair."
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1537&context=facpubs>. Date Accessed- 7/21/15. //Anshul)

The reason why Professor Bell believes that the lack of an objective foundation means that we have to drop formal equality may be that he accepts what Bernstein has called the "Cartesian Anxiety": either there is some transcendent grounding for our principles or we are doomed to relativism, where everything is a matter of power and personal preference.⁹ But as Bernstein and others cogently demonstrate, there are other ways to give values and principles legitimacy. Principles and values need not be objective or relative.¹⁰ Although Bell is right to argue that the values and rhetoric we use do leave choices to be made, he fails to see that despite real choice, we are nonetheless constrained by the values we embrace and the conversations in which we engage."¹¹ Bell's logical critique does not help us to choose between competing principles or theories and assessing the application of a value. Yet unless one embraces relativism, there must be some way of judging and choosing among these different theories and principles. 2 Although Bell flirts with relativism, he rejects it. He accepts that there are ways of legitimately deciding moral issues and criticizing others.¹² For example, he cites *Griggs v. Duke Power Co.* as an example of the Court's use of "flexible reasoning"¹³ to arrive at the correct result.¹⁴ Bell also suggests that Racial Realism would aid in delivering a more correct result.¹⁵ Bell's logical critique is correct to suggest that moral issues cannot be mechanically compelled by objective principles. Moral judgment and moral choices will have to be made and defended on some other basis. If the goal is to end racial domination, substantive equality may provide a more legitimate choice than formal equality.¹⁶ 8
Ultimately, the struggle over which language we use, though it does not resolve all the issues, is also a struggle over the kind of world in which we want to live.¹⁷ At this time in our legal and racial history, it seems clear that formal equality must be rejected as an adequate way of transforming racial domination; but not for the logical reasons that Bell sets forth. Formal equality should be rejected because it has become a better tool for maintaining—rather than ending—the status quo of racial domination. However, this pro-status quo use was not always the case. For example, during the Jim Crow period, formal equality served a transformative value for lessening racial domination.¹⁸ This is a pragmatic assessment of the role of "equality," however, not a logical one. I will now turn to Bell's pragmatic critique.

2NC Policing the Color

The affirmative's criticism doesn't solve for how local law enforcement treats black lives matter like a terrorist threat

Johnson '15 associate editor at AlterNet (4/29/15, Adam, Popular Resistance, "Government Treating #BlackLivesMatter Like A Terrorist Group",
<https://www.popularresistance.org/government-treating-blacklivesmatter-like-a-terrorist-group/>)

We learned in the wake of the Occupy Wall Street movement that the government's use of its anti-terror apparatus at a local and federal level was both routine and pervasive. Thus far, the means with which similar practices have been used on #BlackLivesMatter have been subtly emerging — thanks in large part to some truly intrepid journalism — from across the country. Here is a recap of the five of the worst examples:¹ 1. NYPD and FBI uses counter-terror apparatus on #BlackLivesMatter New York.² Though it was mostly taken for granted by those paying attention within the activists community, official recognition that the NYPD and its FBI Joint Terror Task Force were using their counter terror units on #BlackLivesMatter didn't really come until a casual admission by the NYPD in the New York Post the day before the announcement of the Eric Garner verdict in December of last year:³ "They wore me out," said one counterterror expert who monitored the protests. "Their ability to strategize on the fly is something we haven't dealt with before to this degree."⁴ A few weeks later, the New York Post would again be the forum with which the NYPD would casually assert counter terror units

were used on #BlackLivesMatter, this time in connection to an alleged assault on an NYPD officer: “Linsker was nabbed by members of the Joint Terrorism Task Force around 3:45 a.m., sources said.”¶ Alex Kane reported for Vice:¶ [How the NYPD’s Counterterrorism Apparatus Is Being Turned on Protesters](#)¶ **The police wearing the counterterrorism jackets at protests are perhaps the most palpable sign of the agency’s transformation since 2001.** Before 9/11 the NYPD had no counterterrorism bureau and the Intelligence Division focused its resources on gang activity. After the September 11 attacks, however, billions of dollars were poured into the department to counter the threat of terrorism, as a 2011 60 Minutes report showed. Critics of the NYPD’s post-9/11 turn have been arguing that practices devoted to fighting terrorism have violated the Constitution.¶ Now, they say, the NYPD is unleashing its counterterrorism tools on activists against police brutality, conflating legitimate protest with the threat of terrorism.¶ 2. California Highway Patrol used counterterror units to monitor #BlackLivesMatter in Bay Area.¶ A cache of emails [revealed by Darwin BondGraham of the East Bay Express](#) two weeks ago **revealed the California Highway Patrol were using its anti-terrorism apparatus, including fusion centers like Northern California Regional Intelligence Center to monitor #BlackLivesMatter activists on social media.** As BondGraham would lay out:¶ An email sent on December 12 illustrates how counter-terrorism officials working out of fusion centers helped CHP monitor protesters. At 12:12 p.m. that day, Elijah Owen, a senior intelligence advisor with the California State Threat Assessment Center (Cal STAC) sent CHP officer Michael Berndl [a copy of a protest flier](#) calling for a speak-out and march against the CHP the next day. “Just so it’s on your folks’ radar,” wrote Owen. Cal STAC officers appear in other CHP emails as sources of information, or recipients of intel gathered by the Oakland Police Department, Alameda County Sheriff’s Office, and other agencies.¶ Earlier this year, **the California Highway Patrol would also casually drop in the LA Times how they used fake twitter profiles to monitor protesters:**¶ Despite Wednesday’s incident, Browne said he will continue to deploy plainclothes officers to gather intelligence from protesters. Officers have also been creating Twitter accounts, on which they don’t identify themselves as police, in order to monitor planned demonstrations.¶ It’s unclear to what extent these two approaches – using anti-terror apparatus to monitor #BlackLivesMatter social media and the use of fake online profiles to monitor #BlackLivesMatter-overlapped.¶ 3. Massachusetts **Counterterror fusion centers were used to monitor #BlackLivesMatter protesters** in Boston.¶ Similarly, fusion centers were used to monitor #BlacklivesMatter protests in Massachusetts. As the ACLU’s Kade Crockford [noted last November:](#)¶ Law enforcement officials at the Department of Homeland Security-funded “Commonwealth Fusion Center” spied on the Twitter and Facebook accounts of Black Lives Matter protesters in Boston earlier this week, the Boston Herald [reports.](#)¶ The reference to the so-called ‘fusion’ spy center comes at the very end of a news story quoting Boston protesters injured by police in Tuesday night’s demonstrations, which was possibly the largest Ferguson related protest in the country the day after the non-indictment of Darren Wilson was announced.¶ The state police Commonwealth Fusion Center monitored social media, which provided “critical intelligence about protesters’ plans to try to disrupt traffic on state highways,” state police said.¶ Though it was buried at the end of the Boston Herald story, **the use of fusion centers – deliberately set up for the purposes of stopping terrorism – are, once again, being used to monitor peaceful domestic dissent.**¶ 4. FBI Joint Terror Task Force was used to track #BlackLivesMatter Minnesota.¶ Just as with the California Highway Patrol, internal emails between local police departments and federal authorities revealed the extent to which the counter-terror apparatus was casually – and entirely turn-key – used on #BlackLivesMatter. The Intercept’s Lee Fang revealed in March:¶ [Why Was an FBI Joint Terrorism Task Force Tracking a BlackLives Matter protest?](#)¶ Members of an FBI Joint Terrorism Task Force tracked the time and location of a Black Lives Matter protest last December at the Mall of America in Bloomington, Minnesota, email obtained by The Intercept shows.¶ The email from David S. Langfellow, a St. Paul police officer and member of an FBI Joint Terrorism Task Force, informs a fellow task force member from the Bloomington police that “CHS just confirmed the MOA protest I was talking to you about today, for the 20th of DEC @ 1400 hours.” CHS is a law enforcement acronym for “confidential human source.”¶ In other words, these emails revealed that not only was the FBI using its Joint Terror Task Force – an entity that exploded post-9/11 in the name of fighting terrorism – but also using paid informants who were undercover posing as protesters. Once again, tactics and legal allowances created in the name of “stopping terrorism” are being used, without any oversight or public debate, on entirely peaceful domestic activism.¶ 5. Emails reveal Missouri National Guard viewed Ferguson protestors as “enemy forces.”¶ The most haunting revelation may just be the latest, from CNN:¶ **Missouri National Guard’s term for Ferguson protesters: ‘Enemy forces’**¶ As the Missouri National Guard prepared to deploy to help quell riots in Ferguson, Missouri, that raged sporadically last year, **the guard used highly militarized words such as “enemy forces” and “adversaries” to refer to protesters, according to documents obtained by CNN.**¶ CNN’s use of military speak aside (“quell riots”), the report clearly shows those in charge viewed both rioter and protester alike as enemy combatants and Ferguson as a war zone.¶ What makes this, and the other above examples, so pernicious isn’t just the use of anti-terror language, legal authority, and apparatuses on peaceful domestic activism, it’s the entirely casual nature with which it’s done. Beyond a few PR tweaks, there doesn’t seem to be, in any of these internal documents, an ounce of doubt or hesitation as to whether or not using systems set up ostensibly to combat al-Qaeda should be so quickly turned on domestic activism. If all you have is a hammer, as the cliché goes, everything looks like a nail. We’ve given our hyper-militarized police and the FBI the hammer of coordinated mass surveillance, infiltration, and monitoring in the name of fighting a phenomenon that kills fewer people a

year than [bee stings](#). It was only a matter of time, therefore, that mass protests would begin to look like a nail in the eyes of our paranoid, over-equipped security officials.

General Local surveillance can break the law without consequence – they can they can cover it up with non disclosure agreements

Fenton 15 (Justin Fenton, who joined The Sun in 2005, has covered the Baltimore Police Department since 2008. His work includes an investigation into Cal Ripken Jr.'s minor league baseball stadium deal with his hometown of Aberdeen and a three-part series chronicling a ruthless con woman, "Baltimore Police used secret technology to track cellphones in thousands of cases", April 9, 2015, <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-stingray-case-20150408-story.html#page=1> -JD)

The Baltimore Police Department has used an invasive and controversial cellphone tracking device thousands of times in recent years while following instructions from the FBI to withhold information about it from prosecutors and judges, a detective revealed in court testimony Wednesday.¶The testimony shows for the first time how frequently city police are using a cell site simulator, more commonly known as a "stingray," a technology that authorities have gone to great lengths to avoid disclosing.¶The device mimics a cellphone tower to force phones within its range to connect. Police use it to track down stolen phones or find people.¶Until recently, the technology was largely unknown to the public. Privacy advocates nationwide have raised questions whether there has been proper oversight of its use.¶Baltimore has emerged in recent months as a battleground for the debate. In one case last fall, a city detective said a nondisclosure agreement with federal authorities prevented him from answering questions about the device. The judge threatened to hold him in contempt if he didn't provide information, and prosecutors withdrew the evidence.¶The nondisclosure agreement, presented for the first time in court Wednesday, explicitly instructs prosecutors to drop cases if pressed on the technology, and tells them to contact the FBI if legislators or judges are asking questions.¶Detective Emmanuel Cabreja, a member of the Police Department's Advanced Technical Team, testified that police own a Hailstorm cell site simulator — the latest version of the stingray — and have used the technology 4,300 times since 2007.¶Cabreja said he had used it 600 to 800 times in less than two years as a member of the unit.¶Nate Wessler, an attorney with the American Civil Liberties Union, said 4,300 uses is "huge number." He noted that most agencies have not released data.¶The Florida Department of Law Enforcement says its officers have used the device about 1,800 times. Police in Tallahassee say they have used it more than 250 times; police in Tacoma, Wash., 170 times.¶Former U.S. Judge Brian L. Owsley, a law professor at Indiana Tech, said he was "blown away" by the Baltimore figure and the terms of the nondisclosure agreement. "That's a significant amount of control," he said.¶Agencies have invoked the nondisclosure agreement to keep information secret. At a hearing last year, a Maryland State Police commander told state lawmakers that "Homeland Security" prevented him from discussing the technology.¶Wessler said the secrecy is upending the system of checks and balances built into the criminal justice system.¶"In Baltimore, they've been using this since 2007, and it's only been in the last several months that defense attorneys have learned enough to start asking questions," he said. "Our entire judicial system and constitution is set up to avoid a 'just trust us' system where the use of invasive surveillance gear is secret."¶

Case Neg vs. Condemnation of Jurisprudence Aff

Strategy Notes

In terms of T/FW, T – curtail and T—its could be pretty persuasive

The gender consideration counter advocacy should be in most 1NCs – thank you to Brooke for the awesome 1nc

In CX, the aff will not specify what the world looks like post-aff or post advocacy. Their only response is that it will be better than the squo and that a focus on race movements is key

Given this, some no spillover arguments on framework could be good

CX

What does it mean to be a racial wake up call?

How does the affirmative access any form of deconstruction when all the solvency evidence in the context of racial realism?

What's the impact to miseducation? (I don't really know)

What qualifies as “performatively” meeting you role of the ballot?

How does antiblack racism explain latin@ racism or oppression?

How does a racial wake up call solve for widespread xenophobia and racism?

Off-Case Positions

Framework (from the generic)

Framework 1NC

Our interpretation is that an affirmative should defend curtailing federal government surveillance as the endpoint of their advocacy. This does not mandate roleplaying, immediate fiat or any particular means of impact calculus.

Surveillance can only be understood in relation to the agent doing the surveying – understanding federal government surveillance as unique is key or the topic becomes abstract and unlimited

Cetina 14

(DANIEL K. CETINA, BALANCING SECURITY AND PRIVACY IN 21ST CENTURY AMERICA: A FRAMEWORK FOR FISA COURT REFORM, 47 J. Marshall L. Rev. 1453 2013-2014, Hein)

Any legitimate attempt to discuss and critique United States surveillance tactics necessarily demands defining exactly what surveillance is and what it entails.

Although discourse surrounding governments' intelligence and law enforcement techniques transcends any specific epoch or state,¹¹ modern communication technologies "have revolutionized our daily lives [and] have also created minutely detailed recordings of those lives,"¹² thereby making governmental surveillance simple, potentially ubiquitous, and susceptible to abuse.¹³ Of course, recent surveillance programs were implemented for the noble purpose of conducting the War on Terrorism;¹⁴ but the danger is that pursuing this purpose unchecked can undermine the central principles that both provide the Republic's foundation and differentiate it from the very enemies it combats.¹⁵

While the prospect of governmental surveillance seems to implicitly suggest a quasi-Orwellian dystopia,¹⁶ fantastical science fiction mythologies,¹⁷ abstruse philosophical concepts,¹⁸ or documented repressive regimes,¹⁹ the reality is both less foreboding and more nuanced. Although American society, ostensibly, is looking increasingly akin to such fiction, theory, and totalitarianism, surveillance as applied is not so disturbing. Surveillance involves and encompasses many topics and practices, both abstract and practical,²⁰ but it primarily involves power relationships. ²¹ Specifically, surveillance is "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."²² Surveillance can target a modern society's numerous communications networks,²⁸ which exist to send and receive information. ²⁴ The communications include both envelope information and content information, distinct categories that draw varying degrees of interest from the surveillance authority. ²⁵

But surveillance is not strictly the province of the federal government. ²⁶ Indeed, state and local governments have their own surveillance practices, as do private corporations, which routinely use surveillance data to determine purchasing trends and calibrate advertising, especially through such social media sites as Facebook.²⁸ Surveillance, therefore, transcends the boundary between the private sector and the public sector. ²⁹

The focus here, however, is on federal governmental surveillance. It is therefore critical to understand from where the federal government derives its authority to monitor and analyze communications networks.

The Aff undermines the ability to have a limited and stable number of Affirmatives to prepare against. The link magnitude is high. Their affirmative prevents arguments about ____.

This is a reason to vote negative.

Our first standard is competition – every affirmative argument needs to be filtered through the question of “how does this function in a competitive venue of debate where there must be a win or a loss assigned to each team. All their evidence will assume non-competitive academic environment rather than one where a forced choice will inevitably take place with every ballot.

Second is substantive side bias

Not defending the clear actor and mechanism of the resolution produces a substantive side bias.

They have the ability to recontextualize link arguments, shift focus to different proscriptive claims of the 1AC while using traditional competition standards like perms to make non-absolutist disagreements irrelevant.

The first impact to Aff sides bias is absolutism – their interp creates bad debates where negatives are forced into the absolutist positions like cap and Baudrillard to ensure links and have generic positions that can apply to everything. This is bad for education -- forcing us to the academic margins, makes us less effective scholars and less literate in current events. Trains us only for leftist infighting, rather than social change.

Second, it undermines research – Aff has an incentive to constantly break new affs at every tournament making any real attempt at engagement irrelevant and decreasing the quality of all debates. They don't spur engagement and exploration cause there are so many teams reading so many Affs, the only way to respond it with generics. The Aff is conversely incentivized to pick a body of literature with very little negative literature and a prolif of aff advocacies based on single articles or created phrases. There is no incentive to produce detailed strategies because academic disagreements in the literature are minute and easily wished away by perms or Aff changes.

And we have an external impact – Sufficient research-based preparation and debates focused on detailed points of disagreement are key to political effectiveness

Gutting 13 (professor of philosophy at the University of Notre Dame)

(Gary, Feb 19, A Great Debate, <http://opinionator.blogs.nytimes.com/2013/02/19/a-great-debate/?emc=eta1>)

This is the year of what should be a decisive debate on our country's spending and debt. But our political “debates” seldom deserve the name. For the most part representatives of the rival parties exchange one-liners: “The rich can afford to pay more” is met by “Tax increases kill jobs.” Slightly more sophisticated discussions may cite historical precedents: “There were higher tax rates during the post-war boom” versus “Reagan's tax cuts increased revenues.”

Such volleys still don't even amount to arguments: they don't put forward generally accepted premises that support a conclusion. Full-scale speeches by politicians are seldom much more than collections of such slogans and factoids, hung on a string of platitudes. Despite the name, candidates' pre-election debates are exercises in looking authoritative, imposing their talking points on the questions, avoiding gaffes, and embarrassing their opponents with “zingers” (the historic paradigm: “There you go again.”).

There is a high level of political discussion in the editorials and op-eds of national newspapers and

magazines as well as on a number of blogs, with positions often carefully formulated and supported with argument and evidence. But even here we seldom see a direct and sustained confrontation of rival positions through the dialectic of assertion, critique, response and counter-critique. Such exchanges occur frequently in our law courts (for example, oral arguments before the Supreme Court) and in discussions of scientific papers. But they are not a significant part of our deliberations about public policy. As a result, partisans typically remain safe in their ideological worlds, convincing themselves that they hold to obvious truths, while their opponents must be either knaves or fools — with no need to think through the strengths of their rivals’ positions or the weaknesses of their own. Is there any way to make genuine debates — sustained back-and-forth exchanges, meeting high intellectual standards but still widely accessible — part of our political culture? (I leave to historians the question of whether there are historical precedents— like the Webster-Hayne or Lincoln-Douglas debates.) Can we put our politicians in a situation where they cannot ignore challenges, where they must genuinely engage with one another in responsible discussion and not just repeat talking points?

A first condition is that the debates be focused on specific points of major disagreement. Not, “How can we improve our economy?” but “Will tax cuts for the wealthy or stimulus spending on infrastructure do more to improve our economy?” This will prevent vague statements of principle that don’t address the real issues at stake.

Another issue is the medium of the debate. Written discussions, in print or online could be easily arranged, but personal encounters are more vivid and will better engage public attention. They should not, however, be merely extemporaneous events, where too much will depend on quick-thinking and an engaging manner. We want remarks to be carefully prepared and open to considered responses.

This guts any educational potential of the aff – failure to engage with the legal detail of surveillance policy prevents translating their argument into action.

Cohen 15 (professor of law at Georgetown University Law Center)

(Julie, 2015, Studying Law Studying Surveillance, Studying Law Studying Surveillance. Surveillance & Society 13(1): 91-101)

Relative to legal scholarship, work in Surveillance Studies is more likely to build from a solid foundation in contemporary social theory. Even so, such work often reflects both an insufficient grasp of the complexity of the legal system in action and lack of interest in the ways that legal and regulatory actors understand, conduct, and contest surveillance. By this I don’t mean to suggest that Surveillance Studies scholars need law degrees, but only to point out what ought to be obvious but often isn’t: legal processes are social processes, too, and in overlooking these processes, Surveillance Studies scholars also engage in a form of black-boxing that treats law as monolithic and surveillance and government as interchangeable. Legal actors engage in a variety of discursive and normative strategies by which institutions and resources are mobilized around surveillance, and understanding those strategies is essential to the development of an archaeology of surveillance practices. Work in Surveillance Studies also favors a type of theoretical jargon that can seem impenetrable and, more importantly, unrewarding to those in law and policy communities. As I’ve written elsewhere (Cohen 2012a: 29), “[t]oo many such works find power everywhere and hope nowhere, and seem to offer well-meaning policy makers

little more than a prescription for despair.

Let us return first to the problem of digitally enhanced surveillance by law enforcement—the problem of the high-resolution mosaic. As discussed in the section above, works by Surveillance Studies scholars exploring issues of mobility and control offer profound insights into the ways in which continual observation shapes spaces and subjectivities—the precise questions about which, as we have already seen, judges and legal scholars alike are skeptical. Such works reveal the extent to which pervasive surveillance of public spaces is emerging as a new and powerful model of ordering the public and social life of civil society. They offer food for thought—but not for action. Networked surveillance is increasingly a fact of contemporary public life, and realizing theories about it proves difficult to do so very far beyond gaining regulatory traction on it. That enterprise is, moreover, essential even if it entails an inevitable quantum of self-deception.

Acknowledgment of pervasive social shaping by networked surveillance need not preclude legal protection for socially-shaped subjects, but that project requires attention to detail.

To put the point a different way, the networked democratic society and the totalitarian state may be points on a continuum rather than binary opposites, but the fact that the continuum exists is still worth something. If so, one needs tools for assessment and differentiation that Surveillance Studies does not seem to provide. As an example of this sort of approach within legal scholarship, consider a recent article by legal scholars Danielle Citron and David Gray (2013), which proposes that courts and legislators undertake what they term a technology-centered approach to regulating surveillance. They would have courts and legislators ask whether particular technologies facilitate total surveillance and, if so, act to put in place comprehensive procedures for approving and overseeing their use. From a Surveillance Studies perspective, this approach lacks theoretical parity because its technology-specific focus appears to ignore the fact that total surveillance also can emerge via the fusion of data streams originating from various sources. But the proposal is pragmatic; it does not so much ignore that risk as bracket it while pursuing the narrower goal of gaining a regulatory foothold within the data streams. And because it focuses on the data streams themselves, it is administrable in a way that schemes based on linear timelines and artificial distinctions between different types of surveillance are not. One can envision both courts and legislators implementing the Citron and Gray proposal in a way that enables far better oversight of what law enforcement is doing. Turning next to the related practice of commercial profiling and social media surveillance, we have already seen that work in Surveillance Studies again steps in where legal scholarship badly needs supplementation: on the question of how pervasive surveillance by private market actors shapes the production of culture and the patterns of emergent subjectivity. Such work typically does not, however, consider or explore the ways that the legal context of consent mobilities, legal and policy discourses to sanction ongoing exposures of private-sector surveillance and insulate them from regulatory oversight. Work in Surveillance Studies also has not seemed to pay particularly careful attention to the risks that theories of innovation and competition play in regulatory debates about information privacy. For a discipline that seeks to develop comprehensive and rigorous accounts of surveillance as social ordering and as a cultural practice, these are large omissions. As we have seen, the notice-and-choice paradigm has deep roots within liberal theory, and legal and policy discourses about notice and choice reflect legal culture in action. By the same token, understanding surveillance simply as a means to effective administration, or as a means for pursuing and performing security, misses the extent to which a narrative about the inevitable nature of innovation and knowledge production positions surveillance as a modality of technical and social progress (Cohen 2015). The “surveillance-industrial complex” does not simply parallel the military-industrial complex; it is also deeply rooted in Silicon Valley’s technoculture (and, albeit paradoxically, in the tropes of romantic individualism and cultural modernism with which its participants self-identify). These themes have been especially salient for privacy regulators.

Engagement with legal scholarship on information privacy would inform the project of understanding surveillance as social ordering

and as culture in a number of complementary ways. First and most basically, many legal writings on information privacy are important as primary sources that reveal the notice-and-choice paradigm and the narrative of inevitable innovation at work. But there is also a rich vein of legal scholarship interrogating the assumptions and the politics that underlie privacy and data protection regulation (e.g., Cohen 2012a, 2012c, 2013, 2015; Kerr 2013; Ott 2010; Solove 2013). In addition, legal scholars have provided richly detailed and revealing investigations of regulatory and compliance processes, for example, scholars’ ought to read and consider the impact of work by Kenneth Bamberger and Deirdre Mulligan on corporate privacy compliance cultures (2011a, 2011b).

surveillance theorists will need to do more than simply read legal sources. Work in Surveillance Studies so far has not been particularly well-adapted to helping policymakers figure out what, if anything, to do about evolving practices of commercial surveillance. Once again, if it is to be useful to policymakers, the view from Surveillance Studies requires translation into a form that might furnish a framework for action.

Here I want to identify three important sets of questions on which Surveillance Studies scholars who want their work to make a difference might take their cues from legal scholarship. An initial set of questions concerns how to redefine privacy and data protection in functional terms that do not presuppose the stable, liberal self, and that instead offer real benefit to the situated subjects who might claim their protection. David Lyon (2001) has argued that the organizing concepts of “privacy” and “data protection” are inadequate to comprehend surveillance as a mode of social ordering. From a sociological perspective that is unashamedly rights-based, privacy and data protection will struggle to make effective as legal constructs if articulated differently, in ways that correspond more closely to the ways that surveillance shapes experience. That project calls for the sort of theoretical cannibalization that makes Ph.D. committees at Real Disciplines nervous, but at which legal scholars excel. With some trepidation, I offer my own work on privacy as boundary management for the postliberal self (Cohen 2012a, 2013), as well as Valerie Steeves’ (2009) work on relational subjectivity, as examples of the sort of exercise that is necessary to reframe the effects of surveillance as social ordering in ways to which legal systems can respond. But how to develop a sustainable and effective approach to regulating data protection and protecting privacy, the ways of theorizing about the subject represented by these projects must become second nature, not only for scholars but also and more importantly for legislators, regulators, and courts. That in turn requires second process of translation, from the language of academia into a vernacular that can supply inputs into policy processes. A second set of questions concerns how to understand what constitutes privacy harm in an era in which some surveillance is a constant. To the Surveillance Studies reader this may seem to be a variation on the first question, but it is different: in law, harm is what makes violation of an interest actionable, and the potential for harm is what creates the predicate for comprehensive regulation of particular domains of activity. Harm need not be individualized or monetizable; environmental regulation and financial market regulation address systems and often nonmonetizable risk, but it must be reasonably definite, task of power, proven every where is plainly insufficient and it should come as no surprise that policymakers find it risible. Work on this problem is still preliminary, but here legal scholarship has a leg up because it deals in practicalities. Surveillance Studies scholars might profitably read works by Danielle Citron (2007) and Paul Otter (2010) that identify and name the systemic risks associated with leaky and largely unregulated data reservoirs, and that draw on resources ranging from the history of law to contemporary regulatory strategies. A final set of questions concerns the design of governance mechanisms. As we have already seen, the flows of surveillance within social media create novel institutional design challenges. In the domain of commercial profiling, many activities on the business-facing side of personal information markets, removed from customer-facing processes that support to consent notice and choice, have eluded regulatory scrutiny entirely. Some of the choice works on privacy governance originate within the Surveillance Studies tradition; these include Priscilla Kegan’s (1995) study of the way privacy legislation emerges within the U.S. political system and Colin Bennett and Charles Raab’s (2006) work on privacy governance and the emergence of data protection as a regulatory paradigm. But the question of governance badly needs to be revisited, in particular, Surveillance Studies scholars have not yet engaged with the “new privacy governance” now emerging as official policy in the U.S. (and as de facto policy in the European Union) as a sustained and meaningful way. Works by legal scholars on the political, epistemological, and normative dimensions of the new governance (e.g., Bamberger 2010; Cohen 2012b, 2013; Freeman 2000; Lobel 2004) offer starting points for an inquiry that goes beyond “doing Surveillance Studies” to consider the most pressing challenge of doing surveillance regulation wisely and effectively. Conclusion: Doing Law and Surveillance Studies Differently

The prospects for fruitful interchanges and collaboration between legal scholars and Surveillance Studies scholars are likely to remain complicated by pronounced differences in underlying theoretical orientation. But since Surveillance Studies is itself an interdisciplinary (Garber 2001), and since legal scholarship has thrived on interdisciplinary exploration, the prospects for effective communication also seem reasonably good.

Bridging the gaps requires, first and foremost, efforts by emissaries from both traditions to foster a more tolerant and curious dialogue directed toward improved understanding and, ultimately, toward methodological hybridization. Within one’s own academic community, it can become too easy to mistake consensus on methodological conventions for epistemological rigor, and to forget that methodological strength also derives from refusal to be hemmed in by disciplinary boundaries.

From the standpoint of theory, a more sustained dialogue between law and Surveillance Studies would count as a success if it produced a mode of inquiry about surveillance that melded the theoretical sophistication of Surveillance Studies with lawyerly attention to the details, mechanisms, and interests that constitute surveillance practices as legal practices, and to the kinds of framing that mobilize legal and policy communities. To do Surveillance Studies better, legal scholars need to challenge their own preference for putting problems in categories that fit neatly within the liberal model of human nature and behavior, and Surveillance Studies scholars can help by calling attention to the social and cultural processes within which surveillance practices are embedded. Surveillance Studies scholars need to do more to resist their own penchant for totalizing dystopian narratives, and should delve more deeply into the legal and regulatory realpolitik that surrounds the administration of surveillance systems; legal scholars can help by demystifying legal and regulatory processes.

From a legal scholar’s perspective, however, theory achieves its highest value when it becomes a tool for forcing productive confrontations about how to respond to real problems. And so I think it would count as an even bigger success if dialogue between law and Surveillance Studies generated not only a hybridized theoretical discourse of law-and-Surveillance-Studies but also the beginnings of a more accessible policy discourse about surveillance and privacy, along with reform proposals designed to put the animating concepts behind such a discourse into practice. Here the goal would be a hybridization between law’s ingrained pragmatism and Surveillance Studies’ attentiveness to the social and cultural processes through which surveillance is experienced and assimilated. Working together, legal scholars and

Surveillance Studies scholars might advance the project of formulating working definitions of privacy interests and harms, and might develop more sophisticated projections of the likely effects of different policy levers that could be brought to bear on systems of surveillance.

Next is Mechanism Education

The Aff's failure to identify an agent and mechanism makes cost-benefits analysis impossible, meaning debates take place in an academic vacuum where tradeoffs are irrelevant. It makes link comparisons vacuous and means that detailed PICs about substance are all but impossible.

And this turns the Aff – debates over mechanisms for change are crucial to solve material violence on a large scale

Capulong 9 (Assistant Professor of Law, University of Montana)

(Eduardo R.C., CLIENT ACTIVISM IN PROGRESSIVE LAWYERING THEORY, CLINICAL LAW REVIEW, 16 Clinical L. Rev. 109, Fall, 2009)

Motivating client activism under dynamic social conditions requires the development and constant assessment and reassessment of a political perspective that measures that resistance and its possibilities. That task in turn requires the development of specific activist goals within the context of such analyses, and perhaps broader, national and international strategy--what some call the political "next step." This is particularly true today, when the economic crisis plaguing capitalism, the "war on terror" and climate change undeniably have world-wide dimensions. Instances of failure, too, need to be part of that analysis, because they teach us much about why otherwise promising activist efforts do not become sustained mass movements of the sort to which we all aspire.

Thus, the theoretical need is two-fold: to construct a broader organizing perspective from a political standpoint, and to consider activism writ large. Without reading the pulse of prevailing social conditions, it is easy to miscalculate what that next step ought to be. We will not build a mass movement though sheer perseverance--a linear, idealist conception of change at odds with dynamic social conditions. By the same token, we may underestimate the potential of such mass activism if we focus simply on the local dimensions of our work.

The dialectic between a dynamic social context and political consciousness and action requires a constant organizational and political calibration and modulation often missing from theoretical scholarship.

Without such a working perspective, we are apt to be either ultra-left or overly conservative. As Jim Pope put it recently in the context of new forms of labor organizing: "If we limit our vision of the future to include only approaches that work within the prevailing legal regime and balance of forces, then we are likely to be irrelevant when and if the opportunity for a paradigm shift arises." n449 The cyclical nature of labor organizing, he argues, mirrors politics generally: American political life as a whole has likewise alternated between periods characterized by public action, idealism, and reform on the [189] one hand, and periods of private interest, materialism, and retrenchment on the other. A prolonged private period spawns orgies of corruption and extremes of wealth and poverty that, sooner or later, ignite passionate movements for reform. n450 C. "Activism": Towards a Broader, Deeper, Systematic Framework In progressive lawyering theory, grassroots activism is frequently equated with "community organizing" and "movement" or "mobilization" politics. n451 Indeed, these methods have come to predominate activist lawyering in much the same way as "public interest law" has come for many to encompass all forms of progressive practice. "Activism" is, of course, broader still. Even on its own terms, the history of community organizing and social movements in the United States includes two vitally important traditions frequently given short shrift in this realm: industrial union organizing and alternative political party-building. n452 In this section, my aim is not to catalogue the myriad ways in which lawyers and clients can and do become active (methodically or institutionally)--which, given human creativity and progress, in any event may be impossible to do--but rather to problematize three assumptions: first, the tendency to define grassroots activity narrowly; second, the notion that certain groups--for example "the poor" or the "subordinated"--are the definitive agents of social change; and finally, the conviction that mass mobilization or movement-building, by itself, is key to social transformation. 1. Grassroots Activism There are countless ways in which people become socially or politically active. Yet even the more expansive and sophisticated considerations of activism in progressive lawyering theory tend to unnecessarily circumscribe activism. For example, Cummings and Eagly argue that we need to "unpack" the term "organizing." n453 Contrasting two strategies of the welfare rights movement in the 1960s, these authors distinguish between "mobilization as short-term community action and organizing as an effort to build long-term institutional power." n454 In the same breath, however, they define organizing "as shorthand for a range of community-based practices." n455 even though at least some activism, for example union organizing or, say, [190] fasting, might not be best characterized as "community-based." What is required is a larger framework that takes into account the sum total of activist initiatives. Lucie White argues that we need to "map out the internal microdynamics of progressive grassroots initiatives ... observe the multiple impacts of different kinds of initiatives on wide spheres of social and political life ... and devise typologies, or models, or theories that map out a range of opportunities for collaboration." n456 This map would be inadequate--and therefore inaccurate--if we include certain activist initiatives and not others. But that is precisely what the progressive lawyering literature has done by failing to regularly consider, for example, union organizing or alternative political party-building. 2. Agents of Social Change: Identity, Class and Political Ideology As with our definition of activism, here, too, the problem is a lack of clarity, breadth or scope, which leads to misorientation. Have we defined, with theoretical precision, the social-change agents to whom we are orienting--e.g., the "people," the "poor," the "subordinated," "low-income communities" or "communities of color?" And if so, are these groupings, so defined, the primary agents of social change? By attempting to harmonize three interrelated (yet divergent) approaches to client activism--organizing on the bases of geography and identity, class and the workplace, and political ideology--modern community organizing simultaneously blurs and balkanizes the social-change agents to whom we need to orient. What, after all, is "community?" In geographic terms, local efforts alone cannot address social problems with global dimensions. n457 As Pope observed of workers' centers: "the tension between the local and particularistic focus of community unionism and the global scope of transnational corporations like Wal-Mart makes it highly unlikely that community unionism will displace industrial unionism as 'the' next paradigm of worker organization." n458 On the other hand, members of cross-class, identity-based "communities" may not necessarily share the same interests. In the "Asian American community," Anchetta explains: using the word "community" in its singular form is often a misnomer, because Asian Pacific Americans comprise many communities, each with its own history, culture and language: Filipino, Chinese, Japanese, Korean, Vietnamese, Thai, Cambodian, Lao, Lao-Mien, [191] Hmong, Indian, Indonesian, Malaysian, Samoan, Tongan, Guamanian, Native Hawaiian, and more. The legal problems facing individuals from different communities defy simple categorization. The problems of a fourth-generation Japanese American victim of job discrimination, a monolingual refugee from Laos seeking shelter

from domestic violence, an elderly immigrant from the Philippines trying to keep a job, and a newcomer from Western Samoa trying to reunite with relatives living abroad all present unique challenges. Add in factors such as gender, sexual orientation, age, and disability, and the problems become even more complex. n45 Angela Harris echoes this observation by pointing out how some feminist legal theory assumes "a unitary, 'essential' women's experience [that] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." n460 The same might be said of the "people," which, like the "working class," may be too broad. Other categorizations--such as "low-income workers," "immigrants", and the "poor", for example--may be too narrow to have the social weight to fundamentally transform society. In practice, progressive lawyers orient to the politically advanced among these various "communities." In so doing, then, we need to acknowledge that we are organizing on the basis of political ideology, and not simply geography, identity or class. Building the strongest possible mass movement, therefore, requires an orientation not only towards certain "subordinated" communities, but to the politically advanced generally. Otherwise, we may be undermining activism writ large. This is not to denigrate autonomous community efforts. As I have mentioned, subordinated communities of course have the right to self-determination, i.e. to organize separately. But the point is not simply to organize groups of people who experience a particular oppression, but rather to identify those who have the social power to transform society. Arguing that these agents are the collective, multi-racial working class, Smith explains: The Marxist definition of the working class has little in common with those of sociologists. Neither income level nor self-definition are [sic] what determine social class. Although income levels obviously bear some relationship to class, some workers earn the same or higher salaries than some people who fall into the category of middle class. And many people who consider themselves "middle [192] class" are in fact workers. Nor is class defined by categories such as white and blue collar. For Marx the working class is defined by its relationship to the means of production. Broadly speaking, those who do not control the means of production and are forced to sell their labor power to capitalists are workers. n461 The practical consequence of this very well may be that we redefine who we represent as clients and consider activism or potential activism outside subordinated communities, for example union activity and

alternative political-party building, as part of our work. 3. From Movementism to Political Organization **Dogged as our work is in the activist realm, any effort at fundamental social transformation is doomed without effective political leadership.** Such leadership, in turn, requires work not often associated with "activism," such as, for example, theoretical study. n462 "Movementism," n463 by which I mean the conviction that building a mass movement is the answer to oppression and exploitation, has its limitations. Even though activism itself is perhaps the best school for political

education, we have an enormous amount to learn from our predecessors. In the final analysis, **fundamental social transformation will**

only come about if there are political organizations clear enough, motivated enough, experienced enough, large enough, embedded enough and agile enough to respond to the twists and turns endemic in any struggle for power. "The problem," as Bellow astutely observed, "is not our analytic weaknesses, but the opportunistic, strategic, and political character of our subject." n464 Such opportunities typically occur when there is a confluence of three factors: a social crisis; a socio-economic elite that finds itself divided over how to overcome it; and a powerful mass movement from below. As I understand the

nature of social change, **successful social transformations occur when there is a fourth element: political organization.**

Conclusion

Client activism is not a monolithic, mechanical object. Most of the time, it is neither the gathering mass movement many of us wish for, nor the inert, atomized few in need of external, professional motivation. Rather, activism is a phenomenon in constant ebb and flow, a [193] mercurial, fluid complex shaped by an unremitting diversity of factors. The key through the maze of lawyering advice and precaution is therefore to take a hard, sober look at the overarching state of activism. Are our clients in fact active or are they not? How many are and who are they? What is the nature of this period? Economically? Politically? Culturally? What are the defining issues? What political and organizing trends can be discerned? With which organizations are our clients active, if any? What demands are they articulating, and how are they articulating them?

This is a complex evaluation, one requiring the formulation, development and constant assessment and reassessment of an overarching political perspective. My aim

in this Article is to begin to theorize the various approaches to this evaluation. In essence, I am arguing for the elaboration of a systematic macropolitical analysis in progressive lawyering theory. Here, my purpose is not to present a comprehensive set of political considerations, but rather to develop a framework for, and to investigate the limitations of, present considerations in three areas: strategic aims; prevailing social conditions; and methods of activism. Consciously or not, admittedly or not, informed and systematic or not, progressive lawyers undertake their work with certain assumptions, perspectives and biases. Progressive lawyering theory would be a much more effective and concrete guide to action--to defining the lawyer's role in fostering activism--if it would elaborate on these considerations and transform implicit and perhaps delimited assumptions and approaches into explicit and hopefully broader choices. Over the past four decades, there has been remarkable continuity and consistency in progressive lawyers' use of litigation, legislation, direct services, education and organizing to stimulate and support client activism. The theoretical "breaks" to which Buchanan has referred n465 have not been so much about the practice of lawyering itself, but rather about unarticulated shifts in ultimate goals, societal analyses, and activist priorities, each necessitated by changes in the social, economic, and political context. That simply is another way of stating the obvious: that progressive lawyers change their practices to adapt to changing circumstances. The recurrent problem in progressive lawyering theory is that many commentators have tended to generalize these practice changes to apply across social circumstances. In so doing, they displace and often replace more fundamental differences over strategic goals, interpretation of social contexts, and organizing priorities with debates over the mechanics of lawyering practice. The argument is turned on its head: we often assume or tend to [194] assume agreement over the meanings and underlying conceptual frameworks relating to "fundamental social change," current political analysis, and "community organizing," and debate lawyering strategy and tactics; but instead we should be elaborating and clarifying these threshold political considerations as a prerequisite to using what we ultimately agree to be a broad and flexible set of lawyering tools. In effect, the various approaches to lawyering have become the currency by which scholars have debated politics and activism. The irony is that our disagreements are less about lawyering approaches per se, I believe, than they are about our ultimate political objectives, our analyses of contemporary opportunities, and our views of the optimal paths from the latter to the former. The myriad lawyering descriptions and prescriptions progressive lawyering theory offers are of limited use unless they are anchored in these primary considerations. How do we decide if we should subscribe to "rebellious" and not traditional "public interest" lawyering, for example, or "collaborative" over "critical" lawyering, if we do not interrogate these questions and instead rush too quickly into practical questions? The differences among these approaches matter precisely because they have different political goals, are based on different political analyses, and employ different political activist strategies. Activist lawyers already engage in these analyses--necessarily so. To foster client activism, they must read prevailing social conditions and strategize with their clients about the political next step, often with an eye toward a long-term goal. But I don't think we necessarily engage in these analyses as consciously, or with as full a picture of the history and dynamics involved or options available, as we could. Often this is because there simply isn't time to engage these questions. Or perhaps not wanting to dominate our clients, we squelch our own political analysis and agenda to allow for organic, indigenous leadership from below. But if we are truly collaborative--and when we feel strongly enough about certain political issues--we engage on issues and argue them out. In either event, we undertake an unsystematic engagement

of these fundamental issues at our peril. If we adhere to the belief that **only organized, politicized masses of people can alter or replace exploitative and oppressive institutions and bring about lasting fundamental social change, then, as progressive lawyers, we need to be clear about which legal tactics can bring about such a sustained effort in each historical moment. Without concrete and comprehensive diagnoses of ultimate political goals, social and economic contexts, and organizing priorities, progressive legal practice will fail** to live up to its potential.

T – curtail

T curtail 1NC

A. Curtail means reduce or limit

Merriam-Webster 15 © 2015 Merriam-Webster, Incorporated <http://www.merriam-webster.com/dictionary/curtail>

Curtail verb cur-tail \ (,)kər-'tāl\

: to reduce or limit (something)

Full Definition of CURTAIL

transitive verb

: to make less by or as if by cutting off or away some part <curtail the power of the executive branch> <curtail inflation>

B. The plan violates – even without using the USFG as an actor, the aff still must advocate for a reduction in federal government surveillance, or even a curtailment of surveillance in general. A “racial wake up call” does nothing to curtail surveillance. Neither does “deconstructing modernity’s conceptions of criminality, deviance, and whiteness.”

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Permitting advocacies that engage societal surveillance writ large like the aff permits a huge number of cases. The aff’s “conversation about surveillance” is not a sufficient limit on the topic

D. T IS A VOTER because the opportunity to prepare promotes better debating

T – its

T – its 1NC

A. Its means relating to

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/its>

Definition of ITS

: of or relating to it or itself especially as possessor, agent, or object of an action <going to its kennel> <a child proud of its first drawings> <its final enactment into law>

Examples of ITS

the dog in its kennel

The landscape is beautiful in its own unique way.

Each region has its own customs.

The company is hoping to increase its sales.

B. The plan violates – even without using the USFG as an actor, the aff still must advocate for a decrease in federal government surveillance. This is distinct from local police stop’n’frisk and the “white gaze” which exists in an infinite number of settings separate from federal government surveillance.

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Permitting advocacies that engage societal surveillance writ large like the aff permits a huge number of cases. The aff’s “conversation about surveillance” is not a sufficient limit on the topic

D. T IS A VOTER because the opportunity to prepare promotes better debating

T – substantial

T – substantial 1NC

A. SUBSTANTIALLY REQUIRES AT LEAST A 2% REDUCTION --- THIS IS THE SMALLEST PERCENTAGE WE COULD FIND

Word and Phrases 1960

'Substantial' means "of real worth and importance; of considerable value; valuable."
Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

B. PLAN VIOLATES

It isn't even 2% of the billions of instances of surveillance that occur daily

Stray 13 Jonathan Stray, Special to ProPublica, Aug. 5, 2013, 3:20 p.m. FAQ: What You Need to Know About the NSA’s Surveillance Programs <http://www.propublica.org/article/nsa-data-collection-faq>

Massive amounts of raw Internet traffic The NSA intercepts huge amounts of raw data, and stores billions of communication records per day in its databases. Using the NSA’s XKEYSCORE software, analysts can see “nearly everything a user does on the Internet” including emails, social media posts, web sites you visit, addresses typed into Google Maps, files sent, and more. Currently the NSA is only authorized to intercept Internet communications with at least one end outside the U.S., though the domestic collection program used to be broader. But because there is no fully reliable automatic way to separate domestic from international communications, this program also captures some amount of U.S. citizens’ purely domestic Internet activity, such as emails, social media posts, instant messages, the sites you visit and online purchases you make.

C. THE AFFIRMATIVE MUST DEFEND AN INTERPRETATION

They cannot just quibble with our definition. They have to counter-define and defend the limits of their definition. Substantially must be given meaning

CJS 83 Corpus Juris Secundum, 1983 , 765.

“Substantially. A relative and elastic term which should be interpreted in accordance with the context in which it is used. While it must be employed with care and discrimination, it must, nevertheless, be given effect.” 48

D. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Permitting advocacies like the aff permits a huge number of cases. The aff’s “conversation about surveillance” is not a sufficient limit on the topic

E. T IS A VOTER because the opportunity to prepare promotes better debating

K – Historical Materialism

Historical Materialism K 1NC

Critical race theory and intersectional approaches displace the essential focus on class in relation to racial issues – class, as informed by patterns of labor and productivity, is the only structural antagonism determinant of practices sanctioning racial and gender oppression

San Juan, Professor Emeritus of English/Comparative Literature/Ethnic Studies at Harvard, 2005 (Epifanio San Juan, Jr., Nature, Society, and Thought, Vol 3 Iss 18 2005 “From Race to Class Struggle: Marxism and Critical Race Theory” proquest; accessed 7/21/15)//JH @ DDI

Owing to the unrelenting ideological and political constraints of the Cold War, academic discourse on racism and ethnic/racial relations has erased the Marxian concept of class as an antagonistic relation, displacing it with neo-Weberian notions of status, life-style, and other cultural contingencies. Despite the civil rights struggles of the sixties, methodological individualism and normative functionalism continue to prevail in the humanities and social sciences. The decline of militant trade unionism and the attenuation of “third world” liberation struggles contributed to the erasure of class conflicts. With the introduction of structuralist and poststructuralist paradigms in the last three decades, the concept of class struggle has been effectively displaced by the concept of power and differential relations. From the viewpoint of the humanities and cultural studies (fields in which I am somehow implicated), the advent of critical race theory (CRT) in the eighties was salutary if not anticlimactic. For the strategic foregrounding of racism and the race problematic (following feminism’s assault on the Cold War stereotypes of economic determinism and class reductionism synonymous with Marxism tout court in the previous decades), CRT served to remedy the inadequacies of the intersectionality paradigm of gender, class, and race. Unfortunately, with the neoconservative resurgence in the Reagan/Bush administrations and the collapse of “actually existing socialism” in the Soviet Union and arguably in China, the deconstruction of bourgeois legal discourse and its attendant institutions will no longer suffice. This is so not only because of the reconfigured international situation and the emergence of neoliberal apologetics and authoritarian decrees, but because of the accelerated class war manifest in ongoing deindustrialization, huge income gaps, unemployment, destruction of welfare-state guarantees, and disabling of traditional challenges to corporate rule. Challenge of the epochal divide The advent of critical race theory marked a

rediscovery of the primacy of the social relations of production and the division of labor in late modern industrial society. A historicizing perspective was applied by Derrick Bell and elaborated by, among others, Charles Mills in his theory of the United States as a "racial polity." However, a tendency to juxtapose "class" as a classifying category with "race" and "gender" in an intersectional framework has disabled the Marxian concept of class relation as a structural determinant. This has led to the reduction of the relational dynamic of class to an economistic factor of identity, even though critical race theory attacks capitalist relations of production and its legal ideology as the ground for racist practices and institutions. The intersectionality approach (where race, class, and gender function as equally salient variables) so fashionable today substitutes a static nominalism for concrete class analysis. It displaces a Marxian organon of knowledge. As Gregory Meyerson notes, the "explanatory primacy of class analysis" is a theoretical requisite for understanding the structural determinants of race, gender, and class oppression (2003). Class as an antagonistic relation is, from a historical-materialist viewpoint, the only structural determinant of ideologies and practices sanctioning racial and gender oppression in capitalist society.

Capitalism is the structural totality that underlies all forms of oppression – the erosion of justice and values creates disparities that result in crime, disposability, incarceration, authoritarianism, excessive surveillance, exclusion, marginalization, and social death

Giroux, Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson, University, 2014 (Henry A. Giroux, Tikkun, Volume 29, Number 3, Summer 2014, Duke University Press "Neoliberalism's War Against the Radical Imagination" project muse; accessed 7/20/15)//JH @ DDI

Democracy is on life support in the United States. Throughout the social order, the forces of predatory capitalism are on the march. Their ideological and material traces are visible everywhere—in the dismantling of the welfare state, the increasing role of corporate money in politics, the assault on unions, the expansion of the corporate surveillance-military state, widening inequalities in wealth and income, the defunding of higher education, the privatization of public education, and the war on women's reproductive rights. As Marxist geographer David Harvey, political theorist Wendy Brown, and others have observed, neoliberalism's permeation is achieved through various guises that collectively function to undercut public faith in the defining institutions of democracy. As market mentalities and moralities tighten their grip on all aspects of society, public institutions and public spheres are first downsized, then eradicated. When these important sites of democratic expression— from public universities to community health care centers—vanish, what follows is a serious erosion of the discourses of justice, equality, public values, and the common good. Moreover, as literary critic Stefan Collini has argued, under the regime of neoliberalism, the "social self" has been transformed into the "disembedded individual," just as the notion of the university as a public good is now repudiated by the privatizing and atomistic values at the heart of a hyper-market-driven society. We live in a society that appears to embrace the vocabulary of "choice," which is ultimately rooted in a denial of reality. In fact, most people experience daily an increasing limitation of choices, as they bear the heavy burden of massive inequality, social disparities, the irresponsible concentration of power in relatively few hands, a racist justice and penal system, the conversion of schools into detention centers, and a pervasive culture of violence and cruelty—all of which portends a growing machinery of social death, especially for those disadvantaged by a ruthless capitalist economy. Renowned economist Joseph Stiglitz is one of many public intellectuals who have repeatedly alerted Americans to the impending costs of gross social inequality. Inequality is not simply about disproportionate amounts of wealth and income in fewer hands, it is also about the monopolization of power by the financial and corporate elite. As power becomes global and is removed from local and nation-

based politics, what is even more alarming is the sheer number of individuals and groups who are being defined by the free-floating class of ultra-rich and corporate powerbrokers as disposable, redundant, or a threat to the forces of concentrated power. Power, particularly the power of the largest corporations, has become less accountable, and the elusiveness of illegitimate power makes it difficult to recognize. Disposability has become the new measure of a neoliberal society in which the only value that matters is exchange value. Compassion, social responsibility, and justice are relegated to the dustbin of an older modernity that now is viewed as either quaint or a grim reminder of a socialist past. The Institutionalization of Injustice A regime of repression, corruption, and dispossession has become the organizing principle of society in which an ironic doubling takes place. Corporate bankers and powerbrokers trade with terrorists, bankrupt the economy, and commit all manner of crimes that affect millions, yet they go free. Meanwhile, across the United States, citizens are being criminalized for all sorts of behaviors ranging from dress code infractions in public schools to peaceful demonstrations in public parks. As Michelle Alexander has thoroughly documented in her book *The New Jim Crow*, young men and women of color are being jailed in record numbers for nonviolent offenses, underscoring how justice is on the side of the rich, wealthy, and powerful. And when the wealthy are actually convicted of crimes, they are rarely sent to prison, even though millions languish under a correctional system aimed at punishing immigrants, low-income whites, and poor minorities. An egregious example of how the justice system works in favor of the rich was recently on full display in Texas. Instead of being sent to prison, Ethan Couch, a wealthy teen who killed four people while driving inebriated, was given ten years of probation and ordered by the judge to attend a rehabilitation facility paid for by his parents. (His parents had previously offered to pay for an expensive rehabilitation facility that costs \$450,000 a year.) The defense argued that he had “affluenza,” a “disease” that afflicts children of privilege who are allegedly never given the opportunity to learn how to be responsible. In other words, irresponsibility is now an acceptable hallmark of having wealth, enabling the rich actually to kill people and escape the reach of justice. Under such circumstances, “justice” becomes synonymous with privilege, as wealth and power dictate who benefits and who doesn’t by a system of law that enshrines lawlessness. In addition, moral and political outrage is no longer animated by the fearful consequences of an unjust society. Rather than fearing injustice at the hands of an authoritarian government, nearly all of us define our fears in reference to overcoming personal insecurities and anxieties. In this scenario, survival becomes more important than the quest for the good life. The American dream is no longer built on the possibility of social mobility or getting ahead. Instead, it has become for many a nightmare rooted in the desire to simply stay afloat and survive. One consequence of the vicissitudes of injustice is the growing number of people, especially young people, who inhabit zones of hardship, suffering, exclusion, and joblessness. As renowned sociologist Zygmunt Bauman has stated, this is the zero generation—a generation with zero hopes, jobs, or future possibilities. The plight of the outcast now envelops increasing numbers of youth, workers, immigrants, and a diminishing middle class. They live in fear as they struggle to survive social conditions and policies more characteristic of authoritarian governments than democratic states. Indeed, Americans in general appear caught in a sinister web of ethical and material poverty manufactured by a state that trades in suspicion, bigotry, state-sanctioned violence, and disposability. Democracy loses its character as a disruptive element, a force of dissent, and an insurrectional call for responsible change. In effect, democracy all but degenerates into an assault on the radical imagination, reconfigured as a force for whitewashing all ethical and moral considerations. What is left is a new kind of authoritarianism that thrives in such a state of exception, which in reality is a state of permanent war. A regime of greed, dispossession, fear, and surveillance has now been normalized. The ideological script recited by the disciples of neoliberalism is now familiar: there is no such thing as the common good; market values provide the template for governing all of social life, not just the economy; consumerism is the only obligation of citizenship; a survival-of-the-fittest ethic should govern how we think and behave; militaristic values should trump democratic ideals; the welfare state is the arch enemy of freedom; private interests should be safeguarded, while public values wane; law and order is the preferred language for mobilizing shared fears rather than shared responsibilities; and war becomes the all-embracing organizing principle for developing society and the economy. As individual responsibility has been promoted as a weapon in order to tear up social solidarities, experiences that once resonated with public purpose and meaning have been transformed into privatized spectacles and fragmented modes of consumption that are increasingly subjected to the

surveillance tactics of the military-security state. The endpoint is the emergence of what the late British historian Tony Judt called an “eviscerated society”—“one that is stripped of the thick mesh of mutual obligations and social responsibilities” integral to any viable democracy. This grim reality has produced a failure in the power of the civic imagination, political will, and open democracy. It is also part of a politics that strips society of any democratic ideals and renders its democratic character inoperative.

The alternative is a historical materialist analysis of the relationship between race and class – this is the only starting point for effective solvency

San Juan, Professor Emeritus of English/Comparative Literature/Ethnic Studies at Harvard, 2005 (Epifanio San Juan, Jr., Nature, Society, and Thought, Vol 3 Iss 18 2005 “From Race to Class Struggle: Marxism and Critical Race Theory” proquest; accessed 7/21/15)//JH @ DDI

Following the lead of Anderson and others, I would reaffirm the need to situate racism in late-capitalist society within the process of class rule and labor exploitation to grasp the dynamics of racial exclusion and subordination. Beyond the mode of production, the antagonistic relations between the capitalist class and the working class are articulated with the state and its complex bureaucratic and juridical mechanisms, multiplying cultural and political differentiations that affect the attitudes, sentiments, and actual behavior of groups. A critique of ideologies of racism and sexism operating in the arena of class antagonism becomes crucial in the effort to dismantle their efficacy. Moreover, as Bensaid observes in Marx for Our Times (2002), “the relationship between social structure and political struggle is mediated by the relations of dependence and domination between nations at the international level.” Linear functionalism yields to the dialectical analysis of concrete mediations. Viewed historically, the phenomenon of migrant labor, in particular Filipina domestics in North America and elsewhere, demonstrates how racial and gender characteristics become functional and discursively valorized when they are inserted into the dialectic of abstract and concrete labor, of use value and exchange value, in the production of commodities--in this case, domestic labor as a commodity. Contrary to any attempts to legitimate the use of the underpaid services of women of color from the South, the racializing and gendering discourse of global capitalism can only be adequately grasped as the mode through which extraction of surplus value, wage differentiation, and control and representation of bodies are all negotiated. A study of racist practices and institutions, divorced from the underlying determinant structure of capital accumulation and class rule allowing such practices and institutions to exercise their naturalizing force, can only perpetuate an abstract metaphysics of race and a discourse of power that would reinforce the continuing reification or commodification of human relations in everyday life. We cannot multiply static determinations in an atomistic manner and at the same time acquire the intelligible totality of knowledge that we need for formulating strategies of radical social transformation. A first step in this project of renewing critical race theory is simple: begin with the concept of class as an antagonistic relation between labor and capital, and then proceed to analyze how the determinant of “race” is played out historically in the class-conflicted structure of capitalism and its political/ideological processes of class rule. It is of course important to maintain vigilance concerning the mystifying use of “race” and the practice of racialization in any location, whether in the privacy of the family, home, school, factory, or state institutions (court, prison, police station, legislature). Grace Chang (2000) has meticulously documented how people of color, exploited immigrants and refugees, have themselves used racist images and rhetoric in their role as “gatekeepers” to the racialized class system. Nevertheless, without framing all these within the total picture of the crisis of capital and its globalized restructuring from the late seventies up to the present, and without understanding the continued domination of labor by capital globally, we cannot effectively counteract the racism that underwrites the relation of domination and subordination among nationalities, ethnic communities, and gender groups. The critique of an emergent authoritarian state and questionable policies sanctioned by the USA Patriot Act is urgently necessary. In doing so, naming the system and understanding its operations would be useful in discovering precisely that element of self-activity, of agency, that has supposedly been erased in totalizing metanarratives such as the “New World Order,” the “New American Century” that will end ideology and history, and in revolutionary projects of achieving racial justice and equality. As the familiar quotation goes, we do make history—but not under circumstances of our choosing. So the question is, as always, “What alternatives do we have to carry out which goals at what time and place?” The goal of a classless communist society and strategies to attain it envisage the demise of racist ideology and practice in their current forms. But progressive forces around the world are not agreed about this. For

example, the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance-NGO Forum held in Durban, South Africa, from 31 August to 7 September, 2001 publicized the global problem of racism but was unable to formulate a consensus on how to solve it. Its final declaration highlighted the historic origin of racism in the slave trade, colonialism, and genocide, and it raised the possibility of reparations for its victims, but did not offer a concrete program of action (see Mann 2002). Because of its composition and the pervasive climate of reaction, the Forum could not endorse a radical approach that would focus on the elimination of the exploitation of labor (labor power as commodity) as a necessary first step. Given its limits, it could not espouse a need for a thoroughgoing change of the material basis of social production and reproduction--the latter involving the hegemonic rule of the propertied bloc in each society profiting from the unequal division of labor and the unequal distribution of social wealth--on which the institutional practices of racism (apartheid, discrimination, genocide) thrive. "Race is the modality in which class is lived," as Stuart Hall remarks concerning post-1945 Britain (Solomos 1986, 103). Without political power in the hands of the democratic-popular masses under the leadership of the working class, the ideological machinery (laws, customs, religion, state bureaucracy) that legitimizes class domination, with its attendant racist practices, cannot be changed. What is required is a revolutionary process that mobilizes a broad constituency based on substantive equality and social justice as an essential part of the agenda to dissolve class structures. Any change in the ideas, beliefs, and norms would produce changes in the economic, political, and social institutions, which would in turn promote wide-ranging changes in social relations among all groups and sectors. Within a historical-materialist framework, the starting point and end point for analyzing the relations between structures in any sociohistorical totality cannot be anything but the production and reproduction of material existence. The existence of any totality follows transformation rules whereby it is constantly being restructured into a new formation (Harvey 1973). These rules reflect the dialectical unfolding of manifold contradictions constituting the internal relations of the totality. Within this conflicted, determinate totality, race cannot be reduced to class, nor can class be subsumed by race, since those concepts express different forms of social relations.

K – Global Local

Global Local K 1NC

The 1AC is an act of world ordering – images of disempowering structures produce a vision of the world that negates activism at the level of the self. The I-In-Relationship is a necessary starting point for changing larger structures

Jayan **Nayar**, Law—University of Warwick, **1999** “SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity ,” 9 *Transnat'l L. & Contemp. Probs.* 599

Despite the fixation of the beneficiaries of ordered worlds, even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist. Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. 51 "We" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand. I suggest that we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized. And so, what might I contribute to the present collective exercise toward a futuristic imaging of human possibilities? I am unsure. It is only from my view of the "world," after all, that I can project my visions. These visions do not go so far as to visualize any "world" in its totality; they are uncertain even with regard to worlds closer to home,

worlds requiring transformatory actions all the same. Instead of fulfilling this task of imagining future therefore I simply submit the following two "poems." [*629] Changing the "I" of the World: The Essential Message of Mahatmas?" We are today bombarded by images of our "one world." We speak of the world as "shrinking" into a "global village." We are not all fooled by the implicit benign-ness of this image of "time-space" contracted--so we also speak of "global pillage." This astuteness of our perceptions, however, does not prevent us from our delusion of the "global;" the image of the "global" world persists even for many activists amongst us who struggle to "change" the world. This is recent delusion. It is a delusion which anesthetizes us from the only world which we can ever locate ourselves in and know--the worlds of "I"-in relationships. The "I" is seldom present in "emancipatory" projects to change the world. This is because the "relational I"-world and the "global"-world are negations of one another; the former negates the concept of the latter whilst the latter negates the life of the former. And concepts are more amenable to scrutiny than life. The advance in technologies of image-ing enables a distanciation of scrutiny, from the "I"-world of relationships to the "global"-world of abstractions. As we become fixated with the distant, as we consume the images of "world" as other than here and now, as we project ourselves through technological time-space into worlds apart from our here and now, as we become "global," we are relieved of the gravity of our present. We, thus, cease the activism of self (being) and take on the mantle of the "activist" (doing). This is a significant displacement. ¶ 1NC¶ That there is suffering all over the world has indeed been made more visible by the technologies of image-ing. Yet for all its consequent fostering of "networks," images of "global" suffering have also served to disempower. By this, we mean not merely that we are filled with the sense that the forces against which the struggle for emancipations from injustice and exploitation are waged are pervasive and, therefore, often impenetrable, but, more importantly, that it diverts our gaze away from the only true power that is in our disposal--the power of self-change in relationships of solidarities. ¶ The "world," as we perceive it today, did not exist in times past. It does not exist today. There is no such thing as the global "one world." The world can only exist in the locations and experiences revealed through and in human relationships. It is often that we think that to change the world it is necessary to change the way power is exercised in the world; so we go about the business of exposing and denouncing the many power configurations that dominate. Power indeed does lie at the core of human misery, yet we blind ourselves if we regard this power as the power out there. Power, when all the complex networks of its reach are untangled, is personal; power does not exist out there. [*630] it only exists in relationship. To say the word, power, is to describe relationship, to acknowledge power, is to acknowledge our subservience in that relationship. There can exist no power if the subservient relationship is refused--then power can only achieve its ambitions through its naked form, as violence. Changing the world therefore is a misnomer for in truth it is relationships that are to be changed. And the only relationships that we can change for sure are our own. And the constant in our relationships is ourselves--the "I" of all of us. And so, to change our relationships, we must change the "I" that is each of us. Transformations of "structures" will soon follow. This is, perhaps, the beginning of all emancipations. This is, perhaps, the essential message of Mahatmas.

World-ordering is the ordering of worlds – a civilizing mission that subdues assimilates and eradicates the other

Jayan **Nayar**, Law—University of Warwick, 1999 “SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity ,” 9 *Transnat'l L. & Contemp. Probs.* 599

[*606] Distinguishing these two meanings of "order" provides us with radically opposed directions of analysis and orientations for future imagings of social relations. Although the rhetoric of world-order would focus on visions of some projected "world" that provides the aspiration for collective endeavors, "order" does not come to be without necessary "ordering;" the "world" of "world-order" has not come to be without the necessary ordering of many worlds. The ordering and the ordered, the world of order and the ordered world, all are inextricable parts of the past and the present of "civilization." Despite the vision of world-order founded on a notion of a universal society of humankind aspiring toward a universal common good, (first given meaning within a conceptual political-legal framework through the birth of the so-called "Westphalian" state system n14), the materialities of "ordering" were of a different complexion altogether. Contrary to the disembodied rhetoric of world-order as bloodless evolution, the new images of the world and languages of "globality" did not evolve out of a sense of "hospitality" n15 to the "other," the "stranger." Rather, the history of the creation of the post-Westphalian "world" as one world, can be seen to be most intimately connected with the rise of an expansionist and colonizing world-view and practice. Voyages of "discovery" provided the necessary reconnaissance to image this "new world." Bit by bit, piece by piece, the jigsaw of the globe was completed. With the advance of the "discoverer," the "colonizer," the "invader," the "new" territories were given meaning within the hermeneutic construct that was the new "world." [*607] The significance of this evolution of the world does not, however, lie merely in its acquiring meaning. It is not simply the "idea" of the world that was brought to prominence through acts of colonization. The construction of the "stage" of the world has also occurred, albeit amid the performance of a violent drama upon it. The idea of a single world in need of order was followed by a succession of chained and brutalized bodies of the "other." The embodied world that has been in creation from the "colonial" times to the present could not, and does not, accommodate plurality. The very idea of "one world" contains the necessary impetus for the absorption, assimilation, if not destruction, of existing worlds and the genocide of existing socialities. This violence of "order-ing" within the historical epoch of colonialism is now plainly visible. Through "colonialism" was reshaped the material basis of exchange that determined human relationships. Put differently, the very idea of what is "human" was recast by the imposed value-systems of the "civilizing" process that was colonialism. To be human, to live, and to relate to others, thus, both lost and gained meaning. Lost were many pre-colonial and indigenous conceptions of human dignity, of subsistence, production, consumption, wealth and poverty. Gained was the advent of the human "self" as an objective "economic" agent and, with it, the universals of commodification as the basis for human relations. Following this transformation of the material political-economy of the colonized, or "ordered," colonialism entrenched the "state" as the symbolic "political" institution of "public" social relations. The effect of this "colonization of the mind" was that the "political-economic" form of social organization--the state--was universalized as common, if not "natural," resulting in a homogenization of "political" imagination and language. Thus, diversity was unified, while at the same time, unity was diversified. The particularities and inconveniences of human diversity--culture and tradition--were subordinated to the "civilized" discourse of secular myths (to which the "rule of law" is central), n16 while concurrently, humanity was formally segregated into artificial "states," enclosures of mythic solidarities and common destinies. This brief remembering of colonialism as an historic process, provides us with the most explicit lessons on the violence of the "ordering" of "worlds." From its history we see that an important feature of ordering prevails. The world of those who "order" is the destruction of the "worlds" of those ordered. So many ideologies of negation and (re)creation served to justify this "beginning"--terra nullius, the "savage" native, the "civilizing mission." n17 The [*608] "world," after all, had to be created out of all this "unworldly" miasma, all for the common good of the universal society of humankind. Although historical colonialism as a formal structure of politico-legal ordering of humanity has come and gone, the violence of colonization is very much a persistent reality. A striking feature of historical world-orderings was the confidence with which the "new world" was projected upon human imagination. Colonialism was not a tentative process. The "right" of colonization, both as a right of the colonizer and as a right thing to do by the colonizer, was passionately believed and confidently asserted. Thus, for the most part, this "right" was uncontested, this confidence unchallenged. "World-order" today is similarly asserted

with confidence and rectitude. Contemporary world-orderings, consistent with those of the past, are implemented using a range of civilizational legitimization. With the advent of an ideology of "humanity," a "post-colonial" concession to human dignity demanded by the previously colonized, new languages of the civilizational project had to be conceived of and projected. "Freed" from the brutalities of the order of historical colonialism, the "ordered" now are subjected to the colonizing force of the "post-colonial," and increasingly, globalization-inspired ideologies of development and security. Visible, still, is the legitimization of "order" as coercive command through the rhetoric of "order" as evolutionary structure.

Reject the 1AC in order to politicize our own relationships with structures – this is the first step towards liberation

Nayar, Law—University of Warwick, **1999** “SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity ,” 9 *Transnat'l L. & Contemp. Probs.* 599

So, back to the question: to what extent, for this, "our world," do we contemplate change when "we" imagine transformed "world-orders?" In addition to the familiar culprits of violent orderings, such as government, financial institutions, transnational corporations, the World Bank, the IMF, and the WTO (as significant culprits they indeed are), do we, in our contemplations of violent orders, vision our locations within corporate "educational" institutions as "professional academics" and "researchers," our locations within corporate NGOs as "professional activists," our locations within "think-tanks" and "research organizations" as "professional policy-formulators," and whatever other locations of elite "expertise" we have been "trained" to possess, as ordered sites, complicit and parasitic, within a violent "world-order"? Do we see in our critiques of world-orderings, out there, the orderings we find, right here, in our bodies, minds, relationships, expectations, fears and hopes? Would we be willing to see "our (ordered) world" dismantled in order that other worlds, wherein our "privileges" become extinguished, may flourish? These concerns are, then, I believe, the real complexities of judgment and action. Consideration should be given, not only to those of the political-structural, so often honed in on, but also to the [*628] issue of the political-personal, which ultimately is the "unit" of "worlds" and of "orders." If "globalization," as a recent obsession of intellectual minds, has contributed anything to an understanding of the ways of the "world," I suggest, it is that we cannot escape "our" implication within the violence of "world (mis)orders." IV. A WORLD FOR TRANSFORMATION: TWO POEMS Despite the fixation of the beneficiaries of ordered worlds, even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist. Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. n51 "We" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand. I suggest that we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized.

K – Colonialism/Settlerism

Colonialism/Settlerism K 1NC

The Affirmative's attempt to challenge the "white gaze" and the logic of domestic colonialism reifies the status quo's lack of discussion of the roots of settlerism in the United States – the oppression of indigenous populations

The United States is a colonial state, and the current political system excludes natives. In the current system, civil rights are not afforded to the indigenous, silencing their voice once again. an effort that uses the state is doomed to fail.

Tuck and Yang 12 (Eve Tuck, State University of New York at New Paltz, K. Wayne Yang University of California, San Diego, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, Decolonization is not a metaphor, pp 6-7, accessed 7/24/15) CH

The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural world" (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.⁶ The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated 'third-world' wealth). Decolonization in

a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires⁷. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. "Decolonization never takes place unnoticed" (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

The central question of this debate is that the exclusion of indigenous peoples provides the ontological grounding for modern sovereignty—any analysis which fails to foreground these histories is doomed to reproduce the horrors of colonialism

D'Errico 97 (D'Errico, Peter. "AMERICAN INDIAN SOVEREIGNTY: NOW YOU SEE IT, NOW YOU DON'T." American Indian Civics Project. CA, USA, Arcata. 24 Oct. 1997. *UMASS*. Web. 1 Feb. 2015. <<http://www.umass.edu/legal/derrico/nowyouseeit.html>>. //TB)

Contemporary Non-Recognition of Indigenous Peoples Over 300 million people on earth today can be said to be truly |||lare||| "indigenous" -- living on lands which they have inhabited since time immemorial. In every instance, indigenous communities are legally circumscribed by one or more nation-states, within territorial boundaries drawn by government geography. These 300 million constitute an increasingly self-aware force for global rethinking of the nature of power. Their challenge is increasingly overt and serious to the world's political structure. The United Nations' designation of The Decade of Indigenous People is a symptom of this challenge. The nature of the challenge becomes more clear when we consider the revision of the original designation, which referred to indigenous peoples. The plural form -- "peoples" -- triggered immense anxiety and successful resistance by member states of the UN, on the grounds that these 300 million people are individual citizens of states claiming jurisdiction over them, and not members of independent peoples. "Peoples" in international law implies rights of self-determination, which the United States took the lead to challenge|||d||| as not applicable to indigenous peoples. The U.S. argues that there can collective self-determination exist only through states, and that indigenous people are groups of individuals with shared cultural, linguistic, and social features, but without any internal coherence as "peoples." This argument contradicts the U.S. claim that it deals with indigenous peoples on a "government-to-government" basis. Here is one example of "now you see it, now you don't." In light of the history of treaty-making and with an eye toward restoring the sense of equality between nations that justified the treaty process to begin with, American Indians are -- in concert with indigenous peoples worldwide -- asserting a sense of their own "sovereignty." The United Nations Draft Declaration of the Rights of Indigenous Peoples is at the center of this global struggle for self-determination. The Declaration is the product of twenty years of negotiating among indigenous peoples and U.N. bodies. Its very title draws the line of battle -- rights of indigenous peoples (plural). Federal Indian Law When we enter into the realm of "federal Indian law," we need to keep in mind that we are traveling in a semantic world created by one group to rule another. The terminology of law is a powerful naming process. In working with this law, we will use the names that it uses, but we will always want to keep in mind that the reality behind the names is what we are struggling over. According to the theory of sovereignty in federal Indian law, "tribal" peoples have a lesser form of "sovereignty," which is not really sovereignty at all, but dependence. In the words of Chief Justice John Marshall in *Cherokee Nation v. Georgia* (1831), American Indian societies,

though they are "nations" in the general sense of the word, are not fully sovereign, but are "domestic, dependent nations." The shell game of American Indian sovereignty -- the "now you see it, now you don't" quality -- started right at the beginning of federal Indian law. **The foundation of federal Indian law is the assertion by the United States of a special kind of non-sovereign sovereignty.**

This continued exclusion of the native voice results in racialized genocide in the name of protecting the nation.

Wolfe 6 [Patrick Wolfe, researches stuff on genocide and settler colonialism. "Settler colonialism and the elimination of the native", <http://www.kooriweb.org/foley/resources/pdfs/89.pdf//Rahul>]

The question of genocide is never far from discussions of settler colonialism. Land is life—or, at least, land is necessary for life. Thus contests for land can be—indeed, often are—contests for life. Yet this is not to say that **settler colonialism is simply a form of genocide.** In some settler-colonial sites (one thinks, for instance, of Fiji), native society was able to accommodate—though hardly unscathed—the invaders and the transformative socioeconomic system that they introduced. Even in sites of wholesale expropriation such as Australia or North America, settler colonialism's genocidal outcomes have not manifested evenly across time or space. Native Title in Australia or Indian sovereignty in the US may have deleterious features, but these are hardly equivalent to the impact of frontier homicide. Moreover, there can be genocide in the absence of settler colonialism. The best known of all genocides was internal to Europe, while genocides that have been perpetrated in, for example, Armenia, Cambodia, Rwanda or (one fears) Darfur do not seem to be assignable to settler colonialism. In this article, **I shall begin to explore**, in comparative fashion, the relationship between genocide and the settler-colonial tendency that I term the logic of elimination.¹ I contend that, though the two have converged—which is to say, the settler-colonial logic of elimination has manifested as genocidal—they should be distinguished. Settler colonialism is inherently eliminatory but not invariably genocidal. As practised by Europeans, both genocide and settler colonialism have typically employed the organizing grammar of race. European xenophobic traditions such as anti-Semitism, Islamophobia, or Negrophobia are considerably older than race, which, as many have shown, became discursively consolidated fairly late in the eighteenth century.² But the mere fact that race is a social construct does not of itself tell us very much. As I have argued, different racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned. For instance, Indians and Black people in the US have been racialized in opposing ways that reflect their antithetical roles in the formation of US society. Black people's enslavement produced an inclusive taxonomy that automatically enslaved the offspring of a slave and any other parent. In the wake of slavery, this taxonomy became fully racialized in the "one-drop rule," *Journal of Genocide Research* (2006), 8(4), December, 387–409 ISSN 1462-3528 print; ISSN 1469-9494 online/06=040387-23 # 2006 Research Network in Genocide Studies DOI: 10.1080=14623520601056240 whereby any amount of African ancestry, no matter how remote, and regardless of phenotypical appearance, makes a person Black. For Indians, in stark contrast, non-Indian ancestry compromised their indigeneity, producing "half-breeds," a regime that persists in the form of blood quantum regulations. **As opposed to enslaved people, whose reproduction augmented their owners' wealth, Indigenous people obstructed settlers' access to land, so their increase was counterproductive.** In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination. Thus we cannot simply say that settler colonialism or genocide have been targeted at particular races, since a race cannot be taken as given. It is made in the targeting.³ Black people were racialized as slaves; slavery constituted their blackness. Correspondingly, Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred White, and otherwise eliminated as the original owners of the land but as Indians. Roger Smith has missed this point in seeking to distinguish between victims murdered for where they are and victims murdered for who they are.⁴ So far as Indigenous people are concerned, where they are is who they are, and not only by their own reckoning. As Deborah Bird Rose has pointed out, to get in the way of settler colonization, all the native has to do is stay at home.⁵ **Whatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race** (or religion, ethnicity, grade of civilization, etc.) **but access to territory. Territoriality is settler colonialism's specific, irreducible element.** The logic of elimination not only refers to the summary liquidation of Indigenous people, though it includes that. In common with genocide as Raphael Lemkin characterized it,⁶ settler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event.⁷ In its positive aspect, elimination is an organizing principal of settler-colonial society rather than a one-off (and superseded) occurrence. The positive outcomes of the logic of elimination can include officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural

assimilations. All these strategies, including frontier homicide, are characteristic of settler colonialism. Some of them are more controversial in genocide studies than others.

The Alternative is to decolonize unconditionally, decolonization is a pre-requisite to any reform

Burke 9 (Nora Butler Burke, 11-25-2009, "Building a "Canadian" Decolonization Movement: Fighting the Occupation at "Home", No Publication, <http://theanarchistlibrary.org/library/nora-butler-burke-building-a-canadian-decolonization-movement-fighting-the-occupation-at-home>)
CH

Perhaps the first step that we can take in allying ourselves with Indigenous peoples is to face up to our colonial past and present. And here I'd like to assert that Canada is not a post-colonial state, nor is it neo-colonial, as is the case in other parts of the world. In Canada, colonialism dominates [4]. While Aboriginal peoples continue to be forced or excluded from their lands, capitalist interests rush to invade their territories in attempts to seize resources from it. Indigenous nations remain culturally, economically and politically under attack within this colonial apparatus — a distinct experience which undoubtedly shares parallels with the experiences of other racialized and oppressed communities in Canada. Beyond facing up to the past, as a means of owning our history, we must take responsibility for that history. While many of us are excluded from and denied much of the wealth of the Canadian state ourselves, those of us who are Canadian citizens none the less benefit from that wealth to some degree. What we can not take for granted is the fact that much of that wealth was accumulated at the expense of Aboriginal peoples. Therefore, any movement which seeks to address the injustices perpetrated against Indigenous peoples must also take into account the positioning of non-native people within this colonial state. Decolonisation is not a process which entails solely the Indigenous nations of this continent. All people living in Canada have been distorted by colonialism. It effects us all, not only those whom it most severely oppresses. Therefore, a decolonisation movement cannot be comprised solely of solidarity and support for Indigenous peoples' sovereignty and self-determination. If we are in support of self-determination, we too need to be self-determining. Unless we exercise our own self-determination and fight our own governments, then we risk reinforcing the isolation of Indigenous communities and their resistance. A movement for decolonisation must be premised on a parallel process of self-determination. While Indigenous nations continue to assert their autonomy and nationhood, we, as non-native settlers, must also assert our own autonomy within our respective communities, and resist our governments' attempts to further consolidate its control over all communities, Indigenous and non-Indigenous alike. I think it is clear from what I am saying here, but I want to take a second to address a common misperception held by non-native people that decolonisation would require a mass departure of all non-Indigenous peoples from the continent. While I can't speak for any Indigenous people or communities, my understanding, based on conversations with and readings by many Indigenous activists, has been that the fundamental change which North American decolonisation would bring about would be a change in the nature of the relationship between immigrants and Aboriginal peoples. It would be to bring an end to our imperialist relationship, and an end to the colonial imposition of foreign systems, be they governmental, ideological, religious, or otherwise, on the many hundreds of nations which exist on this continent. Rather than attempting to re-establish the conditions of a pre-colonial North America, many see it as being much more realistic to abandon the current relationship between native and non-native peoples. The state has long defined that relationship, one which has been characterized foremost

by oppression. It is time to cut the state out of this relationship, and to replace it with a new relationship, one which is mutually negotiated, and premised on a core respect for autonomy and freedom. Furthermore, decolonisation means ridding ourselves of the super-states of Canada and the United States. They only serve an elite few while maintaining a liberal system of economic and social apartheid.

2NC Link – Race

Race theorists do not take into account the plight of the indigenous, ignoring that without involving the native voice there is no progress.

Smith 10

Andrea Smith, Andrea Smith is associate professor in the Department of Media and Cultural Studies at the University of California, Riverside, "Indigeneity, Settler Colonialism, White Supremacy," Global Dialogue Volume 12 • Number 2 • Summer/Autumn 2010 ♦ Race And Racisms, <http://www.worlddialogue.org/content.php?id=488>, accessed 7/26/15) CH

This tendency for theorists of race to presume the givenness of the settler state is not unique to Bell or Omi and Winant, and in fact appears to be the norm. For instance, Joe Feagin has written several works on race that focus on the primacy of anti-black racism because he argues that “no other racially oppressed group ... has been so central to the internal economic, political, and cultural structure and evolution of the North American society”.¹⁶ He does note that the United States is formed from stolen land and argues that the “the brutal and bloody actions and consequences of European conquests do often fit the United Nations definition of genocide”.¹⁷ So, if the United States is fundamentally constituted through the genocide of Native peoples, why are Native peoples not central to the development of American society? Again, the answer is that the Native genocide is relegated to the past so that the givenness of settler colonialism today can be presumed.¹⁸ Jared Sexton, in his otherwise brilliant analysis in Amalgamation Schemes, also presumes the continuance of settler colonialism.¹⁹ He describes Native peoples as a “racial group” to be collapsed into all non-black peoples of colour. Sexton goes so far as to argue for a black/non-black paradigm that is parallel to a “black/immigrant” paradigm, rhetorically collapsing indigenous peoples into the category of immigrants, in effect erasing their relationship to this land and hence reifying the settler colonial project. Similarly, Angela Harris argues for a “black exceptionalism” that defines race relations in which Native peoples play a “subsidiary” role. To make this claim, she lumps Native peoples into the category of racial minority and even “immigrant” by contending that “contempt for blacks is part of the ritual through which immigrant groups become ‘American’ ”.²⁰ Of course, what is not raised in this analysis is that “America” itself can exist only through the disappearance of indigenous peoples. Feagin, Sexton and Harris fail to consider that markers of “racial progress” for Native peoples are also markers of genocide. For instance, Sexton contends that the high rate of interracial marriages for Native peoples indicates racial progress rather than being part of the legacy of US policies of cultural genocide, including boarding schools, relocation, removal and termination. Interestingly, a central intervention made by Sexton is that the politics of multiculturalism depends on anti-black racism. That is, multiculturalism exists to distance itself from blackness (since difference from whiteness, defined as racial purity, is already a given). However, with an expanded notion of the logics of settler colonialism, his analysis could resonate with indigenous critiques of mestizaje, whereby the primitive indigenous subject always disappears into the more complex, evolved mestizo subject. These signs of “racial progress” could then be rearticulated as markers of indigenous

disappearance and what Denise Ferreira da Silva terms as racial engulfment into the white self-determining subject.²¹ Thus, besides presuming the genocide of Native peoples and the givenness of settler society, these analyses also misread the logics of anti-indigenous racism (as well as other forms of racism).

2NC Alt Solves

The alternative's method of decolonizing unconditionally is key to solving for indigenous oppression is impossible in the current system, decolonization must come first.

Waziyatawin 11

(Waziyatawin, Waziyatawin is a Dakota professor, author, and activist from the Pezihutazizi Otunwe in southwestern Minnesota, 1-2-2011, "Colonialism on the Ground," Unsettling America, <https://unsettlingamerica.wordpress.com/2011/01/02/colonialism-on-the-ground/#more-45>, accessed 7/26/15) CH

Ah, but some might argue that Indigenous Peoples in the United States are sovereign nations and are already self-determined. By what standards? Every system and institution that we bump up against on a daily basis is not of our making, but has been imposed under colonial rule. The economic system, land tenure system, educational system, social welfare system, governmental structure, religious institutions are all colonial institutions that continue to oppress Indigenous Peoples and deny Indigenous liberation. Even freedoms that theoretically apply to all American citizens, such as religious freedom, are routinely denied to Indigenous Peoples. We do not even have control over the protection of our ancestors' remains. Certainly, the fundamental freedoms that are necessary for Indigenous ways of being, such as access to homeland, clean air and water, are not part of our reality. What, in our lives, do we have complete control over? While we, along with other anti-statist communities, occasionally experience what Hakim Bey identifies as Temporary Autonomous Zones (created as an alternative to the existing hegemonic order), we have yet to produce lasting Indigenous communities in the U.S. that operate fully outside of a colonial existence. Instead, we create spaces where our ways of being are practiced and nurtured, where we attempt to liberate ourselves from the oppression that surrounds our daily existence, where it is good to be Indigenous. We make them last as long as we can, but because they, as of yet, cannot be sustained, we are forced to return to the "real world" that smothers with an oppressive weight not all of us can bear to carry. Self-determination is an impossibility under colonial rule. Meaningful change will require dramatic action on our part that can move us beyond colonial interference. If we as Indigenous Peoples in the United States ever want a liberated future for our future generations or ourselves, we have to work toward decolonization. Decolonization is "the intelligent, calculated, and active resistance to the forces of colonialism that perpetuate the subjugation and/or exploitation of our minds, bodies, and lands, and it is engaged for the ultimate purpose of overturning the colonial structure and realizing Indigenous liberation."¹ A growing awareness of colonialism inexorably leads to a simultaneous dissatisfaction with the situation and a growing unrest. This, in turn, has the potential to lead to revolutionary praxis. Thus, recognition of this colonial reality is the first step toward our liberation. We cannot resist what we cannot identify and name. Then we need to begin to imagine an alternative reality. Our colonizers have told us that we must accept the way things are because we cannot change them. That is, we must accept our own subjugation and their domination as a natural and inevitable state. Decolonization is a rejection of that logic. It therefore requires opening up the mind to new visions of what is possible. If we were not subject to the authority or

presence of the United States government and its citizens what would we want our lives to look like? The struggle for decolonization requires us to identify clearly our objectives as Indigenous Peoples and to critically question whether those objectives are constrained by the parameters of thought set by colonialism, or whether they traverse those parameters and reflect our desires as free, Indigenous Peoples of the land. If this critical interrogation of our own vision does not occur, even upon overturning colonialism we would run the risk of replicating colonial institutions and systems among our own populations.

K – Undercommons

Undercommons K 1NC

The AFF's politics of recognition ties reinscribes oppression by tying subjecthood to suffering
Tuck and Yang 14 [Eve, & K.W., 2014, “R-Words: Refusing Research.” In n D. Paris & M. T. Winn (Eds.) Humanizing research: Decolonizing qualitative inquiry with youth and communities (pp. 223-248). Thousand Oakes, CA: Sage Publications. Pp. 228]

The costs of a politics of recognition that is rooted in naming pain have been critiqued by recent decolonizing and feminist scholars (Hartman, 1997, 2007; Tuck, 2009). In Scenes of Subjection, Sadiya Hartman (1997) discusses how recognizing the personhood of slaves enhanced the power of the Southern slaveowning class. Supplicating narratives of former slaves were deployed effectively by abolitionists, mainly White, well-to-do, Northern women, to generate portraits of abuse that ergo recognize slaves as human (Hartman, 2007). In response, new laws afforded minimal standards of existence, “making personhood coterminous with injury” (Hartman, 1997, p. 93), while simultaneously authorizing necessary violence to suppress slave agency. The slave emerges as a legal person only when seen as criminal or “a violated body in need of limited forms of protection” (p. 55). Recognition “humanizes” the slave, but is predicated upon her or his abjection. **You are in pain, therefore you are.** “[T]he recognition of humanity require[s] the event of excessive violence, cruelty beyond the limits of the socially tolerable, in order to acknowledge and protect the slave’s person” (p. 55). Furthermore, Hartman describes how slave-as-victim as human accordingly establishes slave-as-agent as criminal. Applying Hartman’s analysis, we note how the agency of Margaret Garner or Nat Turner can only be viewed as outsider violence that humane society must reject while simultaneously upholding the legitimated violence of the state to punish such outsider violence. Hartman asks, “Is it possible that such recognition effectively forecloses agency as the object of punishment . . . Or is this limited conferral of humanity merely a reinscription of subjugation and pained existence?” (p. 55).

University creates social death

Occupied UC Berkeley 09 [“The Necrosocial: Civic Life, Social Death, and the UC.
<http://anticapitalprojects.wordpress.com/2009/11/19/the-necrosocial/>]

In this graveyard our actions will never touch, will never become the conduits of a movement, if we remain permanently barricaded within prescribed identity categories—our force will be dependent on the limited spaces of recognition built between us. Here we are at odds with one another socially, each of us: students, faculty, staff, homebums, activists, police, chancellors, administrators, bureaucrats, investors, politicians, faculty/ staff/ homebums/ activists/ police/ chancellors/ administrators/ bureaucrats/ investors/ politicians-to-be. That is, we are students, or students of color, or queer students of color, or faculty, or Philosophy Faculty, or Gender and Women Studies faculty, or we are custodians, or we are shift leaders—each with our own office, place, time, and given

meaning. We form teams, clubs, fraternities, majors, departments, schools, unions, ideologies, identities, and subcultures—and thankfully each group gets its own designated burial plot. Who doesn't participate in this graveyard? In the university we prostrate ourselves before a value of separation, which in reality translates to a value of domination. We spend money and energy trying to convince ourselves we're brighter than everyone else. Somehow, we think, we possess some trait that means we deserve more than everyone else. We have measured ourselves and we have measured others. It should never feel terrible ordering others around, right? It should never feel terrible to diagnose people as an expert, manage them as a bureaucrat, test them as a professor, extract value from their capital as a businessman. It should feel good, gratifying, completing. It is our private wet dream for the future; everywhere, in everyone this same dream of domination. After all, we are intelligent, studious, young. We worked hard to be here, we deserve this. We are convinced, owned, broken. We know their values better than they do: life, liberty, the pursuit of happiness. This triumvirate of sacred values are ours of course, and in this moment of practiced theater—the fight between the university and its own students—we have used their words on their stages: Save public education! When those values are violated by the very institutions which are created to protect them, the veneer fades, the tired set collapses: and we call it injustice, we get indignant. We demand justice from them, for them to adhere to their values. What many have learned again and again is that these institutions don't care for those values, not at all, not for all. And we are only beginning to understand that those values are not even our own. The values create popular images and ideals (healthcare, democracy, equality, happiness, individuality, pulling yourself up by your bootstraps, public education) while they mean in practice the selling of commodified identities, the state's monopoly on violence, the expansion of markets and capital accumulation, the rule of property, the rule of exclusions based on race, gender, class, and domination and humiliation in general. They sell the practice through the image. We're taught we'll live the images once we accept the practice. In this crisis the Chancellors and Presidents, the Regents and the British Petroleums, the politicians and the managers, they all intend to be true to their values and capitalize on the university economically and socially—which is to say, nothing has changed, it is only an escalation, a provocation. Their most recent attempt to reorganize wealth and capital is called a crisis so that we are more willing to accept their new terms as well as what was always dead in the university, to see just how dead we are willing to play, how non-existent, how compliant, how desirous.

.¶ Furthermore, Hartman describes how slave-as-victim as human accordingly¶ establishes slave-as-agent as criminal. Applying Hartman's analysis, we note how¶ the agency of Margaret Garner or Nat Turner can only be viewed as outsider¶ violence that humane society must reject while simultaneously upholding the¶ legitimated violence of the state to punish such outsider violence. Hartman asks,¶ “Is it possible that such recognition effectively forecloses agency as the object of¶ punishment . . . Or is this limited conferral of humanity merely a reinscription of¶ subjugation and pained existence?” (p. 55).

We must not attempt to redeem this world but refuse the demand for redemption, of ourselves or this world. Instead we need to tear shit down. Do not ask what will come next. The world beyond cannot be access except through a refusal to be held hostage to this one.

Halberstam 13 [Jack Halberstam, Prof. English @ USC, 2013, “The Wild Beyond: With and For the Undercommons” in The Undercommons: Fugitive Planning & Black Study, p. 5-6]

It ends with love, exchange, fellowship. It ends as it begins, in motion,¶ in between various modes of being and belonging, and on the way to,¶ new economies of giving, taking, being with and for and it ends with¶ a ride in a Buick Skylark on the way to another place altogether. Surprising,¶ perhaps, after we have engaged dispossession, debt, dislocation¶ and violence. But not surprising when you have understood that¶ the projects of “fugitive planning and black study” are mostly about¶ reaching out to find connection; they are about making common,¶ cause with the brokenness of being, a brokenness, I would venture to¶ say, that is also blackness, that remains blackness, and will, despite all,¶ remain broken because this book is not a prescription for repair. If we do not seek to fix what has been broken, then what? How do we resolve,¶ to live with

brokenness, with being broke, which is also what Moten¶ and Harney call “debt.” Well, given that debt is sometimes a history of¶ giving, at other times a history of taking, at all times a history of capitalism¶ and given that debt also signifies a promise of ownership but never delivers¶ on that promise, we have to understand that debt is something that¶ cannot be paid off. Debt, as Harney puts it, presumes a kind of individualized, relation to a naturalized economy that is predicated upon exploitation. Can we have, he asks, another sense of what is owed that does not, presume a nexus of activities like recognition and acknowledgement, payment and gratitude. Can debt “become a principle¶ of elaboration”? Moten links economic debt to the brokenness of being in the interview¶ with Stephen Shukaitis; he acknowledges that some debts, should be paid, and that much is owed especially to black people by, white people, and yet, he says: “I also know that what it is that is, supposed to be repaired is irreparable. It can’t be repaired. The only, thing we can do is tear this shit down completely and build something, new.” The undercommons do not come to pay their debts, to, repair what has been broken, to fix what has come undone.¶ If you want to know what the undercommons wants, what Moten¶ and Harney want, what black people, indigenous peoples, queers and, poor people want, what we (the “we” who cohabit in the space of the, undercommons) want, it is this – we cannot be satisfied with the recognition, and acknowledgement generated by the very system that, denies a) that anything was ever broken and b) that we deserved to¶ be the broken part; so we refuse to ask for recognition and instead we, want to take apart, dismantle, tear down the structure that, right now,¶ limits our ability to find each other, to see beyond it and to access the¶ places that we know lie outside its walls. We cannot say what new, structures will replace the ones we live with yet, because once we have, orn shit down, we will inevitably see more and see differently and, feel a new sense of wanting and being and becoming. What we want, after “the break” will be different from what we think we want before, the break and both are necessarily different from the desire that issues¶ from being in the break.

2NC Link – Focus on difference/resistance

Focusing on resistance and difference forecloses politics

Dean 05 [Jodi Dean, Prof. Poli Sci @ Hobart & William Smith, 2005, “Communicative Capitalism: Circulation and the Foreclosure of Politics,” Cultural Politics Vol 1 Issue 1, p. 53]

The post-political world, then, is marked by emphases on multiple sources of value, on the plurality of beliefs and the importance of tolerating these beliefs through the cultivation of an attunement to the contingencies already pervading one's own values. Divisions between friends and enemies are replaced by emphases on all of us. Likewise, politics is understood as not confined to specific institutional fields but as a characteristic of all of life. There is an attunement, in other words, to a micropolitics of the everyday. But this very attunement forecloses the conflict and opposition necessary for politics. Finally, Hardt and Negri's description of the current technoglobalcapitalist formation coincides with Agamben's account of communication without communicability and with Zizek's portrayal of a global formation characterized by contingency, multiplicity and singularity. For example, they agree that “communication is the form of capitalist production in which capital has succeeded in submitting society entirely and globally to its regime, suppressing all alternative paths” (Hardt and Negri 2000: 347; cf. Dean 2002b: 272-5). Emphasizing that there is no outside to the new order of empire, Hardt and Negri see the whole of empire as an “open site of conflict” wherein the incommunicability of struggles, rather than a problem, is an asset insofar as it releases opposition from the pressure of organization and prevents co-optation. As I argue elsewhere, this position, while inspiring, not only embraces the

elision between the political and the economic but also in so doing cedes primacy to the economic, taking hope from the intensity and immediacy of the crises within empire. The view I advocate is less optimistic insofar as it rejects the notion that anything is immediately political, and instead prioritizes politicization as the difficult challenge of representing specific claims or acts as universal (cf. Laclau 1996: 56-64). Specific or **singular acts of resistance, statements of opinion or instances of transgression are not political in and of themselves**; rather, they have to be politicized, that is articulated together with other struggles, resistances and ideals in the course or context of opposition to a shared enemy or opponent (cf. Laclau and Mouffe 1986:188). Crucial to this task, then, is understanding how communicative capitalism, especially insofar as it relies on networked communications, prevents politicization. To this end, I turn now to the fantasies animating communicative capitalism.

K – Baudrillard Visibility

Baudrillard 1NC

The visibility of the affirmative recreates virulence through the hyper-signification of the 1ac. The medium has become the message. The 1ac's politics of transparency internalizes control through the panopticon, where individuals become transparent to themselves. Reality only exists through hyper-expression and over-representation; the modern "subject" no longer exists, rather an empty screen projecting a fake sociality.

Baudrillard 2 – "The violence of the image", <http://www.egs.edu/faculty/jean-baudrillard/articles/the-violence-of-the-image/>

This is the typical **violence of information**, of media, of images, of the spectacular. **Connected to a total visibility, a total elimination of secrecy**. Be it of a psychological or mental, or of a neurological, biological or genetic order - soon we shall discover the gene of revolt, the center of violence in the brain, perhaps even the gene of resistance against genetic manipulation - biological brainwashing, brainstorming, brainlifting, with nothing left but recycled, whitewashed lobotomized people as in Clockwork Orange. At this point **we should not speak of violence anymore, but rather of virulence**. Inasmuch that it does not work frontally, mechanically, but by contiguity, by contamination, along chain reactions, breaking our secret immunities. And operating not just by a negative effect like the classical violence, but on the contrary by an excess of the positive, just as a cancerous cell proliferates by metastasis, by restless reproduction and an excess of vitality.

That is the point in the controversy about the **violence on the screens and the impact of images on people's mind**. The fact is that **the medium itself has a neutralizing power**, counterbalancing the direct effect of the violence on the imagination. I would say: the violence of the third type annihilates the violence of the first and second type - but at the price of a more virulent intrusion in the deep cells of our mental world. The same as for anti-biotics: they eradicate the agents of disease by reducing the general level of vitality.

When the medium becomes the message (MACLUHAN), then **violence as a medium becomes its own message, a messenger of itself**, so the violence of the message cannot be compared with the violence of the medium as such, with the **violence emanating from the confusion between medium and message**. It is the same with viruses: the virus also is information, but of a very special kind - it is **medium, and message, agent and action at the same time**. That the very origin of its "virulence", of its uncontrollable proliferation. In fact, **in all actual biological, social or mental processes, virulence has substituted violence**. **The traditional violence of alienation, power and oppression has been superated by something more violent than violence itself: the virality**, the virulence. And while it was an historical or individual subject of violence, **there is no subject, no personal agent of virulence** (of contamination, of chain reaction), **and then no possibility to confront it efficiently**. The classical violence was still haunted by the specter of the Evil, it was still visible. **Virulence only transappears**, it is **of the order of transparency** and its logic is that of the transparency of the Evil.

The image (and more generally the sphere of information) is **violent** because what happens there is **the murder of the Real**, the vanishing point of Reality. **Everything must be seen, must be visible**, and the **image is the site par**

excellence of this visibility. But at the same time it is the site of its disappearance. And that something in it has disappeared, has returned to nowhere, makes the very fascination of the image.

Particularly in the case of all professional of **press-images which testify of the real events**. **In making reality**, even the most violent, **emerge to the visible, it makes the real substance disappear**. It is like the Myth of Eurydice : when Orpheus turns around to look at her, she vanishes and returns to hell. That is why, the more exponential the marketing of images is growing the more fantastically grows the indifference towards the real world. Finally, **the real world becomes a useless function, a collection of phantom shapes and ghost events**. We are not far from the silhouettes on the walls of the cave of Plato.

A wonderful model of this **forced visibility** is Big Brother and all similar programs, reality shows, docusoaps etc. **Just there; where everything is given to be seen there is nothing left to be seen**. It is **the mirror of platitude**, of banality, of the zero degree of everyday life. There is the place of **a fake sociality**, a virtual sociality where the Other is desperately out of reach - this very fact illuminating perhaps the fundamental truth that the human being is not a social being. Move over in all these scenarii the televisual public is mobilized as spectator and judged as become itself Big Brother. **The power of control and transvisuality has shifted to the silent majorities themselves**.

We are far beyond the panoptikon, where **there was still a source of power and visibility** it was so to say a panexoptikon - **things were made visible to an external eye**, whereas **here they are made transparent to themselves - a panendoptikon** - thus erasing the **traces of control and making the operator himself transparent**. **The power of control is internalized**, and **people** are no more victims of the image : **they transform themselves into images - they only exist as screens**, :or in a superficial dimension.

All that is visualized there, in the operation Big Brother, **is pure virtual reality**, a synthetic image of the banality, produced : as in a computer. **The equivalent of a ready-made - a given transcripion of everyday life - which is itself already recycled by all current patterns**.

Is there any sexual voyeurism ? Not at all. Almost no sexual scenery. But people dont want that, what they secretly want to see is the spectacle of the banality, which is from now our real pornography, own true obscenity - that of the nullity, of insignificance and platitude (i.e. the extreme reverse of the "There of the Cruelty"). But maybe in that scene lies a certain form of cruelty, at least of a virtual one. At the time when media and television are more and more unable to give an image of the events of the world, then they discover the everyday life, the existential banality as the most criminal event, as the most violent (in)actua-lity, as the very place of the Perfect Crime. And that it is, really. And people are fascinated, terrified and fascinated by this indifference of the Nothing-to-see, of the Nothing-to-say, by the indifference of their own life, as of the zero degree of living. The banality and the consumption of banality have now become an olympic discipline of our time - the last form of the experiences of the limits.

In fact, this deals with the naive impulsion to be nothing, and to comfort oneself in this nothingness - sanctioned by the right to be nothing and to be considered and respected as such. Something like a struggle for Nothing and for Virtual death - the perfect opposite to the basic anthropological postulat of the struggle for life. At least it seems that we are all about to change our basic humanistic goals.

There are two ways of disappearing, of being nothing, (in the Integral Reality, everything must logically want to disappear - automatic abreaction to the overdose of reality). **Either to be hidden**, and to insist on the right not-to-be-seen (the actual defense of private life). Or one shifts to a delirious exhibitionism of his own platitude and insignificance - ultimate protection against the servitude of being, and of being himself. **Hence the absolute obligation to be seen**, to make oneself visible at any price. **Everyone deals on both levels at the same time**. **Then we are in the double bind - not to be seen, and to be continously visible**. No ethics, no legislation can solve this dilemma, and the whole current polemic about the right to information, all this polemic is useless. **Maximal information, maximal visibility** are now part of the human rights (and of human duties all the same) and **the destiny of the image is trapped between the unconditional right to see and that, unconditional as well, not to be seen**.

This means that **people are deciferable at every moment**. **Overexposed to** the light of **information**, and addicted to their own image. **Driven to express themselves at any time** - self-expression as the ultimate form of confession, as Faucauld said. To become an image, one has to give a visual object of his whole everyday life, of his possibilities, of his feelings and desires. **He-has to keep no secrets and to interact permanently**. Just here is the deepest violence, **a violence done to the deepest core**, to the hard core of the individual.

And at the same-time to the **language**, because **it also loses its symbolic originality - being nothing more than the operator of visibility**. It loses its ironic dimension, its conceptual distance, its autonomous dimension - where language is more important than what it signifies. **The image too is more important than what it sneaks of**. That we forget usually, again and again and that is a source of the violence done to the image.

Today everything takes the look of the image - then all pretend that the real has disappeared under the pressure and the profusion of images. What is totally neglected is that **the image also disappears under the blow and the impact of reality**. The image is usually **spoiled** of its own existence as image, devoted to a **shameful complicity with the real**. The violence exercised by the image is largely balanced by the violence done to the image - **its exploitation as a pure vector of documentation, of testimony, of message** (including the message of misery and violence), its allegiance to morale, **to pedagogy, to politics, to publicity**. Then **the magic of the image, both as fatal and as vital illusion, is fading away**. The Byzantine Iconoclasts wanted to destroy images in order to abolish meaning and the representation of God. Today we are still iconoclasts, but in an opposite way: **we kill the images by an overdose of meaning**

Borgès' fable on "The People of the Mirror" gives the hypothesis that **behind each figure of resemblance and representation there is a vanquished enemy**, a defeated singularity, a dead object. And the Iconoclasts clearly understood how icons were the best way of letting God disappear. (but perhaps God himself had chosen to disappear behind the images? Nobody knows). Anyway, today is no more the matter of God: **We disappear behind our images**. No chance anymore that our images are stolen from us, that we must give up our secrets - because we no longer have any. That is at the same time the sign of our ultimate morality and of our total obscenity.

There is a deep misunderstanding of the process of meaning. Most **images** and photographs today **reflect the misery and the violence of human condition**. But all this affects us less and less, just because it is over signified. In order for the meaning, for the message to affect us, **the image has to exist on its own to impose its original language**. In order for the real to be transferred to our imagination, or our imagination transferred to the real, it must be a counter-transference upon the image, and this countertransference has to be resolved, worked through (in terms of psychoanalysis). Today we see misery and violence becoming a leitmotiv of publicity just by the way of images. Toscani for example is reintegrating sex and Aids, war and death into fashion. And why not? Jubilating advertisements are no less obscene than the pessimistic ones) **But at one condition to show the violence of publicity itself, the violence of fashion, the violence of the medium**. What actually publishers are not able even to try to do. However, **fashion and high society are themselves a kind of spectacle of death**. The world's misery is quite so visible, quite so transparent in the line and the face of any top-model as on the skeletal body of an African boy. The same cruelty is to be perceived everywhere, if one only knows how to look at it.

The 1AC is nothing more than the production and assimilation of otherness. This creates a violent form of identification whereby the other becomes an object of manipulation, another commodity in the economy of symbolic exchange.

Baudrillard 02

/Jean, Screened Out, 51 – 56/

With **modernity**, we enter **the age of the production** of the Other. **The aim is no longer to kill the Other, devour it, seduce it, vie with it, love it or hate it, but, in the first instance, to produce it**. The Other is no longer an object of passion, but an object of production. Perhaps, in its radical otherness or its irreducible singularity, the Other has become dangerous or unbearable, and its seductive power has to be exorcized. Or perhaps, quite simply, **otherness** and the dual relation **progressively disappear with the rise of individual values and the destruction of symbolic ones**. The fact remains that otherness does come to be in short supply and, if we are not to live

otherness as destiny, **the other has to be produced imperatively as difference**. This goes for the world as much as for the body, sex and social relations. It is to escape the world as destiny, the body as destiny, sex (and the opposite sex) as destiny, that the production of the other as difference will be invented. For example, sexual difference: each sex with its anatomical and psychological characteristics, with its own desire and all the irresolvable consequences that ensue, including the ideology of sex and the Utopia of a difference based both in right and in nature. None of this has any meaning in seduction, where it is a question not of desire but of a game with desire, and where it is a question not of the equality of the sexes or the alienation of the one by the other, since game-playing involves a perfect reciprocity of partners (not difference and alienation, but otherness and complicity). Seduction is as far from hysteria as can be. Neither of the sexes projects its sexuality on to the other; the distances are given; otherness is intact - it is the very condition of that higher illusion that is play with desire.

However, with the coming of the nineteenth century and Romanticism, a masculine hysteria comes into play and with it a change in the sexual paradigm, which we must once again situate within the more general, universal framework of the change in the paradigm of otherness.

In this hysterical phase, it was, so to speak, **the femininity of man which projected itself on to woman and shaped her as an ideal figure** in his image. In Romantic love, **the aim was not now to conquer the woman**, to seduce her, **but to create her from the inside, to invent her**, in some cases **as achieved Utopian vision**, as idealized woman, in others as *jemme jatale*, as star - another hysterical, supernatural metaphor. **The Romantic Eros can be credited with** having invented this ideal of harmony, of **loving fusion**, this ideal of an almost incestuous form of twin beings — the woman as projective resurrection of the same, who assumes her supernatural form only as ideal of the same, an artefact doomed henceforth to *Vamour ox*, in other words, to a pathos of the ideal resemblance of beings and sexes - a pathetic confusion which substitutes for the dual otherness of seduction. **The whole mechanics of the erotic changes meaning, for the erotic attraction** which previously arose out of otherness, out of the strangeness of the Other, **now finds its stimulus in sameness** - in similarity and resemblance. Auto-eroticism, incest? No. Rather a hypostasis of the Same. Of the same eyeing up the other, investing itself in the other, alienating itself in the other - but the other is only ever the ephemeral form of a difference which brings me closer to me. This indeed is why, with Romantic love and all its current spin-offs, **sexuality becomes connected with death**: it is because it becomes connected with incest and its **destiny** - even in banalized form (for we are no longer speaking of mythic, tragic incest here; with modern eroticism we are dealing with a secondary incestuous form - of the protection of the same in the image of the other - which amounts to a confusion and corruption of all images).

We have here then, in the end, the invention of a femininity which renders woman superfluous. **The invention of a difference which is merely a roundabout copulation with its double. And which, at bottom, renders any encounter with otherness impossible** (it would be interesting to know whether there was not any hysterical *quid pro quo* from the feminine in the construction of a virile, phallic mythology; feminism being one such example of the hysterization of the masculine in woman, of the hysterical projection of her masculinity in the exact image of the hysterical projection by man of his femininity into a mythical image of woman).

However, there still remains a dissymmetry in this enforced assignment to difference.

This is why I have contended, paradoxically, that man is more different from woman than woman is from man. I mean that, within the framework of sexual difference, man is merely different, whereas in woman there remains something of the radical otherness which precedes the debased status of difference.

In short, **in this process of extrapolation of the Same into the production of the Other**, of hysterical invention of the sexual other as twin sister or brother (if the twin theme is so prominent today, that is because it reflects this mode of libidinal cloning), **the sexes become progressively assimilated to each other**. This develops from difference to lesser difference through to the point of **role-reversal and the virtual non-differentiation of the sexes**. And it ends up making sexuality a useless function. In cloning, for example, pointlessly sexed beings are going to be reproduced, since sexuality is no longer needed for their reproduction.

If **the real woman seems to disappear** in this hysterical invention of the feminine (though she has other means of existing this), **in this invention of sexual difference**, in which the masculine occupies the privileged pole from the outset, and in which all the **feminist struggles will merely reassert that insoluble privilege or difference**, we must recognize too that masculine desire also becomes entirely problematical since it is able only to project itself into another in its image and, in this way, render itself purely speculative. So all the nonsense about the phallus and male sexual privilege, etc. needs revising. **There is a kind of transcendent justice which means that**, in this process of sexual differentiation which culminates inexorably in non-differentiation, **the two sexes each lose as much of their singularity and their otherness**. This is the era of the Transsexual, in which all the conflicts connected with this sexual difference carry on long after any real sexuality, any real alterity of the sexes, **has disappeared**.

Each individual repeats on his or her own body this (successful?) takeover of the feminine by masculine projection hysteria. **The body is identified and appropriated as a self-projection, and no longer as otherness and destiny**. In the facial features, in sex, in sickness and death, **identity is constantly being altered**. You can do nothing about that. It is destiny. But this is precisely what has to be warded off at all costs in the identification of the body, **the individual appropriation of the body, of your desire, your appearance, your image**, plastic surgery on all fronts. **For if the body is no longer a site of otherness, of a dual relation, if it is a site of identification, then you have urgently to reconcile yourself with it, to repair it, perfect it, turn it into an ideal object**. Everyone treats his/her body as man treats woman in the projective identification we have described: **he invests it as a fetish in a desperate attempt at self-identification. The body becomes an object of autistic worship, of an almost incestuous manipulation**. And it is the body's resemblance to its model which becomes a source of eroticism and unconsummated self-seduction, insofar as it virtually excludes the Other and is the best means of excluding any seduction from elsewhere.

Many other things relate also to this production of the Other - a hysterical, speculative production. Racism is one example, in its development throughout the modern era and its current recrudescence. Logically, it ought to have declined with progress and the spread of Enlightenment. **But the more we learn how unfounded the genetic theory of race**

is, the more racism intensifies. This is because we are dealing with an artificial construction of the Other, on the basis of an erosion of the singularity of cultures (of their otherness one to another) and entry into the fetish-istic system of difference. So long as there is otherness, alienness and a (possibly violent) dual relation, there is no racism properly so called. That is to say, roughly, up to the eighteenth century, as anthropological accounts attest. **Once this 'natural' relation is lost, we enter upon an exponential relation with an artificial Other. And there is nothing in our culture with which we can stamp out racism, since the entire movement of that culture is towards a fanatical differential construction of the Other, and a perpetual extrapolation of the Same through the Other.** Autistic cul- ture posing as altruism.

We talk of alienation. But **the worst alienation is not being dispossessed by the other, but being dispossessed of the other: it is having to produce the other in the absence of the other, and so continually to be thrown back on oneself and one's own image.** If, today, we are condemned to our image (to cultivate our bodies, our 'looks', our identities, our desires), this is not because of alienation, but because of the end of alienation and the virtual disappearance of the other, which is a much worse fate. In fact, the definition of alienation is to take oneself as one's focus, as one's object of care, desire, suffering and communication. **This definitive short-circuiting of the**

other ushers in the era of transparency. **Plastic surgery becomes universal. And the surgery performed on the face and the body is merely the symptom of a more radical surgery: that performed on otherness and destiny.**

What is the solution? There is no solution to this erotic trend within an entire culture; to this fascination, this whirl of denial of otherness, of all that is alien and negative; to this foreclosing of evil and this reconciliation around the Same and its multiple figures: incest, autism, twinning, cloning. **All we can do is remind ourselves that seduction lies in non-reconciliation with the other, in preserving the alien status of the Other. One must not be reconciled with oneself or with one's body. One must not be reconciled with the other, one must not be reconciled with nature, one must not be reconciled with the feminine** (that goes for women)

We present no alternative. The system demands that we maximize production of meaning – in response, we refuse communication, we refuse signification, and we refuse meaning.

Baudrillard 2K ~<http://www.egs.edu/faculty/jean-baudrillard/articles/simulacra-and-simulations-viii-the-implosion-of-meaning-in-the-media/>

What is essential today is to evaluate this double challenge – the challenge of the masses to meaning and their silence (which is not at all a passive resistance) - the challenge to meaning that comes from the media and its fascination. All the marginal, alternative efforts to revive meaning are secondary in relation to that challenge.

Evidently, there is a paradox in this inextricable conjunction of the masses and the media: do the media neutralize meaning and produce unformed [informe] or informed [informée] masses, or is it the masses who victoriously resist the media by directing or absorbing all the messages that the media produce without responding to them? Sometime ago, in "Requiem for the Media," I analyzed and condemned the media as the institution of an irreversible model of communication without a response. But today? This absence of a response can no longer be understood at all as a strategy of power, but as a counterstrategy of the masses themselves when they encounter power. What then? Are the mass media on the side of power in the manipulation of the masses, or are they on the side of the masses in the liquidation of meaning, in the violence perpetrated on meaning, and in fascination? Is it the media that induce fascination in the masses, or is it the masses who direct the media into the spectacle? Mogadishu-Stammheim: the media make themselves into the vehicle of the moral condemnation of terrorism and of the exploitation of fear for political ends, but simultaneously, in the most complete ambiguity, they propagate the brutal charm of the terrorist act, they are themselves terrorists, insofar as they themselves march to the tune of seduction (cf. Umberto Eco on this eternal moral dilemma: how can one not speak of

terrorism, how can one find a good use of the media - there is none). **The media carry meaning and countermeaning**, they manipulate in all directions at once, **nothing can control this process**, they are the vehicle for the simulation internal to the system and the **simulation that destroys the system**, according to an absolutely Mobian and circular logic - and it is exactly like this. **There is no alternative** to this, no logical resolution. **Only a logical exacerbation and a catastrophic resolution.**

With one caution. **We are face to face with this system in a double situation** and insoluble double bind - exactly like children faced with the demands of the adult world. **Children are simultaneously required to constitute themselves as autonomous subjects, responsible, free and conscious, and to constitute themselves as submissive, inert, obedient, conforming objects. The child resists on all levels, and to a contradictory demand he responds with a double strategy. To the demand of being an object, he opposes all the practices of disobedience, of revolt, of emancipation; in short, a total claim to subjecthood. To the demand of being a subject he opposes, just as obstinately and efficaciously, an object's resistance**, that is to say, exactly the opposite: **childishness, hyperconformism, total dependence, passivity, idiocy. Neither strategy has more objective value than the other. The subject-resistance is today unilaterally valorized and viewed as positive - just as in the political sphere only the practices of freedom, emancipation, expression, and the constitution of a political subject are seen as valuable and subversive. But this is to ignore the equal, and without a doubt superior, impact of all the object practices, of the renunciation of the subject position and of meaning** - precisely the practices of the masses - **that we bury under the derisory terms of alienation and passivity.** The liberating practices respond to one of the aspects of the system, to the constant ultimatum we are given to constitute ourselves as pure objects, but they do not respond at all to the other demand, **that of constituting ourselves as subjects**, of liberating ourselves, expressing ourselves at whatever cost, of voting, producing, deciding, speaking, participating, playing the game - a form of blackmail and ultimatum just as serious as the other, even more serious today. To a system whose argument is oppression and repression, the strategic resistance is the liberating claim of subjecthood. But this strategy is more reflective of the earlier phase of the system, and even if we are still confronted with it, it is no longer the strategic terrain: **the current argument of the system is to maximize speech, the maximum production of meaning. Thus the strategic resistance is that of the refusal of meaning and of the spoken word** - or of the hyperconformist simulation of the very mechanisms of the system, which is a form of refusal and of non-reception. **It is the strategy of the masses: it is equivalent to returning to the system its own logic by doubling it, to reflecting meaning**, like a mirror, **without absorbing it.** This strategy (if one can still speak of strategy) prevails today, because it was ushered in by that phase of the system which prevails.

To choose the wrong strategy is a serious matter. All the movements that only play on liberation, emancipation, on the resurrection of a subject of history, of the group, of the word based on "consciousness raising," indeed a "raising of the unconscious" of subjects and of the masses, do not see that they are going in the direction of the system, whose imperative today is precisely the overproduction and regeneration of meaning and of speech.

Their celebration of difference is the precondition for the extermination of the Other. Only that which remains radically Other is safe from racism.

Grace 2000—Senior Lecturer in Feminist Studies @ University of Canterbury at Christchurch (Victoria, 2000, Routledge, “Baudrillard’s Challenge: A Feminist Reading,”
<http://sociology.sunimc.net/html/edit/uploadfile/system/20100724/20100724151252877.pdf>, rmf)

Baudrillard develops his most sustained discussion of the erasure of ‘Otherness’ and the proliferation of ‘difference’ in *The Transparency of Evil* (TE). His critique distinguishes ‘difference’ from a form of otherness that is radical, in which there is no scale of values upon which otherness can be registered. Baudrillard is emphatic that not only is otherness not the same as difference, but **difference is what destroys otherness.** Differences are indeed differentiated along a single scale of values. In an interview with *Le Journal des Psychologues* he says that difference is diversification, ‘it is the spectre of modality’, making it distinct from alterity in a way he describes there as ‘absolute’ (Gane 1993: 173). The ‘hell of the same’ (the void in the second quotation cited at the beginning of this section) is deflected by the hyperreal ‘melodrama of difference’ (both being chapter titles in TE). Simulation of a spectacular, everproliferating display of ‘difference’ is entirely consistent with the logic of sign value. Baudrillard claims that **otherness can now be considered to be subject to the law of the market, and** in fact, as a rare item, **is highly valued. The ‘Other’ is no longer to be conquered, exterminated, hated, excluded, or seduced but rather now to be understood, liberated, recognised, valued, ‘coddled’, resurrected as ‘different’** This distinction between a form of ‘otherness’ that is indeed structurally irreducible, neither comparable nor opposable, and a form of ‘difference’ that is precisely predicated on establishing criteria against which difference is ascertained,³ is central to the critique offered here of feminist insistence on ‘irreducible difference’. For this feminist proclamation to be meaningful we need some kind of structural critique of the social, political, economic, and semiotic structuring of difference and otherness. Baudrillard’s analysis shifts the ground considerably. It makes additional questions pertinent; for example, what is at stake contemporarily in insisting on the importance of ‘irreducible difference’? His work suggests that this kind of question has to be addressed through a critique of the political economy of the sign. At least. With reference to Baudrillard’s ‘melodrama of difference’, the word ‘melodrama’ has the sense of ‘decidedly overdone’. A dictionary definition is: ‘sensational dramatic piece with crude appeals to emotions and usually happy ending’. The ‘usually happy ending’ is rather ironic given its humanist appeal, and the ‘happy ending’ of cultural hybridity would see the end of the apparent anachronism of racism, a form of discrimination Baudrillard analyses as precisely prescribed by ‘difference’ (I will elaborate on this below). Baudrillard uses the term ‘melodrama’ in conjunction with ‘psychodrama’ and ‘sociodrama’ to critique contemporary discourses and practices of ‘otherness’, both of which conjure the centrality of simulation to the scene of ‘cultural difference’, and metaphorically depict the simulated and dramatised absence of the other, with its ‘melodramatic’ undertones of crude emotionality. Baudrillard’s argument that racism is an artefact of the institution of difference is integrally related to the structure of differentiation and the axiological and semiological form of its logic. To differentiate in the hyperreal mode of simulation is to discriminate: to establish differences that, generated from the model, are nothing more than more of the same. **Racism,** Baudrillard argues, does not exist ‘so long as the other remains Other’ (TE: 129). When the Other is foreign, strange, ‘other’, for example, within the order of the symbolic in Baudrillard’s critical terms, **there is no scale of**

equivalence or difference against which discrimination can be performed. Encounter and transformation are fully open and reversible, in all forms (including the agonistic encounter of violence and death). Racism becomes possible when ‘the other becomes merely different’ as then the other becomes ‘dangerously similar’. This is the moment, according to Baudrillard, when ‘the inclination to keep the other at a distance comes into being’ (TE: 129). The intolerable introjection of difference in the case of the construction of ‘the subject’ as ‘different’, or traversed by a multiplicity of ‘differences’, means **the other must be excised: the differences of the other must be made materially manifest.** The inevitability of a fluctuation, oscillation, vacillation of differences in a differential system means the ‘happy ending’ will always be illusory. ‘Difference’ (of others) is fetishised as the icon that keeps ‘the subject’ different.

CA – Gender Consideration

Gender Consideration Counter Advocacy 1NC

The 1AC begs a question of critical importance – a racial wake up call for who?

_____ and I advocate the abolishment of surveillance of feminized Black bodies as a racial and gendered wake-up call. Our form of racial radicalism moves towards (de)constructing (trans)misogynoir, anti-Black homophobia, and patriarchy.

The counter-advocacy is competitive –

Our advocacy is not plan plus, rather we argue that the 1AC is a poorly written piece of scholarship that you as the educator have the ability to reject in favour of analysis of the manifestations of transphobic, misogynoirist, and homophobic rhetoric in Black liberation rhetoric.

No Link of Omission -- It's not just who you didn't say, it's who you did.

Anti-Black violence is gratuitous, it's recognition is not. Our argument is that, holistically, the affirmative is same one-trick pony that the system always uses; it gives the illusion of protection by making small concessions that divide minoritarian groups which hurts them all, long-term. Trayvon Martin has become the center icon in the “Black Lives Matter” movements and literature; which gives literally no unique reason why he is key to the call of the affirmative. Centering of feminized Black bodies, meaning Trans,Queers, and Women offer a more intersection criticism of both the world and the presentation of the 1AC.*

We'll win the UQ debate – Sandra Bland political murder should've literally changed the entire 1AC, but it didn't.

SAY HER NAME, Sandra Annette Bland is a Black Woman who died while in police custody. The facts about her death are contradictory and against protocol but don't warrant a mention from the affirmative. Black Women occupy a unique space within the US culture of voyeurism; maintaining a simultaneous invisible and hyper-visible dichotomy— the 1AC's failure to acknowledge this structural issue turns the case and ignores a specific instance in which a large portion of antiblackness is generated – black women have been historically targeted by intrusive surveillance

Harry 14 (Sydette, cultural critic, troublemaker and writer from NYC. Her next project is a decidedly low/high tech response to media, age and race, also grad school. She has been published on Salon. “Everyone Watches, Nobody Sees: How Black Women Disrupt Surveillance Theory” <https://modelviewculture.com/pieces/everyone-watches-nobody-sees-how-black-women-disrupt-surveillance-theory>)

It kind of pains me to call Mason Betha prophetic, but 17 years ago when “Looking at Me” hit the Billboard charts, the Harlem native pretty much described the current state of surveillance and tech in America. Especially for black people and doubly so for black women. Surveillance is based on a presumption of entitlement to access, by right or by force. More importantly, it hinges on the belief that those surveilled will not be able to reject surveillance — either due to the consequences of resisting, or the stealth of the observance. They either won't say no, or they can't. Discussions of stolen celebrity selfies often miss the “by force” aspect of the breeches, instead focusing on salacious details. Surveillance is part of the information age, but it has always been part of abusive dynamics. As opting into surveillance becomes increasingly mandatory to participate in societies and platforms, surveillance has been woven into the fabric of our lives in ways we can not readily reject. Being watched is not just an activity of Big Brother-style surveillance, but also fannish adulation and social enmeshment. As Black women have been historically denied the ability to consent to surveillance, modern discussion of watching and observing black women needs better historical context. When I' nasah Crockett points out how black women online have constantly been portrayed as “raving amazons,” one of the unspoken through lines is how easily media, even on the left, believes dissecting black women, tracking their online habits, consuming illegally obtained images of them, and demanding education is a “right”. Black women cannot say no, and do not need to be in any way respected or fully informed about how they will be studied or used. Media collects the data of black activity and media production as a weapon, without black participation. The lack of black participation can be unintentional or intentional, but usually ends in gross appropriation, clumsy “admiration”, willful erasure or a troublesome combo of all three. Combined with historical blindness, racist condescension and content desperation, the modern surveillance of black women too often results in the same historical abuse and erasure of black women. When Patricia Garcia says the that the big booty era has finally arrived as a “high fashion” moment, but credits Jennifer Lopez and Iggy Azalea, it erases the very real abuse that black bodies have suffered for those exact body types, that were surveilled to produce the standard that Garcia hands over to Lopez et. al. She writes: “Rihanna shows up to the CFDA Awards practically naked with her crack fully on display and walks off with a Fashion Icon Award. Perhaps we have Jennifer Lopez to thank (or blame?) for sparking the booty movement.” Suggesting the way to Rihanna's 2014 moment was paved by Lopez shows a dangerous laziness towards the stated goal of body positivity. Rihanna's moment was a direct tribute to Josephine Baker, another black woman often sexualized and placed under surveillance, not just for celebration of her uniquely black body but for her participation in World War II and the civil rights movement. Garcia's “cultural surveillance” ends up being a contextless mess that insults both Rihanna and Baker. Writing for Salon, I pointed out that Media has no idea how to talk about race, and more recently I am convinced they do not actually care to learn. Unfortunately when covering Black women, this inability or unwillingness to learn defaults to common stereotypes at best and complete cultural propaganda at worst. That unwillingness create a vacuum of knowledge, as history repeats itself over and over. Take Alessandra Stanley's profile of Shonda Rhimes in the New York Times: a cringe-worthy attempt at “complimenting” Rhimes' stereotype-breaking television output that instead relies on empty surveillance of black characters while Stanley offers no evidence of having actually watched the shows she cites. Stanley's descriptions of Rhimes and her work are filled with words like “angry, terrorizing and sassy,” recalling Crockett's angry amazons perfectly while perpetuating and prolonging logic that for decades kept Viola Davis from being the leading lady Stanley describes. Her piece ignores multi-year plot developments as well as a wonderful opportunity to discuss Rhimes' accomplishments as possibly the only non-white-male with multiple, simultaneous network TV hits. Her surveillance provides little in the way of edification and a lot in codifying uncomfortable catch 22's for black women and privacy: visibility is part of achievement in media, but is it worth it when even at the pinnacle of your success the only thing made visible is the racism of those observing you? Even more difficult, how do you fight back? Steven Mann's concept of sousveillance centers on wearing portable cameras and technology to record

activity, but I would like to expand it to include all forms of using tech to jam surveillance. Mann, a pioneer in the field of wearable computing and computation photography, framed the concept of wearable cameras functioning as recording data for the user, not an outside network. Hashtags, street recordings, phone taps can all be looked at as ways of using tech to push back against surveillance. #Yourslipsshowing in particular was used to fight #4chan surveillance of black women. Crockett, user @sassycrass, and a community of black women (myself included) used the hashtag to expose 4chan board members who declared “war” on black feminists by tracking and attempting to infiltrate their “ranks.” The attempt was foiled mostly by how their racist caricatures of black women (much like Stanley’s) were so jarringly incongruent with reality. However, sousveillance often requires large amounts of disclosure to be effective and ultimately negates privacy even more. Hasan M. Elahi responded to being incorrectly surveilled by making a project of displaying his personal information. Similarly, Black women’s responses to abusive surveillance has often been heart-rending accounts of personal trauma and exposure of personal networks. What goes unmentioned is that social capital and safety are often key to being able to go public with sousveillance as a strategy. Mann and Elahi – credentialed, well-known professors – have a much easier time of saying they agree to be watched than those on the margins. Stacia L. Brown offers a beautiful examination of the ramifications of ahistorical surveillance, discussing representation as well as more diverse media sources as counter-tactics. As Brown points out in response to Garcia’s flippant mess: “It isn’t about who gets credit for popularizing the ‘big booty.’ It’s about who is erased and minimized in the process.” Her recommendations are solid but also bring up a very real question: for populations whose fundamental problem under surveillance is the inability to declare privacy and boundaries, what kind of solution is being made to expose one’s self “voluntarily,” to invite more observation into one’s life? The response to these articles and continued moments of ahistorical abuse and sometimes outright violence are a version of cultural sousveillance. Black women must lay themselves bare, exposing trauma and constantly excavating painful historical memory to gain sympathy and respect. Surveillance must be used as sousveillance, with the records generated by the intrusive observation of blackness, used to bolster black testimony. BuzzFeed has an article that is a triggering reminder of the murkiness of this dilemma. While being one of the few places to acknowledge how Daniel Holtzclaw, a predatory policeman targeted black women, it also notes how he used surveillance, and even the more stringent sousveillance to track black women to abuse. To emphasize the gravity of his offense, once again black women’s trauma is made public with overly specific details on the abuse of his victims. More disturbingly have been the deaths of three black men: Eric Garner, Michael Brown and John Crawford III, all murdered by police. In all three cases there was video/photo evidence of the deaths that circulated the internet, and in Brown’s case, even AFTER the mother requested it stop. Crawford’s death is a disturbing illustration of the interplay of surveillance and sousveillance with historical discrimination. The police who ultimately ended his life were responding to a report, via citizen surveillance, that he had been observed with a gun. The surveillance video which showed him being shot? Still not enough for indictment. Why must black death be broadcast and consumed to be believe, and what is it beyond spectacle if it cannot be used to obtain justice? When Janay Rice was assaulted by her husband, it became a rallying cry for domestic violence and resulted in job creation for white feminists. What stuck out immediately was the ease at which the surveillance aspects were skipped over. Echoing a similar leak of a private moment that targeted the Knowles-Carter family, little discussion was made of how a culture of intrusion seemed to focus on the abuse of black women as breaking news without asking about breaches of boundaries. That the same online communities that continually prodded and mocked black women are incubators for sex criminals who expose private pictures of celebrities isn’t shocking, it’s inevitable. They watched the world not care, why should they anticipate consequences now? Predators are often wrongly pictured as targeting the defenseless, when they also target the undefended. Black people, women particularly have historically been able to defend themselves, but have also been shown to be undefended. The problem is not that they can’t fight back, but that their fight and the record of what they were fighting is erased and sanitized for easier consumption. When Laurie Penny and Lola Okolosie claim a victory over racist and sexists online, they willfully erase the original problem of targeted women not wanting to be surveilled, and shut down conversations about how that issue can be addressed. If they have won already, what does the trauma of the women used in that success matter? Just recently, threats to “expose” Emma Watson’s nudes turned out to be a prank to “draw attention” to attacks on feminists. The very real trauma of women — who even after they were transgressed were asked to answer for it like they had committed the crime — becomes a “gotcha” moment. A time to ask what factors lead to the abuse of women and where it starts — usually with black women expressing feminist or anti-racist ideals — becomes covered in really uncomfortable racist/classist overtones, namely: “What happens if this happens to a white woman we actually care about?!” Even as women of all colors have been fighting for years to make legislation against revenge porn. When Janay Rice was assaulted by her husband, it became a rallying cry for domestic violence and resulted in job creation for white feminists. It’s a cry that does not truly encompass the necessary complexity of the problem in the NFL, or give anything at all to the attacked woman. This major step to “address issues” still hinges on making a black woman’s personal affairs heartbreakingly public and assuring that no one who represents her voice — which has asked for very different things than advocacy — will be heard. What we have decided to call surveillance is actually a constant interplay of various forms of monitoring that have existed and focused on black people, and specifically black women, long before cameras were around, let alone ubiquitous. Surveillance technology is a dissemination of cultural standards of monitoring. Our picture of surveillance needs to factor in not just tech developments, but the cultural standards that have bred surveillance, especially towards black culture, as part and parcel in our world. Elahi can use the intrusion into his privacy to further his work. But if all you want to do is have space to mind your own business, handle your family issues in private, or exist without interference, sousveillance isn’t an answer... it’s a reminder of defeat. If what you want is representation as you are, what do you do when the reality is ignored for the easy win, even when it leaves you worse than before? What is the solution for being constantly watched, if no one sees you at all?

Extensions: Trans Impact

Furthermore, surveillance via scanners subject trans- bodies to constant discipline at the hands of the state – creating discursive and structural violence

Shepherd & Sjoberg 12 (Laura J Shepherd and Laura Sjoberg, Associate Professor of International Relations at the School of Social Sciences at UNSW and a feminist scholar of international relations and international security, 7-1-2012, "Feminist Review," Feminist Review (2012) 101, 5–23., <http://www.palgrave-journals.com/fr/journal/v101/n1/full/fr201153a.html> //MV)

However, even these nuanced accounts of the immanence of gender in global politics as a noun, a verb and an organisational logic do not explicitly interrogate transgender and genderqueer logics of security. In fact, frequently they focus on a dichotomous or binary understanding of sex/gender to read gendered logics of security. This is not to deride or dismiss the important and varied contributions of these scholars, but rather to suggest a way in which we might contribute in this article to the literature on which we draw, and in relation to which we wish to situate ourselves.

Feminist scholars of security have emphasised the analytical salience of gender and, in doing so, raised questions about the possibility of security/ies of the self, particularly in reference both to (corpo)realities of gendered violence (see, for example, Bracewell, 2000; Hansen, 2001; Alison, 2007) and to the ontological security of gender identity itself (see, for example, Browne, 2004; Shepherd, 2008; MacKenzie, 2010). Opening to critical scrutiny, however, the practices through which gender uncertainty is erased and gender certainty inscribed—the practices through which the ontological presumption of gender difference is maintained and gender fluidity denied—allows scholars to develop different understandings of the ways in which in/security is not only written on the body but is performative of corporeality. We coin the neologism ‘genderinsecurity’ to emphasise the multiple dynamics of gendering security, understanding gender in security and interrogating gender insecurity, all of which animate in various ways the scholarship we discuss here. In different ways, these accounts of gender insecurity engage a politics of corporeality, asking under what circumstances, in what ways and with what effects subjects embody different gendered ideas and ideals. On this view, the body is ‘not ... an object but ... an “event”’ (Budgeon, 2003: 36; see also Wilton, 2000: 251), an ongoing event that is culturally produced, mediated and disciplined (Grosz, 1994: 23). Bodies are disciplined in part through security practices: those practices that speak to and of the physical security of the state or individual subject (such as immigration policies); and those practices that aim to order physical beings in the world (such as surveillance techniques, or the WBI scanning we discuss below). In both cases, the gendered logics that (re)produce regulatory and disciplinary techniques are firmly grounded in the idea and ideal of gender/sex as a binary construct. Queer bodies upset this binary logic in mundane ways (detention facilities, for example, holding those pending immigration review are divided into ‘male’ and ‘female’ accommodations, which led in the USA to ‘a blanket policy of placing transgender immigrant detainees in restrictive segregation’, according to a complaint filed against the Department of Homeland Security (DHS) on behalf of thirteen immigrants by Heartland Alliance for Human Needs and Human Rights on 13 April 20114) and in ways that are less immediately apparent and less frequently considered, at least in the realm of security studies (such as the trauma experienced when travelling with identity papers that do not ‘fit’ the assumed gender of the bearer, see Coyote, 2010;5 TransGriot, 20116).

Extensions: CP Solves/Is key

Black movements must incorporate members of the black LGBT community – anything else reinforces oppression and continues the disproportionate violence and discrimination enacted on the black LGBT community – the supreme court and #blacklivesmatters provide uniqueness

Patterson, editorial fellow at Mother Jones' San Francisco bureau whose work has appeared on Politic365 and NBCBLK , 2015 (By Brandon Ellington Patterson , Thu Jul. 2, 2015 “Why You Can't Be Pro-Black and Homophobic at the Same Time”,

<http://www.motherjones.com/politics/2015/06/black-lives-matter-gay-marriage-lgbt-supreme-court>, accessed 7/27/15)//JH @ DDI

Last Friday's Supreme Court ruling to legalize same-sex marriage nationwide was a milestone for the LGBT rights movement. While it didn't give gay Americans complete equality in every aspect of their lives, the decision provided a long-sought-after victory: an acknowledgement that their love is equal in the eyes of the law. This last year has also seen a dramatic rise in visibility for transgender celebrities—Janet Mock, Laverne Cox, and Caitlyn Jenner among them—drawing attention to the legal discrimination and socioeconomic inequalities faced by the transgender community, especially transgender people of color, and those on the economic margins of society. But not everyone is fond of Friday's ruling, or of the so-called "transgender tipping-point"—including parts of the black community. Of course, I've noticed support for LGBT rights from within the black community over these last few weeks: NBCBLK, NBC's showcase for stories by and about the black community, featured a black church in DC that performs same-sex marriages and employs LGBT clergy; the Rev. Clementa Pinckney, the pastor of Emanuel AME Church in Charleston, South Carolina, where he was murdered two weeks ago, was celebrated by some as a gay ally in the statehouse; and there's a push under way to get the Black Lives Matter movement, criticized for focusing too narrowly on straight black men, to address violence facing women and LGBT people, especially black trans women. But I've seen a lot of pushback from black people as well. On social media, I've seen black people imply that marriage equality is a frivolous concern, and that gay people shouldn't have received the right to marry before black people got the right to walk down the street without being shot by the police. I've seen black people argue against gay marriage by pointing out that it's still not legal to smoke weed in most of the United States. Then there are those who reject gay marriage and homosexuality as a sin. Despite steady growth across the entire US population, support for same-sex marriage among black Americans remains in the minority, and is lower among black Protestants than all other religious groups except white evangelicals. I've seen some in the black community also reject transgender people. In one argument that totally misunderstands what it means to be trans, some suggested that Caitlyn Jenner was "pretending" to be a woman, and that black people who embraced Jenner were hypocritical for accepting her while at the same time rejecting Rachel Dolezal for pretending to be black. The simple truth is this: It's problematic for members of any one marginalized group to challenge the progress made by members of another, especially when both groups suffer as a result of the same system—a system that favors being white, male, straight and "cisgender," a term used by academics and advocates to describe the opposite of trans. But it is especially problematic for black people to reject the LGBT rights struggle, especially when, over the past year, black people have been particularly vocal about their own racial oppression, via sustained, high-profile protests that have swept the nation. Most glaringly, it's problematic because blackness and LGBT identities are not mutually exclusive. There are lesbian black women, gay black men, bisexual black people, transgender black men and women, "genderqueer" black people—identifying as neither gender or both—and black people who are any combination of any of the above. And black LGBT people and their allies have made incredible contributions to the black liberation struggle, from Bayard Rustin during the civil rights movement to Audre Lorde, a poet, feminist, and LGBT advocate, as well as the three women who founded the hashtag #BlackLivesMatter and the organization that birthed the movement: Alicia Garza, Patrisse Cullors, and Opal Tometi. Activism like this is even more inspiring than most because, in addition to state-sanctioned racism, LGBT people face state-sanctioned homophobia and transphobia in the form of unchecked employment and wage discrimination, housing discrimination, health care disparities, increased risk of brutality at the hands of police, and so much more. And then they face ridicule and violence, oftentimes from within the black communities they call home. Thirty-four percent of black transgender people live in extreme poverty, a rate three times that of black people as a whole and eight times that of the general US population. Homelessness is rife. Only 19 states have statewide employment non-discrimination laws that cover both sexual orientation and gender identity. In 2013, two-thirds of all LGBT homicide victims were transgender women of color, while LGBT people are more likely than others to be subjected to hostility, brutality, and unjust arrest from police after reporting they have been victims of crime. And 43 percent of black gay youth have attempted suicide as a result of issues related to their sexual orientation. Through anti-LGBT bigotry, we add to the marginalization of these black folk. Straight black people should be fighting for them, not the

reverse. Yet, so many black LGBT people are down for us, despite the fact that we so often remind them that, no, we are not down for them. This must change. There is no caveat or asterisk on the phrase "black lives matter." All black lives matter, not just the ones you are comfortable with. You cannot be pro-black if you oppress black people. And, more importantly, you cannot love all black people if you oppress black people. You do not mean "black lives matter" if you protest when an unarmed straight black man is killed by the police because they are black, but don't care about the the many transgender black women who have been murdered this year because they were trans. If we are to liberate black people as a whole, then we must combat all forms of discrimination against black people, including anti-LGBT discrimination and that which we inflict upon them from within our own communities. The struggle must be multilayered, just like the identities of black people. Every chain must be broken. If black people do not come to grips with the homophobia and transphobia within our own communities, then all black people will never be free. That, indeed, would be a tragedy that we brought upon ourselves. I, for one, join the LGBT community—black LGBT people—in celebrating a milestone in their struggle for freedom.

Case

Note – some of the stuff on case is repetitive with off-case. Edit accordingly

1NC Policing Contention Frontline

1. Racial Binaries Turn -- the aff attempts explain latino/a racial oppression in terms of antiblackness – their role of the ballot claim that “The 1AC explains oppression against Latin@ groups being intrinsic to those of black communities” proves

This reifies the black/white binary which renders other racially oppressed populations invisible – this reinforces marginalization and status quo ignorance

Alcoff, Professor of Philosophy, Syracuse University/SUNY Stony Brook, 2003 (Linda Martín Alcoff, *The Journal of Ethics*, Vol. 7, No. 1, Race, Racism, and Reparations (2003), pp. 5-27 “Latino/As, Asian Americans, and the Black-White Binary”; JSTOR, accessed 7/26/15)/JH @ DDI

Critics of the black/white paradigm have argued that, although all communities of color have shared the experience of political and economic disenfranchisement in the U.S., there are significant differences between the causes and the forms of this disenfranchisement. Bong Hwan Kim, a Korean American community leader who has worked both as the Director of the Korean Community Center of East Bay in Oakland, CA, and as Director of the Korean Youth and Community Center in Los Angeles, blames the black/white binary for disabling relationships among people of color and even for creating the conditions leading to the Los Angeles civil disaster of April 1992, in which 2,300 small Korean owned businesses were destroyed by mostly Latino/a and African American looters. Kim cites the xenophobia marshaled by African American leader Danny Bakewell before the looting occurred, and argues that the Korean American community had been and continues to be systematically rendered incapable of responding to such rhetoric because they are not recognized in the media as a player in racial politics.²⁰ Elaine Kim explains: It is difficult to describe how disempowered and frustrated many Korean Americans felt during and after the sa-i-ku p'ok-dong (the April 29 "riots"). Korean Americans across the country shared the anguish and despair of the Los Angeles tongp'o (community), which everyone seemed to have abandoned - the police and fire departments, black and white political leaders, the Asian and Pacific American advocates who tried to dissociate themselves from us because our tragedy disputed their narrow and risk-free focus on white violence against Asians ... the Korean Americans at the center of the storm were mostly voiceless and all but invisible (except when stereotyped as hysterically inarticulate, and mostly female, ruined shopkeepers ...).²¹ Similar to the Mexicans in Texas, the Koreans have been denied the legal or socially recognized category of being a politicized group at

the same time that they are made subject to group based scapegoating. Moreover, as this event demonstrates, the black/white paradigm of race is incapable of theoretically or politically addressing racism among communities of color, or racism, in other words, which is not all about white people. A response to this line of reasoning might be that it is white supremacy which is at the root of the conflictual relations among communities of color, and responsible for their acceptance of stereotypes manufactured by a white dominant power structure. Thus, on this reading, what occurred in Los Angeles can be reductively analyzed as caused by white supremacy. Although I do find explanatory arguments that focus on political economy often compelling, it is far too simplistic, as I think Karl Marx himself knew, to imagine cultural conflict as the mere epiphenomenon of economic forces with no life or grounding of their own. To blame only white supremacy for what occurred in Los Angeles would also deny power and agency to any groups but the dominant, which is increasingly untrue. We must all accept our rightful share of the blame, whatever that turns out to be in particular instances, and resist explanations that would a priori reduce that blame to zero for communities of color. Supporting the arguments of both Elaine Kim and Bong Hwan Kim, Juan Perea argues that because of the wide acceptance of the black/white paradigm, "other racialized groups like Latino/as, Asian Americans, and Native Americans are often marginalized or ignored altogether".²² He points out that the concerns of Asian Americans and Latino/as cannot be addressed through immigration legislation because all are not immigrants, which is one of the reasons to reject the claim of some ethnic theorists that these groups will follow the path of European immigrants in gradual assimilation and economic success (the other reason to reject this claim is their racialization).²³

2. Pain Turn – the AFF’s politics of recognition ties reinscribes oppression by tying subjecthood to suffering

Tuck and Yang 14 [Eve, & K. W., 2014, “R-Words: Refusing Research.” In n D. Paris & M. T. Winn (Eds.) Humanizing research: Decolonizing qualitative inquiry with youth and communities (pp. 223-248). Thousand Oakes, CA: Sage Publications. Pp. 228]

The costs of a politics of recognition that is rooted in naming pain have been critiqued by recent decolonizing and feminist scholars (Hartman, 1997, 2007; Tuck, 2009). In Scenes of Subjection, Sadiya Hartman (1997) discusses how recognizing the personhood of slaves enhanced the power of the Southern slaveowning class. Supplicating narratives of former slaves were deployed effectively by abolitionists, mainly White, well-to-do, Northern women, to generate portraits of abuse that ergo recognize slaves as human (Hartman, 2007). In response, new laws afforded minimal standards of existence, “making personhood coterminous with injury” (Hartman, 1997, p. 93), while simultaneously authorizing necessary violence to suppress slave agency. The slave emerges as a legal person only when seen as criminal or “a violated body in need of limited forms of protection” (p. 55). Recognition “humanizes” the slave, but is predicated upon her or his abjection. You are in pain, therefore you are. “[T]he recognition of humanity require[s] the event of excessive violence, cruelty beyond the limits of the socially tolerable, in order to acknowledge and protect the slave’s person” (p. 55). Furthermore, Hartman describes how slave-as-victim as human accordingly establishes slave-as-agent as criminal. Applying Hartman’s analysis, we note how the agency of Margaret Garner or Nat Turner can only be viewed as outsider violence that humane society must reject while simultaneously upholding the legitimated violence of the state to punish such outsider violence. Hartman asks, “Is it possible that such recognition effectively forecloses agency as the object of punishment . . . Or is this limited conferral of humanity merely a reinscription of subjugation and pained existence?” (p. 55).

2NC Racial Binaries Turn – Turns Case

The hegemony of the black/white binary stymies solutions to racial issues – its reductionist views cannot encompass the discrimination experienced by other racially oppressed populations

Alcoff, Professor of Philosophy, Syracuse University/SUNY Stony Brook, 2003 (Linda Martín Alcoff, *The Journal of Ethics*, Vol. 7, No. 1, Race, Racism, and Reparations (2003), pp. 5-27 “Latino/As, Asian Americans, and the Black-White Binary”; JSTOR, accessed 7/26/15)//JH @ DDI

One clear lesson to be learned from this legal history is that race is a construction that is variable enough to be stretched opportunistically as the need arises to maintain and expand discrimination. The fact that Latino/as and Asians had to be put into either one of two categories - black and white - has not been of benefit to them. Nonetheless, one might take these legal cases to indicate that discrimination against African Americans was the paradigm case which U.S. courts stretched when they could to justify discrimination against other nonwhites, and thus to provide support for the black/white paradigm of race. The distinguished historian John Hope Franklin argued in this way at the first official meeting of the Race Relations Commission which was convened by former U.S. President Bill Clinton to advance his initiative for a national dialogue on race. Franklin maintained that "racism in the black/white sphere" developed first in North America when slavery was introduced in the Jamestown colony in 1619 and has served as a model for the treatment of race in the U.S. Attorney Angela Oh, also serving on the commission, argued against Franklin on this point, using the example of the uprising of April 29, 1992 in Los Angeles to show that the specific history and racist treatment of Asian Americans needs to be accounted for in order to understand what occurred during that event. "I just want to make sure we go beyond the black-white paradigm. We need to go beyond that because the world is about much more than that ..." she said.¹⁶ Frank Wu, commenting on this exchange, tries diplomatically to unite both sides, affirming that "African Americans bear the greatest burden of racial discrimination" and that the Los Angeles uprising needs to be understood in relation both to African American history as well as Korean American history (and, I would add, Latino/a history, since Latino/as were the largest number of arrested). Wu advocates the following: Whatever any of us concludes about race relations, we should start by including all of us ... Our leaders should speak to all individuals, about every group, and for the country as a whole. A unified theory of race, race relations, and racial tensions must have whites, African Americans, and all the rest, and even within groups must include Arab Americans, Jewish Americans, white ethnicities, and so forth. Our theory is an inadequate account otherwise.¹⁷ The question Wu does not address directly is whether the continued acceptance of the black/white paradigm will allow such a comprehensive account. The reality of race in the U.S. has always been more complicated than black/white. The initial exclusionary laws concerning testimony in court, as mentioned earlier, grouped "blacks, mulattoes, and Native Americans." The Chinese laborers brought to the West in the 1800's had specific rulings and ideological justifications used against them, restricting their right not only to vote or own property but even to marry other Chinese. This latter ruling outlasted slavery and was justified by invoking images of Asian overpopulation. To avoid reproduction, Chinese women were allowed to come as prostitutes but not as wives, a restriction no other group faced. The Mexicans defeated in the Mexican-American War were portrayed as cruel and cowardly barbarians, and although the Treaty of Guadalupe-Hidalgo ratified in 1848 guaranteed the Mexicans who stayed in the U.S. full rights of citizenship, like the treaties with Native Americans neither local governments nor the federal courts upheld the Mexicans right to vote or respected the land deeds they held before the Treaty.¹⁸ By the time of the Spanish American War of 1898 the image of barbarism used against Mexicans was consistently attributed to a Latin-Catholic heritage and expanded for use throughout Latin American and the Caribbean, thus subsequently affecting the immigrant populations coming from these countries as well as justifying U.S. claims of hegemony in the region.¹⁹ The so-called Zoot Suit riots in Los Angeles in 1943 targeted Mexicans and their ethnically specific style of dress. The attempts made to geographically sequester and also to forcibly and totally assimilate Native American groups were not experienced by any other group, and had their own ideological justifications that combined contradictory images of the Great Chain of Being with the romanticized Noble Savage. Native peoples were represented as vanquished, disappearing, and thus of no account. The paradigm of an antiblack racism intertwined with slavery does not help to illuminate these and other specific experiences of other nonwhite groups, where ideologies often relied on charges of evil, religious backwardness, horde mentalities, being a disappearing people, and other projections not used in regard to African Americans. The hegemony of the black/white paradigm

has stymied the development of an adequate account of the diverse racial realities in the U.S., and weakened the general theories of racism which attempt to be truly inclusive. This has had a negative effect on our ability to develop effective solutions to the various forms racism can take, to make common cause against ethnic and race based forms of oppression and to create lasting coalitions, and has recently played a significant role in the demise of affirmative action. I will support these claims further in what follows.

The black/white binary forces a reactionary politics that make coalition building and identity definition impossible while artificially inflating white domination to the point of inevitability

Alcoff, Professor of Philosophy, Syracuse University/SUNY Stony Brook, 2003 (Linda Martín Alcoff, *The Journal of Ethics*, Vol. 7, No. 1, Race, Racism, and Reparations (2003), pp. 5-27 “Latino/As, Asian Americans, and the Black-White Binary”; JSTOR, accessed 7/26/15)//JH @ DDI

Roberto Suro argues that the black/white binary disadvantages Latino/as and other people of color who are not African Americans by forcing them to adopt the strategies of civil rights litigation even though it was "not particularly well-suited to Latino/as" who are a much more diverse group.²⁴ For example, any meaningful redress of economic discrimination affecting Latino/as and Asian Americans will need to disaggregate these groups, as some "target of opportunity" programs today in fact do, since the gap between median incomes in Filipino and Japanese households, or between Puerto Rican and Cuban households, makes averaging these incomes useless as an indicator of economic success. Richard Delgado argues that "If one's paradigm identifies only one group as deserving of protection, everyone else is likely to suffer." Current civil rights legislation, in Delgado's view, has provided legal advantages for African Americans, unwittingly perhaps, over other people of color. I do not take Delgado to be implying that the legislation has effectively benefited the African American population and been applied forcefully and universally, but that the language of the law, however much it has yet to be applied, identifies only one group and this is a problem. Just as the protection of the right of property advantages the propertied, and the protection of free speech increases the influence of those who are articulate and can afford microphones, TV air time, and so on ... the Equal Protection Clause produces a social good, namely equality, for those falling under its coverage - blacks and whites. These it genuinely helps - at least on occasion. But it leaves everyone else unprotected.²⁵ Put in more general terms, these arguments can be summarized as follows: 1) The black/white paradigm has disempowered various racial and ethnic groups from being able to define their own identity, to mark their difference and specificity beyond what could be captured on this limited map. Instead of naming and describing our own identity and social circumstance, we have had descriptions foisted on us from outside. 2) Asian Americans and Latino/as have historically been ignored or marginalized in the public discourse in the U.S. on race and racism. This is a problem for two reasons, first, because it is simply unfair to be excluded from what concerns one, and second, because it has considerably weakened the analysis of race and racism in the mainstream discussions. To explain the social situation of Asian Americans or Latino/as simply in terms of their de jure and de facto treatment as nonwhites is to describe our condition only on the most shallow terms. We must be included in the discussions so that a more adequate account can be developed. 3) By eliminating specificities within the large "black" or nonwhite group, the black/white binary has undercut the possibility of developing appropriate and effective legal and political solutions for the variable forms that racial oppression can take. A broad movement for civil rights does not require that we ignore the specific circumstances of different racial or ethnic identities, nor does it mandate that only the similarities can figure into the formulation of protective legislation. I will discuss an example of this problem, one that concerns the application of affirmative action in higher education, at the end of this essay. 4) Another major disadvantage of eliminating specificities within the large "black" or nonwhite group is that one cannot then either understand or address the real conflicts and differences within this amalgam of peoples. The black/white paradigm proposes to understand all conflicts between communities of color through anti-black racism, when the reality is often more complex. 5) For all these reasons, the black/white paradigm seriously undermines the possibility of achieving coalitions. Without being a conspiracy theorist, it is obvious that keeping us in conflict with each other and not in coalition is in

the interests of the current power structure. I would add to these arguments the following two. 6) The black/white binary and the constant invocation of all race discourses and conflicts as between blacks and whites has produced an imaginary of race in this country in which a very large white majority confronts a relatively small black minority, which has the effect of reenforcing the sense of inevitability to white domination. This is not the reality of racial percentages in almost any major urban center in the country today. Nonwhites outnumber whites in New York, NY, Miami, FL, Chicago, IL, Atlanta, GA, and Los Angeles, CA, and come very close in San Francisco, CA, Dallas, TX, and Washington DC. The original intent of the electoral college was to protect small states and create a buffer between the hoi polloi and the U.S. Government, but the current effect of the electoral college given these changed demographics has the added "advantage" of disenfranchising the occupants of cities generally and people of color specifically from influencing national electoral outcomes. If the popular vote determined elections, the cities would have the determining numbers of votes, since this is where the majority of U.S. citizens now live and where the trend of movement is toward. The numbers and concentrations of people of color in the U.S. means that we are quickly moving past the politics of recognition, where people of color clamor for recognition from the all powerful majority, and reaching the politics of power negotiation, where we can negotiate from a position of power rather than having to rely exclusively on moral appeals. The white majority will not maintain its near hegemonic political control as new configurations of alliances develop.²⁶ Moreover, the white majority is far from monolithic, splintering most notably along gender and class lines: the gender gap has widened in electoral politics along with the gap between union and non-union households (the two largest gaps in the last presidential election), with droves of white women and white union members voting the same as the majority of people of color. Thus, thinking of race in terms only of black and white produces a sense of inevitability to white domination which is not empirically supportable. I believe this issue of imagery is very significant. Whites must come to realize that maintaining white dominance for much longer is simply not a viability, short of fascism, or significantly expanding the fascist treatments that many communities already experience. By maintaining the black/white binary we only persist in falsely representing the realities of race in the U.S.; by opening up the binary to rainbow images and the like we can more accurately and thus helpfully present the growing and future conditions within which political action and contestations will occur. This is in everyone's interests. For this reason, the increasingly high profile of Asian Americans, Native Americans, and Latino/as is all to the good. It may also someday lead away from the imagery of oppositionality, or mutually exclusive interests, which the very terms black and white have long conveyed, and move toward an imagery of pluralism (which has some of its own problems, I realize, but which can more readily recognize the diverse ways in which alliances and differences can occur). 7) The next argument that I would make in regard to the black/white binary is that it mistakenly configures race imagistically as exclusively having to do with color, as if color alone determines racial identity (which has not been the case even for African Americans), and it makes it seem as if between African Americans and European Americans all the other races must be lined up somewhere on this continuum of color since "white" and "black" clearly represent the polar extremes. There is certainly a racist continuum of color operating in this and in many countries, but this continuum is not the only axis by which racism operates.

2NC Racial Binaries Turn – A2 trivializaing antiblackness/antiblackness focus key

The argument is not that antiblackness is wrong or unimportant, rather, it is necessary to acknowledge other racisms to effectively combat racial issues

Alcoff, Professor of Philosophy at Hunter College/CUNY, 2013 (linda martin alcoff, critical philosophy of race, vol. 1, no. 1, 2013 “afterword The Black/White Binary and Antiblack Racism” project muse; accessed 7/27/15)//JH @ DDI

Living in these times of ongoing, persistent, and extreme antiblack racism, from police violence to voter suppression to crushing unemployment and poverty, it feels a harsh task to criticize the hegemony of the black/white binary in antiracist discourses. The difficult challenge of this critical project has always been the question of how to critique the binary without deflating our commitment to address antiblack racism or implicitly denying the value and importance of work that is centered on this virulent form of racism. The presidency of Barack Obama in the United States has only underscored the fact that even in the twenty-

first century the hysteria of what some have called “negrophobia” continues to thrive and even to grow. And what is also persistently obvious is that antiblack racism is a kind of equal-opportunity phenomenon, infecting all communities of color in both overt and subtle ways. Yet combating antiblack racism will require a coalition of forces motivated to come together with a sense that the full range of race and identity related problems are acknowledged and addressed. It thus requires an understanding of all the ways racism itself works. The articles in this special issue showcase the growth in our understandings of racism, from antiblack racism, to the explosion of xenophobic nativism, to the incapacity of the binary to capture Asian American women. Clearly, we should begin to refer to racisms in the plural. The multiple ways in which the targets of racism are constituted, (mis)represented, and interpellated reveal differences of form, and not only, or even always, differences of degree. Some groups are purported to be intellectual and cultural inferiors, some are purported to be intellectually superior but unable or unwilling to assimilate, others are viewed as constituting an inherent existential threat to the West as a whole because of their religious culture. These are just the main examples. Contrasting narratives yield different affective responses, from contempt to animosity to fear to a complete disavowal of existence, with coordinated practical responses that range from forced assimilation into a stratified and segregated structure, to hysterical overreactions of competitiveness, to military aggression. There may be commonalities running through these variations such as a basic disrespect for life, but these variations cannot explain the formations of specific racist narratives or the diversity of practices. Rather than highly general arguments about functionalism and universal aversions to difference (arguments that breed pessimism, lack convincing evidence, and eclipse important distinctions), we need local analyses. Anti-Latino racisms are themselves pluralist and diverse, with quite different treatment meted out to Cubans of the professional class versus Guatemalan day laborers or Puerto Ricans seeking social services. Latinos in Germany often have quite a different experience than those in Arizona. Racisms take their opportunities from local discourses and conflicts and histories.

1NC Miseducation Contention Frontline

- 1. There's no impact to miseducation and debate isn't a classroom – they can't access a shift in epistemic frame*
- 2. They have no solvency advocate – their own author advocates counter-gazing to redirect attention to whiteness making it visible*

Yancy, 12 (George Yancy Ph.D. at Philosophy, Duquesne University) Look, A White! Philosophical Essays on Whiteness [1-3]

Look, a Negro! The utterance grabs ones attention. It announces something to be seen, to be looked at, to be noticed, to be watched, and, in the end, to be controlled. "Look" catches our attention, forcing us to turn our heads in anticipation, to twist our bodies, to redirect our embodied consciousness. The entire scene is corporeal. "Negro!" functions as a signifier that gives additional urgency to the command to "Look." So the imperative "Look" becomes intensified vis-a-vis the appearance of a "Negro." "Look, a shooting star!" elicits a response of excitement, of hoping to catch sight of the phenomenon and perhaps even to make a wish. "Look, a Negro!" elicits white fear and trembling, perhaps a prayer that one will not be accosted. In short, "Look" has built in it—when followed by "a Negro!"—a gestured warning against a possible threat, cautioning those whites within earshot to be on guard, to lock their car doors, to hold their wallets and purses for dear life, to gather their children together, to prepare to move house, and (in some cases) to protect the "purity" of white women and to protect white men from the manipulating dark temptress. Frantz Fanon writes about his experiences when a little white boy "sees" him: "Look, a Negro!" It was an external stimulus that flicked over me as I passed by. I made a tight smile. "Look, a Negro!" It was true. It amused me. "Look, a Negro!" The circle was drawing a bit tighter. I made no secret of my amusement. "Mama, see the Negro! I'm frightened!" Frightened! Frightened! Now they were beginning to be afraid of me. I made up my mind to laugh myself to tears, but laughter had become impossible. Note the iterative "Look, a Negro!" It is repetitive and effectively communicates something of a spectacle to behold. Yes. It's a Negro! Be careful! Negroes steal, they cheat, they are hypersexual, mesmerizingly so, and the quintessence of evil and danger. The tight smile on Fanons face is a forced smile, uncomfortable, tolerant. Fanon feels the impact of the collective white gaze. He is, as it were, "strangled" by the attention. He has become a peculiar thing. He becomes a dreaded object, a thing of fear, a

frightening and ominous presence. The turned heads and twisted bodies that move suddenly to catch a glimpse of the object of the white boy's alarm function as confirmation that something has gone awry. Their abruptly turned white bodies help to "materialize" the threat through white collusion. The white boy has triggered something of an optical frenzy. Everyone is now looking, bracing for something to happen, something that the Negro will do. And given his "cannibal" nature, perhaps the Negro is hungry. Fanon writes, "The little white boy throws himself into his mother's arms: Mama, the niggers going to eat me up."² Fanon has done nothing save be a Negro. Yet this is sufficient. The Negro has always already done something by virtue of being a Negro. It is an anterior guilt that always haunts the Negro and his or her present and future actions. After all, this is what it means to be a Negro—to have done something wrong. The little white boy's utterance is felicitous against a backdrop of white lies and myths about the black body. As Robert Gooding-Williams writes, "The [white] boy's expression of fear posits a typified image of the Negro as behaving in threatening ways. This image has a narrative significance, Fanon implies, as it portrays the Negro as acting precisely as historically received legends and stories about Negroes generally portray them as acting."³ One can imagine the "innocent" white index finger pointing to the black body. "Here the 'pointing' is not only an indicative, but the schematic foreshadowing of an accusation, one which carries the performative force to constitute that danger which it fears and defends against."⁴ The act of pointing is by no means benign; it takes its phenomenological or lived *toll* on the black body. As Fanon writes, "My body was given back to me sprawled out, distorted, recolored, clad in mourning in that white winter day. The Negro is an animal, the Negro is bad, the Negro is mean, the Negro is ugly; look, a nigger."⁵ Fanon is clear that the white boy, while not fully realizing the complex historical, psychological, and phenomenological implications, has actually distorted his (Fanon's) body. "Look, a Negro!" is rendered intelligible vis-a-vis an entire play of white racist signifiers that ontologically truncate the black body; it is an expression that calls forth an entire white racist worldview. The white boy, though, is not a mere innocent proxy for whiteness. Rather, he is learning, at that very moment, the power of racial speech, the power of racial gesturing. He is learning how to think about and feel toward the so-called dark Other. He is undergoing white subject formation, a formation that is fundamentally linked to the object that he fears and dreads.

3. The aff has no method to access deconstruction -- the Bell evidence is all in the context of racial realism

4. Instead of fetishizing breaking silence we should embrace silence as a means of resisting regulation and depoliticization

Brown 1996 [Wendy Brown, Prof. Political Science, Prof. Rhetoric, Prof. Critical Theory @ UC-Berkeley, 96, "In the 'folds of our own discourse': The Pleasures and Freedoms of Silence," 3 U. Chi. L. Sch. Roundtable, 186]

But if the silences in discourses of domination are a site for insurrectionary noise, if they are the corridors we must fill with explosive counter-tales, it is also possible to make a fetish of breaking silence. Even more than a fetish, it is possible that this ostensible tool of emancipation carries its own techniques of subjugation—that it converges with non-emancipatory tendencies in contemporary culture (for example, the ubiquity of confessional discourse and rampant personalization of political life), that it establishes regulatory norms, coincides with the disciplinary power of confession, in short, feeds the powers we meant to starve. While attempting to avoid a simple reversal of feminist valorizations of breaking silence, it is this dimension of silence and its putative opposite with which this Article is concerned. In the course of this work, I want to make the case for silence not simply as an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure. I also want to suggest a link between, on the one hand, a certain contemporary tendency concerning the lives of public figures—the confession or extraction of every detail of private and personal life (sexual, familial, therapeutic, financial) and, on the other, a certain practice in feminist culture: the compulsive putting into public discourse of heretofore hidden or private experiences—from catalogues of sexual pleasures to litanies of sexual abuses, from chronicles of eating disorders to diaries of homebirths, lesbian mothering, and Gloria Steinam's inner revolution. In linking these two phenomena—the privatization of public life via the mechanism of public exposure of private life on the one hand, and the compulsive/compulsory cataloguing of the details of women's lives on the other—I want to highlight a modality of regulation and depoliticization specific to our age that is not simply confessional but empties private life

into the public domain, and thereby also usurps public space with the relatively trivial, rendering the political personal in a fashion that leaves injurious social, political and economic powers unremarked and untouched. In short, while intended as a practice of freedom (premised on the modernist conceit that the truth shall make us free), these productions of truth not only bear the capacity to chain us to our injurious histories as well as the stations of our small lives but also to instigate the further regulation of those lives, all the while depoliticizing their conditions. My concern with what might be called compulsory feminist discursivity and the presumed evil of silences has yet another source. Notwithstanding American academic feminism's romance with Foucault, there is an oddly non or pre-Foucauldian quality to much feminist concern with censorship and silencing. In these formulations, expression is cast either as that which makes us free, tells our truth, puts our truth into circulation, or as that which oppresses us by putting "their" truth into circulation in the form of pornography, hate speech, harassment or simply the representation of the world from "the male point of view."⁴ If one side in the debate argues for more expression on our part—for example, by making our own pornography or telling our own stories—and the other argues for less on "their" part, both sides nonetheless subscribe to an expressive and repressive notion of speech, its capacity to express the truth of an individual's desire or condition, or to repress that truth. Both equate freedom with voice and visibility. Both assume recognition to be unproblematic when we tell our own story, and assume that such recognition is the material of power and pleasure. Neither, in short, confronts the regulatory potential of speaking ourselves. I think the whole contemporary debate over censorship—whether focused on porn or rap music—is necessarily bound to an expressive-repressive model of power and freedom, which may explain why those who feel passionately about both freedom and dignity have trouble finding their way in this debate. If the choice is cast either as the free circulation of music and pictures venerating rape, racism, and misogyny, or state repression of the same, how does one choose? To inaugurate a different kind of analysis of the relationship between silence, speech, and freedom, I want to turn to two passages in Foucault's work, the first from *The History of Sexuality: Discourses are not once and for all subservient to power or raised up against it, any more than silences are . . . Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it.* In like manner, silence and secrecy are a shelter for power, anchoring its prohibitions; but they also loosen its hold and provide for relatively obscure areas of tolerance. Foucault here marks the ambiguity of silence in relationship to power, insisting that silence functions not only as a "shelter for power" but also as a shelter from it. (Foucault's example is the putative freedom of homosexual practice in a historical age when there is no discourse for or about it).⁸ This paradoxical capacity of silence to engage opposites with regard to power is rarely associated with Foucault's thinking due to his emphasis on discourse as power. Yet I do not think he is here renegeing on this emphasis nor, in speaking of silence as a shelter from power, suggesting a pre-discursive existence to things. Critical here is the difference between what Foucault calls unitary discourses, which regulate and colonize, and those which do not perform these functions with same social pervasiveness, even as they do not escape the tendency of all discourse to establish norms by which it regulates and excludes. It is through this distinction that one can make sense of Foucault's otherwise inexplicable reference to sex in the eighteenth century as being "driven out of hiding and constrained to lead a discursive existence,"⁹ or his troubling example of the village simpleton whose "inconsequential" habit of molesting young girls in exchange for pennies was suddenly subjected to medical, judicial, and popular scrutiny and condemnation. ° Neither in these cases nor in others where Foucault seems to imply a "freer" because pre-discursive existence to certain practices would he appear to mean that they really occurred "outside" discourse, but rather that they had not yet been brought into the pervasive regulatory discourses of the age—science, psychiatry, medicine, law, pedagogy, and so forth." Silence, as Foucault affirms it, then, is identical neither with secrecy nor with not speaking. Rather, it signifies a relation to regulatory discourses, as well as a possible niche for the practice of freedom within those discourses. If, as Foucault insists, freedom is a practice (as opposed to an achievement, condition, or institution), then the possibility of practicing freedom inside a regulatory discourse occurs in the empty spaces of that discourse as well as in resistance to the discourse. Moreover, silence can function as speech in both ways at once, as in the following autobiographical example offered by Foucault: *Maybe another feature of this appreciation of silence is related to the obligation of speaking. I lived as a child in a petit bourgeois, provincial milieu in France and the obligation of speaking, of making conversation with visitors, was for me something both very strange and very boring. I often wondered why people had to speak.* 2

5. *The Yancey 12 role of the ballot card doesn't mention Latin@s at all – its just power tagged*

6. *Academia has been militarized – the affirmative's radical strategy of visibility and calls for dialogue will be co-opted for sovereign violence*

Giroux '08 [Henry A., Professorship at McMaster University in the English and Cultural Studies Department, "Against the Militarized Academy", <http://www.truth-out.org/archive/component/k2/item/81138:against-the-militarized-academy>] from Ani's moten neg

In a post-9/11 world, with its all-embracing war on terror and a culture of fear, the increasing spread of the discourse and values of militarization throughout the social order is intensifying the shift from the promise of a liberal democracy to the reality of a militarized society. Militarization suggests more than simply a militaristic ideal - with its celebration of war as the truest measure of the health of the nation and the soldier-warrior as the most noble expression of the merging of masculinity and unquestioning patriotism - **but an intensification and expansion of the underlying values, practices, ideologies, social relations and cultural representations associated with military culture.** What appears new about **the amplified militarization of the post-9/11 world** is that it **has become normalized, serving as a powerful educational force that shapes our lives, memories and daily experiences. As an educational force, military power produces identities, goods, institutions, knowledge, modes of communication and affective investments - in short, it now bears down on all aspects of social life and the social order.** As Michael Geyer points out, what is distinctive about the militarization of the social order is that **civil society not only "organizes itself for the production of violence,"(2) but increasingly spurs a gradual erosion of civil liberties. Military power and policies are expanded to address not only matters of defense and security, but also problems associated with the entire health and social life of the nation, which are now measured by military spending, discipline and loyalty, as well as hierarchical modes of authority.** As citizens increasingly assume the roles of informer, soldier and consumer willing to enlist in or be conscripted by the totalizing war on terror, we see the very idea of the university as a site of critical thinking, public service and socially responsible research being usurped by a manic jingoism and a market-driven fundamentalism that enshrine the entrepreneurial spirit and military aggression as means to dominate and control society. This should not surprise us, since, as William G. Martin, a professor of sociology at Binghamton University, indicates, **"universities, colleges and schools have been targeted precisely because they are charged with both socializing youth and producing knowledge of peoples and cultures beyond the borders of Anglo-America."**(3) But **rather than be lulled into complacency by the insidious spread of corporate and military power, we need to be prepared to reclaim institutions such as the university that have historically served as vital democratic spheres protecting and serving the interests of social justice and equality.** What I want to suggest is that **such a struggle is not only political, but also pedagogical in nature.** Over 17 million students pass through the hallowed halls of academe, and it is crucial that they be educated in ways that enable them to recognize creeping militarization and its effects throughout American society, particularly in terms of how these effects threaten "democratic government at home just as they menace the independence and sovereignty of other countries."(4) But **students must also recognize how such anti-democratic forces work in attempting to dismantle the university itself as a place to learn how to think critically and participate in public debate and civic engagement.**(5) In part, **this means giving them the tools to fight for the demilitarization of knowledge on college campuses - to resist complicity with the production of knowledge, information and technologies in classrooms and research labs that contribute to militarized goals and violence. Even so, there is more at stake than simply educating students to be alert to the dangers of militarization and the way in which it is redefining the very mission of higher education.** Chalmers Johnson, in his continuing critique of the threat that the politics of empire presents to democracy at home and abroad, argues that if the United States is not to degenerate into a military dictatorship, in spite of Obama's election, a grass-roots movement will have to occupy center stage in opposing militarization, government secrecy and imperial power, while reclaiming the basic principles of democracy.(6) Such a task may seem daunting, but

there is a crucial need for faculty, students, administrators and concerned citizens to develop alliances for long-term organizations and social movements to resist the growing ties among higher education, on the one hand, and the armed forces, intelligence agencies and war industries on the other - ties that play a crucial role in reproducing militarized knowledge.

7. The aff fails to engage larger structures of power—forecloses possibility of change

Ebert 93 (Teresa Ebert, “Ludic Feminism, the Body, Performance, and Labor: Bringing “Materialism” Back into Feminist Cultural Studies”, <http://www.jstor.org/stable/1354189>, winter 1992-1993) from Samantha’s Handmaid Neg

A move toward an emancipatory politics for feminism needs to be based on a materialist cultural critique. But in order to be effective, cultural critique must intervene in the system of patriarchal oppression at both the macropolitical level of the structural organization of domination (a transformative politics of labor relations) and the micropolitical level of different and contradictory manifestations of oppression (cultural politics). Ludic postmodern cultural studies and much recent feminist theory all tend to confine their analysis to the micropolitics of oppression and the local level of differences. In doing so, they inhibit any effective intervention in the structures of totalities like patriarchy. I believe resistance postmodern cultural studies and postmodern materialist feminism, with their dialectical critiques of both the structures of difference-in-relation and the specific enunciations of these differences, will develop a transformative theory and practice that can contribute to the end of patriarchal exploitation. For it is through the unrelenting critique of the socioeconomic relations of difference, particularly the division of labor, and the way they construct and restrict the meanings and subjectivities they require that feminist cultural studies can help bring about the nonexploitative future.

2NC Micropolitics fails extension

Theorizing is useless without application to the real world

Wark 12 (McKenzie Wark, “How Do You Occupy an Abstraction?”, <https://larvalsubjects.wordpress.com/2012/08/04/mckenzie-wark-how-do-you-occupy-an-abstraction/>, 8/4/12) from Samantha’s Handmaid Neg

The crisis of contemporary politics is thus the crisis of the erasure of site. In the age of hyperobjects, we come to dwell in a world where there is no clear site of political antagonism and therefore no real sense of how and where to engage. Here I’m also inclined to say that we need to be clear about system references in our political theorizing and action. We think a lot about the content of our political theorizing and positions, but I don’t think we think a lot about how our political theories are supposed to actually act in the world. As a result, much contemporary leftist political theory ends up in a performative contradiction. It claims, following Marx, that its aim is not to represent the world but to change it, yet it never escapes the burrows of academic journals, conferences, and presses to actually do so. Like the Rat-Man’s obsessional neurosis where his actions in returning the glasses were actually designed to fail, there seems to be a built in tendency in these forms of theorization to unconsciously organize their own failure. And here I can’t resist suggesting that this comes as no surprise given that, in Lacanian terms, the left is the position of the hysteric and as such has “a desire for an unsatisfied desire”. In such circumstances the worst thing consists in getting what you want. We on the left need to traverse our fantasy so as to avoid this sterile and self-defeating repetition; and this entails shifting from the position of political critique (hysterical protest), to political construction—actually envisioning and building alternatives.

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LEADS Act SDI

****Off-Case**

Terrorism/Crime—1NC Link

Relying on MLATs results in lengthy delays – compromises responses to terrorism and drug trafficking

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, “WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES’ CLOUD STORAGE INDUSTRY,” Volume 9 Issue 2, CMR)

At the same time, there is merit to the U.S. government’s argument that the current MLAT process is slow and subject to political objectives that may not conform to time sensitive investigations of international matters of concern.²³³ It is evident Microsoft and Ireland denounce the U.S. government’s alleged bypass of the U.S.-Irish MLAT.²³⁴ Although the U.S.- Irish MLAT’s purpose is “to improve the effectiveness of the law enforcement authorities of both countries in the investigation, prosecution, and prevention of crime through cooperation and mutual legal assistance in criminal matters,”²³⁵ and, traditionally, is the process by which the U.S. government would obtain evidence located in Ireland through a domestic warrant, the U.S. government’s arguments for efficiency in relation to criminal investigation has legitimate backing in today’s post-9/11 era. Criminal investigations on high security matters, such as drug enforcement or terrorism, need to run smoothly and efficiently because time of the essence. There is no reason to bog down investigations where critical evidence is located abroad and risk losing valuable intelligence due to another nation’s potential political goals that may be in opposition with the ongoing U.S. investigation in sending the evidence in a timely manner.

---Laundry List 2NC Link

The plan creates numerous hurdles for law enforcement: weak MLAT process, U.S. person exception, and evasion from cross-country providers

Nojeim 14 (Greg, Senior Counsel and Director, Freedom, Security and Technology Project, “LEADS Act Extends Important Privacy Protections, Raises Concerns,” Sept 18, <https://cdt.org/blog/leads-act-extends-important-privacy-protections-raises-concerns/>, CMR)

However, it is widely admitted that the MLAT process for trans-border access does not work very well now. Basically, it is under-resourced and too slow. Recognizing that the MLAT process is the best way to accommodate the interests of two governments when one country seeks data stored in another country, the LEADS Act includes a number of sensible improvements to the U.S. MLAT process; improvements that the U.S. can hold up as a model for other countries to emulate. The bill would require the Department of Justice to create an online intake form through which foreign governments could request mutual legal assistance, and it would permit the DOJ to give preference to requests made on-line. The bill also would require the DOJ to track and report on its processing of MLAT requests. These requirements are designed to make MLAT processing more efficient and transparent to the foreign government seeking the disclosures. The Department of Justice had already sought a \$25.1 appropriation to hire more lawyers to handle MLAT requests it receives and makes. CDT supports this funding request and believes that, should the LEADS Act pass, MLAT funding should be increased to help DOJ implement the improvements in the bill. The LEADS Act creates one exception to the principle that U.S. warrants are not sufficient to reach content stored abroad. The bill says that a U.S. warrant, served on a company in the U.S. can force that service provider to disclose email and other content stored outside the U.S. if the holder of the account is a “U.S. person” — a citizen or lawful permanent resident of the United States, or a company organized under the laws of the United States or of a state. A savings clause permits the service provider to seek a

modification of the warrant if compliance would put the provider in the position of violating the law in the place where the data is stored. This U.S. person exception gives us pause. One way to look at it, and at the bill as a whole, is that it extends the warrant protection to all content stored in the U.S., regardless of citizenship of the account holder, and it extends the warrant requirement to all content of U.S. persons stored by U.S. companies abroad, while disavowing U.S. claims to unilaterally obtain the content of non-U.S. persons stored abroad. Looked at that way, the U.S. person exception is not an exception – it is a further extension of the warrant requirement. It will reduce the burden the bill would otherwise place on the MLAT process because MLATs would not be necessary for content stored abroad in an account a U.S. person had established. On the other hand, the exception may be difficult to administer. Sometimes, the citizenship or residence of the account holder will be unknown, and when it is, does the warrant reach that stored content, or not? Also, the exception would seem to create some odd results. Consider, for example, two people working side-by-side in the U.S., one a citizen and one a foreign national. The LEADS Act would establish one rule (the extraterritorial warrant) for U.S. law enforcement to access content that a U.S. provider stores abroad on behalf of the American, and a different rule (the MLAT process) for the person who sits in the cubical next door, but who happens to be a non-citizen working in the U.S. on a temporary visa. Also, we have to consider how foreign governments will react. Some adverse consequences would be mitigated because the LEADS Act would make it clear that data stored in the U.S. could be disclosed only with a warrant. Even if foreign governments copied the LEADS Act's extraterritorial assertion of authority over data regarding their own citizens, those governments could not unilaterally force U.S. companies to disclose data stored in the U.S. ECPA already protects that data and requires compliance with the MLAT process, and the LEADS Act enhances that protection. However, all stakeholders need to think carefully about how the LEADS Act would affect the global balance of privacy versus government power with respect to data U.S. providers store outside the U.S. for account holders who are not Americans. There is also a risk that the LEADS Act will increase the pressure for data localization mandates. The bill includes language that puts the Senate on record as opposing data localization, but it may not be enough. Finally, it is not clear how the bill would apply to providers who move data to different data centers around the globe in order to balance the burden on their network and better serve their users. If a load-balancing provider stores a user's data at one moment in India, the next in the U.K., and the next in the U.S., will the U.S. warrant reach the data because the data at some point comes to the U.S.?

---Evasion 2NC Link

The plan sets a precedent for manipulation and evasion by criminals – crushes law enforcement effectiveness

Bharara 14 (Preet, United States Attorney Southern District of New York, “GOVERNMENT’S BRIEF IN SUPPORT OF THE MAGISTRATE JUDGE’S DECISION TO UPHOLD A WARRANT ORDERING MICROSOFT TO DISCLOSE RECORDS WITHIN ITS CUSTODY AND CONTROL,” July 9, <http://cdn.arstechnica.net/wp-content/uploads/2014/07/federalbrief-microsoftcase.pdf>, CMR)

4. Policy Considerations Weigh Decisively Against Microsoft’s Position The policy consequences of Microsoft’s position further demonstrate that it cannot reflect the intent of Congress. 14 In today’s digital environment, email and other electronic communications are used extensively by criminals of all types in the United States and abroad, from fraudsters to hackers to drug dealers, in furtherance of violations of U.S. law. The ability to obtain electronically stored information from domestic service providers—pursuant to judicial authorization as required by the SCA—is a fundamental component of effective modern law enforcement. Yet such information, like the data sought by the Warrant here, can be maintained in any location and moved around the world easily, at any time and for any reason. Were Microsoft’s position adopted, the Government’s ability to obtain such information from a provider would turn entirely on whether it happens to be stored here or abroad, even though the provider, based in the United States, maintains control over the data wherever it is. Such a regime would be rife with potential for arbitrary outcomes and criminal abuse. Microsoft’s own data storage policy provides but one illustration.

According to Microsoft, where a user's data is stored depends entirely on which country the user selects when signing up for the account. Microsoft does not require or verify any actual connection between the user and the selected country. As Judge Francis noted, **a criminal user can easily manipulate such a policy to evade the reach of U.S. law enforcement** "by the simple expedient of giving false residence information, thereby causing the [provider] to assign his account to a server outside the United States." In re Warrant, 2014 WL 1661004, at *8. Of course, a provider need not base the location where it stores a user's data on the user's location at all—whether self-reported or verified. A provider may choose to store user data abroad, for example, simply to take advantage of lower costs associated with foreign server-hosting facilities. Or, on any given day, a provider might move a particular user's data from a U.S.-based server to a foreign server, and perhaps back again, for network maintenance or load-balancing reasons, which is an increasingly common practice with the growth of cloud computing. See Paul M. Schwartz, Information Privacy in the Cloud, 161 U. Pa. L. Rev. 1623, 1629 (May 2013) ("[C]loud computing is most frequently based on a complete lack of any stable location of data within the cloud provider's network. Data can be in one data center at 2pm and on the other side of the world at 4pm." (quoting Article 29 Data Prot. Working Party, Opinion 05/2012 on Cloud Computing 17, (EC) No. 01037/12, WP 196 (Jul. 1, 2012))). **A provider may even choose to store user data abroad with the specific intent to place it out of the Government's reach**, based, for example, on a desire to avoid the inconvenience of responding to legal process. Indeed, some providers less scrupulous than Microsoft **may do so with the specific intent to accommodate criminal users**. See, e.g., United States v. Paunescu, No. 13 Cr. 41 (RPP), Indictment (S.D.N.Y. filed Jan. 17, 2013) (bringing charges under 18 U.S.C. § 1030(b) against operator of "bulletproof hosting service," who, "in exchange for fees, . . . provided cyber criminals with Internet Protocol . . . addresses and servers in a manner designed to enable them to preserve their anonymity and evade detection by law enforcement").

---Delay 2NC Link

Existing policy key to expedience – any risk of delay is catastrophic

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, "WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES' CLOUD STORAGE INDUSTRY," Volume 9 Issue 2, CMR)

Another prominent issue of contention was whether Congress intended for the SCA warrant to reach or apply extraterritorially.⁷⁶ When Congress enacted the SCA as part of the ECPA, it did not expressly cover the issue of its extraterritorial application.⁷⁷ However, **even though the Senate report "did not address the specific issue of extraterritoriality," the court felt there reflected an understanding that information was being maintained remotely by third-party entities.**⁷⁸ Microsoft argued that the U.S. Supreme Court previously held that a presumption against extraterritoriality exists when Congress has not given "clear indication of an extraterritorial application" within the language of the statute or explicitly noted otherwise.⁷⁹ However, **the court rejected Microsoft's argument.** The court stated that the existence of "the nationality principle," which recognizes that American criminal laws can apply outside the United States to legal entities subject to the jurisdiction of the United States, may require U.S. companies, such as Microsoft, to obtain evidence located abroad in connection with an ongoing domestic criminal investigation.⁸⁰ **To help its argument on the ambiguity of Congress's extraterritorial intent for the SCA, the court used other pieces of Congressional legislation to fill in the holes left by Congress within the SCA statute itself.**⁸¹ The court looked to the legislative history of the Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the Patriot Act) for guidance and found that Section 108 of the Patriot Act allows "nationwide service of search warrants for electronic evidence."⁸² Specifically, the House Committee stated **the incredible time sensitivity of suspected terrorist's criminal proceedings rationalized the expansion of national search warrants.**⁸³ **The House Committee was focused on the potentially devastating "investigative delays caused by the cross-jurisdictional nature of the Internet."**⁸⁴ The Patriot Act allows a warrant under § 2703 to reach throughout the United States, so long as the ISP was located within the United States.⁸⁵ Therefore, it does not matter where the actual server that stored the electronic information (emails, etc.) was located.⁸⁶ The court interpreted the focus on the location of the ISP as opposed to the location of the actual server as evidence that Congress had "anticipated that an ISP located in the United States would be obligated to respond to a warrant issued pursuant to section 2703(a) by producing information within its control, regardless of where that information was stored."⁸⁷ **Based on the courts' interpretation of congressional legislative history, the court ultimately upheld the SCA warrant forcing Microsoft to disclose the e-mails located in Dublin, Ireland.**

---MLATs 2NC Link

No precedent for reliance on MLATs – only results in delays and resource overstretch

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, “WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES’ CLOUD STORAGE INDUSTRY,” Volume 9 Issue 2, CMR)

Microsoft contends that extraterritorial application of the SCA allows the United States to bypass its MLAT obligation to Ireland and to obtain emails without going through the proper request channels.¹³² According to Microsoft, the United States avoided asking for permission to obtain emails held within Irish borders altogether and instead, demanded Microsoft to produce the e-mails without Irish consent.¹³³ In response, the U.S. government claimed that nowhere is there a law that mandates the U.S. government to obtain evidence located in foreign nations through the MLAT process when other legal measures exist to appropriately obtain that evidence.¹³⁴ More importantly, the U.S. government argued that the MLAT process was, if anything, an impractical method of obtaining the pertinent evidence in the ongoing investigation.¹³⁵ Ultimately, the court affirmed the Magistrate Judge’s opinion that it made little sense to require the U.S. government go through the U.S.-Irish MLAT process.¹³⁶ Chief Judge Preska agreed with Magistrate Judge Francis that in drafting the SCA, Congress likely did not intend the U.S. government go through the time consuming and inefficient MLAT process to obtain overseas documents and information located on domestic ISPs.¹³⁷ The court found reliance on MLAT process alone was not necessary, as the process is excessively dependent on mutual cooperation between nations who could have varying political and judicial agendas, which runs counter to the time sensitive nature of ongoing criminal investigations.¹³⁸

MLATs don’t work – results in excessive delays and to much political variability

Bharara 14 (Preet, United States Attorney Southern District of New York, “GOVERNMENT’S BRIEF IN SUPPORT OF THE MAGISTRATE JUDGE’S DECISION TO UPHOLD A WARRANT ORDERING MICROSOFT TO DISCLOSE RECORDS WITHIN ITS CUSTODY AND CONTROL,” July 9, <http://cdn.arstechnica.net/wp-content/uploads/2014/07/federalbrief-microsoftcase.pdf>, CMR)

Microsoft’s cavalier retort to these practical concerns—that the Government can simply use an MLAT whenever records are unavailable through the SCA (Br. 27- 30)—hardly suggests a satisfactory alternative. As an initial matter, Microsoft’s rosy view of the efficacy of the MLAT process bears little resemblance to reality. In contrast to an SCA warrant, which can be served upon a provider immediately upon issuance by a judge, an MLAT request typically takes months to process, with the turnaround time varying widely based on the foreign country’s willingness to cooperate, the law enforcement resources it has to spare for outside requests for assistance, and the procedural idiosyncrasies of the country’s legal system. See, e.g., In re Grand Jury Subpoenas, 318 F.3d 379, 381-82 (2d Cir. 2003) (noting that foreign country’s response to MLAT request was still incomplete after two years); United States v. Safavian, 644 F. Supp. 2d 1, 14 n.5 (D.D.C. 2009) (noting the long “length of time that frequently is required to acquire evidence by way of an MLAT”). It is no accident that federal law specifically provides for an exclusion of time under the Speedy Trial Act (for up to a year), as well as the suspension of a criminal statute of limitations (for up to three years), while the Government is waiting to receive foreign evidence in response to an MLAT request. See 18 U.S.C. §§ 3161(h)(8) & 3292.

Providers will evade MLATs by exceeding territorial jurisdiction – direct disclosure is best

Bharara 14 (Preet, United States Attorney Southern District of New York, “GOVERNMENT’S BRIEF IN SUPPORT OF THE MAGISTRATE JUDGE’S DECISION TO UPHOLD A WARRANT ORDERING MICROSOFT TO DISCLOSE RECORDS WITHIN ITS CUSTODY AND CONTROL,” July 9, <http://cdn.arstechnica.net/wp-content/uploads/2014/07/federalbrief-microsoftcase.pdf>, CMR)

Moreover, there are many countries in the world that do not even have MLATs with the United States. A U.S. provider could easily choose to locate its user data in such a country, either for business reasons or for the specific purpose of evading the reach of U.S. law enforcement. By the same token, a U.S. provider could—again, for legitimate or illegitimate reasons—distribute the contents of a single user account across computers maintained in dozens of countries, making it practically impossible for the Government to collect the account data through international channels, regardless of whether the countries involved have MLATs or not. As Judge Francis observed, it is even conceivable that a provider could establish server locations at sea or otherwise beyond the territorial jurisdiction of any nation. In re Warrant , 2014 WL 1661004, at *9. There is no reason to believe that Congress intended for such obstacles to thwart the Government from obtaining evidence of criminal activity, particularly when the providers involved often can, like Microsoft, easily disclose the relevant data through their information systems in the United States, no matter where the original copy happens to reside.

MLATs weak and beyond repair – risks years of delay, compromising law enforcement response
Hill 15 (Jonah Force, writes on Internet policy and cybersecurity issues, and formerly served in the White House Office of the Cybersecurity Coordinator and as a Cybersecurity Teaching Fellow at Harvard, “Problematic Alternatives: MLAT Reform for the Digital Age,” Jan 28, <http://harvardnsj.org/2015/01/problematic-alternatives-mlat-reform-for-the-digital-age/>, CMR)

But the MLAT system has struggled to keep pace with globalized data. The number of MLAT requests has skyrocketed and the matters they concern have grown vastly more complex. The United States Department of Justice (DOJ) estimates that over the past decade the “number of MLAT requests for assistance from foreign authorities has increased by nearly 60 percent, and the number of requests for computer records has increased ten-fold.” Many of today’s MLATs were drafted before globalized data and therefore do not address core questions of data jurisdiction, like how to treat data held overseas by a subsidiary of a domestic parent company. Perhaps most significantly, many MLATs do not effectively address fundamental issues like notions of privacy versus law enforcement’s need for evidence. For example, MLATs frequently do not specify what constitutes “protected data” or under what conditions “content” differs from “metadata” for the purposes of information sharing. This hinders cooperation between states with differing domestic understanding of these terms. The increase in MLAT requests and legal uncertainty surrounding privacy and data protection regulations have significantly delayed the MLAT process. The President’s Review Group on Intelligence and Communication Technologies (the independent review board tasked with assessing U.S. intelligence collection practices following Snowden) estimates that it takes an average of ten months for DOJ to process MLAT requests, and can take years. Foreign countries’ MLAT requests are similarly drawn out, and can take far longer. Such delays are unacceptable to law enforcement officials who urgently need information. Unsurprisingly, impatient prosecutors are looking for MLAT alternatives. However, those prosecutors and their governments must be mindful of the potential long-term consequences of those alternatives, particularly adverse consequences to the functioning of the Internet itself.

MLATs bad – Months of delay and whims of foreign governments

Kerr 14 (Orin, Fred C. Stevenson Research Professor at The George Washington University Law School, where he has taught since 2001, “What legal protections apply to e-mail stored outside the U.S.?” July 7, <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/07/07/what-legal-protections-apply-to-e-mail-stored-outside-the-u-s/>, CMR)

I gather that is the same reason why DOJ doesn't want to go through the alternative of Mutual Legal Assistance. It's not that Irish law is more privacy protective. My understanding is that in Ireland, where the e-mails are stored, e-mails are disclosed to law enforcement when the e-mails will “likely . . . be of substantial value to the investigation” and “it must be in the public interest that they be produced, having regard to the likely benefit to the investigation and the circumstances under which the person in possession of the documents holds them.” Some folks who work in this area have suggested to me that this is actually somewhat lower than the U.S. probable cause standard. I gather the problem from DOJ's perspective is that mutual legal assistance takes a really long time — from what I hear, on the order of several months — and it often gives the foreign governments various discretionary calls as to whether they will go agree to hand over the data. Given that time is often critical in criminal investigations, that kind of delay and uncertainty presumably is a big problem from the government's perspective.

MLATs fails – squo is preferable

Hill 15 (Jonah Force, writes on Internet policy and cybersecurity issues, and formerly served in the White House Office of the Cybersecurity Coordinator and as a Cybersecurity Teaching Fellow at Harvard, “Problematic Alternatives: MLAT Reform for the Digital Age,” Jan 28, <http://harvardnsj.org/2015/01/problematic-alternatives-mlat-reform-for-the-digital-age/>, CMR)

DOJ made a policy choice to seek a warrant rather than using the MLAT process, based in large part on concerns about the efficacy of the MLAT system and the potential for a drawn-out waiting period. In its brief to the District Court supporting the warrant, the government argued, “[i]n contrast to an SCA warrant [the statutory form of warrant issued], which can be served upon a provider immediately upon issuance by a judge, an MLAT request typically takes months to process, with the turnaround time varying widely based on the foreign country's willingness to cooperate, the law enforcement resources it has to spare for outside requests for assistance, and the procedural idiosyncrasies of the country's legal system.” The Federal Magistrate ruling in support of the government's issuance of the warrant likewise noted that the “slow and laborious” MLAT procedures placed such a “substantial” burden on the government as to necessitate other means of retrieval. In other words, the government, the Federal Magistrate, and the District Court all rejected Microsoft's contentions and accepted the view that MLAT did not offer a satisfactory means of obtaining evidence and a warrant was a necessary alternative, notwithstanding extraterritoriality concerns.

Politics—ECPA Reform Unpopular

ECPA reform is a huge political fight

Rosenblatt 14 (Senior writer Seth Rosenblatt covered Google and security for CNET News, with occasional forays into tech and pop culture. Formerly a CNET Reviews senior editor for software, he has written about nearly every category of software and app available, “Google

cheers growing support for ECPA reform,” June 18, <http://www.cnet.com/news/google-cheers-growing-support-for-ecpa-reform/>, (CMR)

The ECPA changes still face a long road ahead. While Google says that it agrees with the 2010 federal appeals court ruling that declared unconstitutional the portions of ECPA that pertain to email storage, and the reform bill now has a slim bipartisan majority of support in the House, it still must be voted on by a Congress notorious for its inaction. Furthermore, the bill is likely to face political opposition from the Justice Department, which has argued against reform.

ECPA reform empirically unpopular – GOP resistance

Gross 14 (Grant, “Republican gains in Congress would have limited impact on big tech issues,” IDG News Service, Oct 30, <http://www.pcworld.com/article/2841572/republican-gains-in-congress-would-have-limited-impact-on-big-tech-issues.html>, (CMR)

Anticipated Republican gains in the U.S. Congress after next Tuesday’s election have limited implications for tech-related issues like net neutrality and reform of National Security Agency surveillance programs, with some observers expecting no huge changes. Many pollsters and prognosticators are predicting Republicans will add to their majority in the House of Representatives and possibly take over majority control of the Senate, allowing Republicans to set the legislative agenda for the next two years. In recent years, with split party control in the two chambers of Congress, it’s been difficult for lawmakers to pass any major pieces of legislation, particularly involving anything controversial. That may not change with Republican majorities, with many in their ranks resisting new regulations, with a few exceptions. On many tech issues, however, there isn’t a clear partisan breakdown and trade groups have worked to court lawmakers in both parties. Here’s how Republican control of Congress could affect several major tech-related issues. Net neutrality Majority Republicans in the House have attempted several times in recent years to stop the U.S. Federal Communications Commission from creating net neutrality rules. Those efforts have gone nowhere, partly because of a Democratic majority in the Senate that supports new rules. If Republicans take control of the Senate, there may be a new push to stop the FCC’s current net neutrality rulemaking proceeding. The Democratic minority in the Senate would have the numbers to filibuster any legislation, however, and President Barack Obama almost certainly would veto any legislative efforts to sidetrack the FCC’s proceeding. Some observers say they don’t expect Congress to focus on the issue, because it’s in the FCC’s hands. If the FCC’s rules don’t heavily regulate broadband providers, Republicans in Congress may see little benefit to pushing against net neutrality rules when their efforts would be unlikely to become law, some observers said. Nearly 4 million people filed comments in the FCC’s net neutrality proceeding and it appears that a large majority of those support net neutrality rules, noted Althea Erickson, policy director at Etsy, an online marketplace that has supported strong rules. On any attempts to overturn FCC net neutrality rules, advocates and members of the public “would have their back and take that fight to the Senate and the House to protect the rules,” Erickson said. The people who’ve filed millions of comments at the FCC “could easily turn their attention to the folks ... who might try to overturn those protections.” That said, if Republicans gain control of both houses of Congress this year, then maintain that majority, and if a Republican president is also elected in 2016, then net neutrality rules could be in trouble. Surveillance reform NSA reform isn’t a partisan issue, with liberal Democrats joining with Tea Party and libertarian-leaning Republicans to push for major changes in surveillance programs. Lawmakers are likely to push for a vote on the USA Freedom Act in a lame-duck session of the current Congress, following Tuesday’s elections. Some of the loudest voices against sweeping reform have come from Republicans, including Representative Mike Rogers of Michigan. But Rogers, chairman of the House Intelligence Committee, announced earlier this year he’s leaving Congress to become a radio talk show host. On the other side, the Senate may lose one of its loudest voices for surveillance reform. Senator Mark Udall, a Colorado Democrat, faces a tough re-election fight. Still, Republican gains in Congress could come from the Tea Party and libertarian wings of the party, with many new lawmakers generally skeptical of government surveillance programs. “I think this is actually an opportunity for the Republican party in a big way,” said Chris Calabrese, senior policy director at the Center for Democracy and Technology (CDT), a digital rights group that supports surveillance reform. Republicans, by passing surveillance reform, can “put their stamp on privacy and become the libertarian privacy party that core parts of the Republican party would like it to become.” CDT and several other tech groups would also like to see Congress update the Electronic Communications Privacy Act (ECPA) to give more privacy protections for stored electronic communications. The Email Privacy Act, an ECPA reform bill introduced in the House last year, had 270 cosponsors, more than half of all House members, but failed to move forward. Tech groups have been pushing for ECPA reform since early 2010, but Congress has failed to pass legislation.

Huge backlash – err neg on empirics

Molly 14 (MS, “Over Easy: Reform the ECPA,” June 20,
<http://firedoglake.com/2014/06/20/over-easy-reform-the-ecpa/>, CMR)

The bill is still stalled out, because the SEC and the IRS have scared off the House leadership. Attempts to update the law — including from Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) — have been largely supported by law enforcement agencies but have faced backlash from some agencies, like the SEC, which as a civil agency relies on subpoenas to obtain information. At a hearing in April, SEC Chairperson Mary Jo White could not explain why they think paper documents require a warrant, but yet the SEC doesn’t bother with the much higher standard (including judicial review) of a warrant for electronic documents. A big collection of organizations and companies, including the Center for Democracy and Technology, Free Press, EFF, Fight for the Future, Demand Progress, and the ACLU — got together last year to establish VanishingRights.com, committed to working for a long overdue update to ECPA’s archaic rules. The NSA revelations have helped give House bill 1852 extra momentum, but it’s important to note that this is separate from the NSA reform issue. ECPA reform is an effort that’s been ongoing for more than ten years, and with more than half the House now backing it, when will the Congressional leadership finally take it up? The bill still must be voted on by a Congress infamous for its inaction, and it is likely to face political opposition from the Justice Department, which has argued against reform. I’m hopeful, but I’m not holding my breath!

Politics—LEADS Act Unpopular

Plan ensures bruising political fights

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, “WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES’ CLOUD STORAGE INDUSTRY,” Volume 9 Issue 2, CMR)

The introduction of the LEADS Act into the Senate floor is a start to clarifying and narrowing the scope of the SCA.²⁴¹ However, the LEADS Act is only the beginning of what is a long process of overhauling data privacy statutes written during the Internet’s mainstream conception in the Regan-Era. Beyond making congressional statutes more relevant to modern times, however, the U.S. government must also assist U.S. Technology Companies by updating its own cross-border processes as well. The U.S. government should take advantage of the technological advances available in order to improve the efficiency of the international exchange of online information and evidence for criminal proceedings. The world will only continue to become more and more globally dependent. Issues of crossborder conflict over the exchange of online information will be a continuously heated issue of contention unless steps are taken now to catch up to the realities of the global infrastructure of electronic information.

LEADS Act is controversial – lack of support and debates over MLATs

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, “WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES’ CLOUD STORAGE INDUSTRY,” Volume 9 Issue 2, CMR)

As previously discussed, a clear indication of Congress's extraterritorial intent is worriedly missing from SCA itself.²²⁷ The language of the SCA is vague at best, and its legislative history does not give insight as to whether Congress intended the SCA warrant to apply so broadly when it was first drafted in 1986. The LEADS Act seeks to clarify Congress's intention of the extraterritorial application of the SCA and to limit the judicial warrant's international scope and reach. The courts should not be forced to interpret the SCA as it is currently written with as much discretion as they are forced to use since the statute is dated and presently insufficient. The reactions from U.S. Technology Companies and nations abroad from the current SCA warrant interpretation shows that clarification and limitations on the United States' extraterritorial warrant powers on electronic data is necessary going forward.²²⁸ Whether the LEADS Act clarifies the SCA enough or whether it will be passed by the Senate and ratified at all remains to be seen. In addition, the LEADS Act seeks to improve the MLAT process. The U.S. government's decision to seek an SCA warrant for the e-mails in Ireland, as opposed to following MLAT procedure for production, was largely based on the MLAT's inefficiencies, especially in matters of high security.²²⁹ The LEADS Act would "require the Department of Justice to create an online intake form through which foreign governments could request mutual legal assistance, and it would permit the DOJ to give preference to requests made on-line."²³⁰ The LEADS Act seeks to modernize the MLAT process so that countries can more easily obtain evidence abroad through their respective treaties.³¹ However, such computerization of the MLAT requires money, and this is subject to the politics of obtaining sufficient federal funding.

Politics—Link Alone Turns Case

Huge opposition to reform – ensures watered-down version of the plan, kills solvency

Stanley 13 (Mark Stanley is currently an Account Supervisor at Edelman, "Five Reasons to Reform ECPA Now," Sept 4, <https://cdt.org/blog/five-reasons-to-reform-ecpa-now/>, CMR)

After years of inertia, ECPA reform legislation is moving. In the Senate, Judiciary Chairman Patrick Leahy (D-VT) and Sen. Mike Lee (R-UT) have introduced the ECPA Amendments Act, which passed out of the Judiciary Committee this spring with bipartisan support and is poised to go to a floor vote this fall. In the House, the Email Privacy Act, introduced by Representatives Kevin Yoder (R-KS) and Sam Graves (R-GA), now has 137 bipartisan co-sponsors. 5. We're close, but opposition is working to derail reform. Despite all of the progress on ECPA this year, there have been hurdles. The biggest has been an ongoing attempt by the SEC to attach a provision to the Leahy-Lee bill that would give regulatory agencies authority to access digital communications without a warrant. As CDT Senior Counsel Greg Nojeim warns, while the Leahy-Lee bill is a crucial and long overdue reform, the SEC exception would "neuter" the bill from a privacy standpoint. The attempts by the SEC to hijack the Senate bill illustrate an important point: If advocates and all of those who care about digital rights stand on the sidelines this fall without pushing for clean legislation, we could get stuck with a bad bill or no bill at all. Now's not the time to sit back – it's time we finally update ECPA.

**Top-Shelf

Squo Solves

No retaliation or risk to competitiveness – it's exaggeration that glosses over existing protections

Bharara 14 (Preet, United States Attorney Southern District of New York, "GOVERNMENT'S BRIEF IN SUPPORT OF THE MAGISTRATE JUDGE'S DECISION TO UPHOLD A WARRANT ORDERING MICROSOFT TO DISCLOSE RECORDS WITHIN ITS CUSTODY AND CONTROL," July 9, <http://cdn.arstechnica.net/wp-content/uploads/2014/07/federalbrief-microsoftcase.pdf>, CMR)

Microsoft asserts that, unless the Government is required to use MLATs to obtain data stored abroad, U.S. foreign relations will be damaged and other countries will retaliate by asserting jurisdiction over electronic data stored here. (Br. 29). Aside from being purely speculative, such concerns are exclusively for the consideration of the political branches and do not provide a sound basis to graft extra-statutory restrictions on duly enacted legislation. See generally *Oetjen v. Cent. Leather Co.*, 246 U.S. 297, 302 (1918) ("The conduct of the foreign relations of our Government is committed by the Constitution to the executive and legislative—the political—departments of the government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision."). They do not provide a basis for challenging enforcement of a warrant validly issued under the SCA. Microsoft also argues that, unless its position is adopted, the U.S. technology sector stands to lose overseas customers who fear "the U.S. Government's extraterritorial access to their user information." (Br. 30). However, an SCA warrant permits the Government to access user information—wherever it may be stored—only after a neutral magistrate judge has found probable cause to believe that the information contains evidence of criminal activity. This is a time-tested manner by which the Government obtains evidence in criminal prosecutions, and nothing could be farther from an unchecked exercise of power. The form of legal process at issue is specifically designed to protect legitimate privacy interests, by requiring that a any intrusion on those interests be properly justified by the need to uncover evidence of a crime.

Existing protections solve

Schultheis 15 (Ned, Summer Associate at Ropes & Gray LLP, "WARRANTS IN THE CLOUDS: HOW EXTRATERRITORIAL APPLICATION OF THE STORED COMMUNICATIONS ACT THREATENS THE UNITED STATES' CLOUD STORAGE INDUSTRY," Volume 9 Issue 2, CMR)

Additionally, the current extraterritorial application of the SCA warrant does not allow the U.S. government to obtain electronic information from anyone for any reason. There are constitutional measures in place, in particular the Fourth Amendment that requires the U.S. government to show before a judge probable cause for issuing the SCA warrant. To establish probable cause, the U.S. government must establish the individual in question is suspected of illegal activity and that obtaining the e-mails located abroad is vital to the ongoing investigation.²³⁶ The extraterritorial application of the SCA would not unduly expand the power of the U.S. government to freely obtain any electronic information from anybody it so chooses. However, there are serious problems with allowing the U.S. government to bypass the MLAT process altogether. Instead, the U.S. government has chosen to take an expansive interpretation of a dated statute to allow the U.S. government to obtain electronic evidence without the consent or even request of the

foreign nation where the electronic evidence is stored."37 It was able to do this because the SCA is so vague to begin with and therefore can be construed widely. The courts had little choice but to uphold the extraterritorial application of the SCA warrant based on current legislation.

No Solvency—Circumvention

DOJ will circumvent the plan

Rash 15 (Wayne, "U.S. Bill Would Ban DoJ Warrant for Email in Overseas Microsoft Server," 2-14, <http://www.eweek.com/cloud/u.s.-bill-would-ban-doj-warrant-for-email-in-oversears-microsoft-server-2.html>, CMR)

However, if the LEADS Act were to be passed and signed by President Obama, there would be little choice. But of course that's the issue for the current administration, which so far has not hesitated to carry out actions of questionable legality, such as ignoring existing treaties to gain access to foreign emails. Would President Barack Obama sign the LEADS Act? Considering the level of support in both houses of Congress, he might realize that he has no choice, but the president might also dare Congress to override his veto. However, I don't think a veto for this bill is likely. It has strong bipartisan support in both houses. It's also presented as a way to update the Electronic Communications Privacy Act to reflect current technology, which the Obama administration has consistently said it favors. The act is also presented as a way to keep U.S. companies from breaking the law, which is pretty difficult for the president to oppose. "Law enforcement agencies wishing to access Americans' data in the cloud ought to get a warrant," Coons explained when the act was introduced, "and just like warrants for physical evidence, warrants for content under ECPA shouldn't authorize seizure of communications that are located in a foreign country. "The government's position that ECPA warrants do apply abroad puts U.S. cloud providers in the position of having to break the privacy laws of foreign countries in which they do business in order to comply with U.S. law. This not only hurts our businesses' competitiveness and costs American jobs, but it also invites reciprocal treatment by our international trading partners," Coons said. While there's every reason to believe that eventually federal prosecutors' demands that Microsoft disgorge emails stored abroad will be found contrary to existing law, the LEADS Act removes all doubt. Attempting to extend the reach of U.S. domestic laws to apply anywhere in the world is one of the worst types of overreach. This law would rein in the DoJ's excesses. Assuming, of course, the DoJ didn't decide to ignore that law as well.

****AT: Competitiveness Adv**

AT: Competitiveness—High/Resilient

Competitiveness durable and free riding solves

Fallows 10 – correspondent for The Atlantic Monthly, studied economics at Oxford University as a Rhodes Scholar. He has been an editor of The Washington Monthly and of Texas Monthly, and from 1977 to 1979 he served as President Jimmy Carter's chief speechwriter. His first book, National Defense, won the American Book Award in 1981; he has written seven others (James. "How America Can Rise Again", Jan/Feb edition, <http://www.theatlantic.com/doc/201001/american-decline>)

This is new. Only with America's emergence as a global power after World War II did the idea of American "decline" routinely involve falling behind someone else. Before that, it meant falling short of expectations—God's, the Founders', posterity's—or of the previous virtues of America in its lost, great days. "The new element in the '50s was the constant comparison with the Soviets," Michael Kazin told me. Since then, **external falling-behind comparisons have become** not just a staple of American self-assessment but often a crutch. If we are concerned about our schools, it is because children are learning more in Singapore or India; about the development of clean-tech jobs, because it's happening faster in China. Having often lived outside the United States since the 1970s, I have offered my share of falling-behind analyses, including a book-length comparison of Japanese and American strengths (More Like Us) 20 years ago. But at this point in America's national life cycle, I think the exercise is largely a distraction, and that Americans should concentrate on what are, finally, our own internal issues to resolve or ignore. Naturally there are lessons to draw from other countries' practices and innovations; the more we know about the outside world the better, as long as we're collecting information calmly rather than glancing nervously at our reflected foreign image. For instance, if you have spent any time in places where tipping is frowned on or rare, like Japan or Australia, you view the American model of day-long small bribes, rather than one built-in full price, as something similar to baksheesh, undignified for all concerned. Naturally, too, it's easier to draw attention to a domestic problem and build support for a solution if you cast the issue in us-versus-them terms, as a response to an outside threat. In *If We Can Put a Man on the Moon ...*, their new book about making government programs more effective, William Eggers and John O'Leary emphasize the military and Cold War imperatives behind America's space program. "The race to the moon was a contest between two systems of government," they wrote, "and the question would be settled not by debate but by who could best execute on this endeavor." Falling-behind arguments have proved convenient and powerful in other countries, too. But **whatever their popularity or utility in other places at other times, falling-behind concerns seem too common** in America now. As I have thought about why overreliance on this device increasingly bothers me, I have realized that it's because **my latest stretch out of the country has left me less and less interested in whether China or**

some other country is “overtaking” America. **The question that matters is not whether America is “falling behind” but instead** something like John Winthrop’s original question of **whether it is falling short**—or even falling apart. This is not the mainstream American position now, so let me explain. First is the simple reality that one kind of “**decline is inevitable and therefore not worth worrying about. China has about four times as many people as America does. Someday its economy will be larger than ours. Fine!**” A generation ago, its people produced, on average, about one-sixteenth as much as Americans did; now they produce about one-sixth. That change is a huge achievement for China—and a plus rather than a minus for everyone else, because a business-minded China is more benign than a miserable or rebellious one. When the Chinese produce one-quarter as much as Americans per capita, as will happen barring catastrophe, their economy will become the world’s largest. **This will be good for them but will not mean “falling behind” for us. We know that for more than a century, the consciousness of decline has been a blight on British politics, though it has inspired some memorable, melancholy literature. There is no reason for America to feel depressed about the natural emergence of China, India, and others as world powers. But second, and more important, America may have reasons to feel actively optimistic about its prospects in purely relative terms.** The crucial American advantage Let’s start with the more modest claim, that China has ample reason to worry about its own future. Will the long-dreaded day of reckoning for Chinese development finally arrive because of environmental disaster? Or via the demographic legacy of the one-child policy, which will leave so many parents and grandparents dependent on so relatively few young workers? Minxin Pei, who grew up in Shanghai and now works at Claremont McKenna College, in California, has predicted in *China’s Trapped Transition* that within the next few years, tension between an open economy and a closed political system will become unendurable, and an unreformed Communist bureaucracy will finally drag down economic performance. **America will be better off if China does well than if it flounders. A prospering China will mean a bigger world economy with more opportunities and probably less turmoil—and a China likely to be more cooperative on environmental matters.** But whatever happens to China, prospects could soon brighten for America. The **American culture’s particular strengths could** conceivably be about to **assume new importance and give our economy new pep. International networks will matter more** with each passing year. As the one truly universal nation, **the United States continually refreshes its connections with the rest of the world**—through languages, family, education, business—**in a way no other nation does, or will.** The countries that are comparably open—Canada, Australia—aren’t nearly as large; those whose economies are comparably large—Japan, unified Europe, eventually China or India—aren’t nearly as open. The simplest measure of whether a culture is dominant is whether outsiders want to be part of it. At the height of the British Empire, colonial subjects from the Raj to Malaya to the Caribbean modeled themselves in part on Englishmen: Nehru and Lee Kuan Yew went to Cambridge, Gandhi, to University College, London. Ho Chi Minh wrote in French for magazines in Paris. These days the world is full of businesspeople, bureaucrats, and scientists who have trained in the United States. Today’s China attracts outsiders too, but in a particular way. Many go for business opportunities; or because of cultural fascination; or, as my wife and I did, to be on the scene where something truly exciting was under way. The Haidian area of Beijing, seat of its universities, is dotted with the faces of foreigners who have come to master the language and learn the system. But true immigrants? People who want their children and grandchildren to grow up within this system?

Although I met many foreigners who hope to stay in China indefinitely, in three years I encountered only two people who aspired to citizenship in the People's Republic. From the physical rigors of a badly polluted and still-developing country, to the constraints on free expression and dissent, to the likely ongoing mediocrity of a university system that emphasizes volume of output over independence or excellence of research, the realities of China heavily limit the appeal of becoming Chinese. Because of its scale and internal diversity, China (like India) is a more racially open society than, say, Japan or Korea. But China has come nowhere near the feats of absorption and opportunity that make up much of America's story, and it is very difficult to imagine that it could do so—well, ever. Everything we know

We're lightyears ahead in key sectors

Zakaria 8 (Fareed, Newsweek Editor, International Relations Expert, Host of Fareed Zakaria: GPS (on CNN), "The Future of American Power," Foreign Affairs, May/June)

This difference between the United States and Britain is reflected in the burden of their military budgets. Britannia ruled the seas but never the land. The British army was sufficiently small that Otto von Bismarck once quipped that were the British ever to invade Germany, he would simply have the local police force arrest them. Meanwhile, London's advantage over the seas -- it had more tonnage than the next two navies put together -- came at ruinous cost. The U.S. military, in contrast, dominates at every level -- land, sea, air, space -- and spends more than the next 14 countries combined, accounting for almost 50 percent of global defense spending. The United States also spends more on defense research and development than the rest of the world put together. And crucially, it does all this without breaking the bank. U.S. defense expenditure as a percent of GDP is now 4.1 percent, lower than it was for most of the Cold War (under Dwight Eisenhower, it rose to ten percent). As U.S. GDP has grown larger and larger, expenditures that would have been backbreaking have become affordable. The Iraq war may be a tragedy or a noble endeavor, but either way, it will not bankrupt the United States. The price tag for Iraq and Afghanistan together -- \$125 billion a year -- represents less than one percent of GDP. The war in Vietnam, by comparison, cost the equivalent of 1.6 percent of U.S. GDP in 1970, a large difference. (Neither of these percentages includes second- or third-order costs of war, which allows for a fair comparison even if one disputes the exact figures.) U.S. military power is not the cause of its strength but the consequence. The fuel is the United States' economic and technological base, which remains extremely strong. The United States does face larger, deeper, and broader challenges than it has ever faced in its history, and it will undoubtedly lose some share of global GDP. But the process will look nothing like Britain's slide in the twentieth century, when the country lost the lead in innovation, energy, and entrepreneurship. The United States will remain a vital, vibrant economy, at the forefront of the next revolutions in science, technology, and industry. In trying to understand how the United States will fare in the new world, the first thing to do is simply look around: the future is already here. Over the last 20 years, globalization has been gaining breadth and depth. More countries are making goods, communications technology has been leveling the playing field, capital has been free to move across the world -- and the United States has benefited massively from these trends. Its economy has received hundreds of billions of dollars in investment, and its companies have entered new countries and

industries with great success. Despite two decades of a very expensive dollar, U.S. exports have held ground, and the World Economic Forum currently ranks the United States as the world's most competitive economy. GDP growth, the bottom line, has averaged just over three percent in the United States for 25 years, significantly higher than in Europe or Japan. Productivity growth, the elixir of modern economics, has been over 2.5 percent for a decade now, a full percentage point higher than the European average. This superior growth trajectory might be petering out, and perhaps U.S. growth will be more typical for an advanced industrialized country for the next few years. But the general point -- that the United States is a highly dynamic economy at the cutting edge, despite its enormous size -- holds. Consider the industries of the future. **Nanotechnology** (applied science dealing with the control of matter at the atomic or molecular scale) **is likely to lead to fundamental breakthroughs** over the next 50 years, **and the United States dominates the field.** It has more dedicated "nanocenters" than the next three nations (Germany, Britain, and China) combined and has issued more patents for nanotechnology than the rest of the world combined, highlighting its unusual strength in turning abstract theory into practical products. Biotechnology (a broad category that describes the use of biological systems to create medical, agricultural, and industrial products) is also dominated by the United States.

AT: Competitiveness—Resilient

Competitiveness inevitable – U.S. can absorb innovation from anywhere

Beckley, Harvard International Security Program research fellow, 2012

(Michael, "China's Century? Why America's Edge Will Endure", International Security 36.3, lexis)

In theory, globalization should help developing countries obtain and absorb advanced technology. In practice, however, this may not occur because some of the knowledge and infrastructure necessary to absorb certain technologies cannot be specified in a blueprint or contained within a machine. Instead they exist in peoples' minds and can be obtained only through "hands-on" experience. The World Bank recently calculated that 80 percent of the wealth of the United States is made up of intangible assets, most notably, its system of property rights, its efficient judicial system, and the skills, knowledge, and trust embedded within its society. If this is the case, then a huge chunk of what separates the United States from China is not for sale and cannot be copied. Economies and militaries used to consist primarily of physical goods (e.g., conveyor belts and tanks), but today they are composed of systems that link physical goods to networks, research clusters, and command centers. ⁷² **Developing countries may be able to purchase or steal certain aspects of these systems from abroad, but many lack the supporting infrastructure, or "absorptive capacity," necessary to integrate them into functioning wholes.** ⁷³ For example, in the 1960s, Cummins Engine Company, a U.S. technological leader, formed joint ventures with a Japanese company and an Indian company to produce the same truck engine. The Japanese plant quickly reached U.S. quality and cost levels while the Indian plant turned out second-rate engines at three to four times the cost. The reason, according to Jack Baranson, was the "high degree of technical skill . . . required to convert techniques and produce new technical drawings and manufacturing specifications." ⁷⁴ This case illustrates how an intangible factor such as skill can lead to significant productivity differences even when two countries have access to identical hardware. **Compared to developing countries such as China, the United States is primed for technological absorption. Its property rights, social networks, capital markets, flexible labor laws, and legions of multinational companies not only help it innovate, but also absorb innovations created elsewhere.** Declinists liken the U.S. economic system to a leaky bucket oozing innovations out into the international system. But in the alternative perspective, **the United States is more like a sponge, steadily increasing its mass by soaking up ideas, technology, and people from the rest of the world. If this is the case, then the spread of technology around the globe may paradoxically favor a concentration of technological and military capabilities in the United States.**

AT: Competitiveness—Alt Cause: STEM

STEM shortage means US competitiveness is unsustainable

Waldron '12 [Travis, reporter for ThinkProgress.org at the Center for American Progress Action Fund, “REPORT: How America’s Falling Share Of Global College Graduates Threatens Future Economic Competitiveness,” <http://thinkprogress.org/economy/2012/08/21/722571/report-us-share-of-college-graduates-dropped-over-last-decade-compared-to-china-india/>]

The **United States’ share of global college graduates fell substantially** in the first decade of the 21st century **and stands to drop even more** by 2020 as developing economies in China and India have graduated more college students, **presenting challenges for American workers’ ability to remain competitive in a global economy** in the future. The U.S. share of college graduates fell from nearly one-in-four to just more than one-in-five from 2000 to 2010, according to “The Competition That Really Matters,” a report from the Center for American Progress and The Center for the Next Generation: From 2000 to 2010, the U.S. share of college graduates fell to 21% of the world’s total from 24%, while China’s share climbed to 11% from 9%. India’s rose more than half a percentage point to 7%. Based on current demographic and college enrollment trends, we can project where each country will be by 2020: the U.S. share of the world’s college graduates will fall below 18% **while China’s and India’s will rise** to more than 13% and nearly 8% respectively.

AT: Competitiveness—No Impact

No impact to US competitiveness- it’s all hype

Krugman '11 [Paul, Nobel Prize-winning economist, professor of Economics and International Affairs at Princeton University, received his B.A. from Yale University in 1974 and his Ph.D. from MIT in 1977. He has taught at Yale, MIT and Stanford. At MIT he became the Ford International Professor of Economics, “The Competition Myth,” 1-24-11, http://www.nytimes.com/2011/01/24/opinion/24krugman.html?_r=0]

Meet the new buzzword, same as the old buzzword. In advance of the State of the Union, President Obama has telegraphed his main theme: competitiveness. The President’s Economic Recovery Advisory Board has been renamed the President’s Council on Jobs and Competitiveness. And in his Saturday radio address, the president declared that “We can out-compete any other nation on Earth.” This may be smart politics. Arguably, Mr. Obama has enlisted an old cliché on behalf of a good cause, as a way to sell a much-needed increase in public investment to a public thoroughly indoctrinated in the view that government spending is a bad thing.¶ But let’s not kid ourselves: talking about “competitiveness” as a goal is fundamentally misleading. At best, it’s a misdiagnosis of our problems. At worst, it could lead to policies based on the false idea that what’s good for corporations is good for America.¶ About that misdiagnosis: What sense does it make to view our current woes as stemming from lack of competitiveness?¶ It’s true that we’d have more jobs if we exported more and imported less. But the same is true of Europe and Japan, which also have depressed economies. And we can’t all export more while importing less, unless we can find another planet to sell to. Yes, we could demand that China shrink its trade surplus — but if confronting China is what Mr. Obama is proposing, he should say that plainly.¶ Furthermore, while America is running a trade deficit, this deficit is smaller than it was before the Great Recession began. It would help if we could make it smaller still. But ultimately, we’re in a mess because we had a financial crisis, not because American companies have lost their ability to compete with foreign rivals.¶ But isn’t it at least somewhat useful to think of our nation as if it were America Inc., competing in the global marketplace? No.¶ Consider: A corporate leader who increases profits by slashing his work force is thought to be successful. Well, that’s more or less what has happened in America recently: employment is way down, but profits are hitting new records. Who, exactly, considers this economic success?¶ Still, you might say that talk of competitiveness helps Mr. Obama quiet claims that he’s anti-business. That’s fine, as long as he realizes that the interests of nominally “American”

corporations and the interests of the nation, which were never the same, are now less aligned than ever before.¶ Take the case of General Electric, whose chief executive, Jeffrey Immelt, has just been appointed to head that renamed advisory board. I have nothing against either G.E. or Mr. Immelt. But with fewer than half its workers based in the United States and less than half its revenues coming from U.S. operations, G.E.'s fortunes have very little to do with U.S. prosperity.¶ By the way, some have praised Mr. Immelt's appointment on the grounds that at least he represents a company that actually makes things, rather than being yet another financial wheeler-dealer. Sorry to burst this bubble, but these days G.E. derives more revenue from its financial operations than it does from manufacturing — indeed, GE Capital, which received a government guarantee for its debt, was a major beneficiary of the Wall Street bailout.¶ So what does the administration's embrace of the rhetoric of competitiveness mean for economic policy?¶ The favorable interpretation, as I said, is that it's just packaging for an economic strategy centered on public investment, investment that's actually about creating jobs now while promoting longer-term growth. The unfavorable interpretation is that Mr. Obama and his advisers really believe that the economy is ailing because they've been too tough on business, and that what America needs now is corporate tax cuts and across-the-board deregulation.¶ My guess is that we're mainly talking about packaging here. And if the president does propose a serious increase in spending on infrastructure and education, I'll be pleased.¶ But even if he proposes good policies, the fact that Mr. Obama feels the need to wrap these policies in bad metaphors is a sad commentary on the state of our discourse.¶ The financial crisis of 2008 was a teachable moment, an object lesson in what can go wrong if you trust a market economy to regulate itself. Nor should we forget that highly regulated economies, like Germany, did a much better job than we did at sustaining employment after the crisis hit. For whatever reason, however, the teachable moment came and went with nothing learned.¶ Mr. Obama himself may do all right: his approval rating is up, the economy is showing signs of life, and his chances of re-election look pretty good. But the ideology that brought economic disaster in 2008 is back on top — and seems likely to stay there until it brings disaster again.

AT: Competitiveness—Heg D

Competitiveness not key to heg

Nuno P. **Monteiro** is an Assistant Professor of Political Science at Yale University, where he teaches International Relations theory and security studies. He earned his Ph.D. in Political Science from the University of Chicago in 2009. “Theory of Unipolar Politics” (Cambridge University Press) April **2014** p. 14-17

At the same time, the debate on unipolar durability is almost exclusively focused on differential rates of economic growth and their determinants. Will China continue to grow faster than the United States, or will its economic development slow down or even stall? When will China's economy overtake that of the United States? What can the United States do to boost its own pace of economic growth? Although these are important questions in their own right, they are nearly irrelevant for the durability of U.S. military power preponderance. The reason is simple: military power is not a side product of economic development. Rather, military power is the result of purposeful state action. Specifically, it is the product of a decision by a state to invest a fraction of the country's wealth into the production of military capabilities over time. As such, military power does not necessarily follow from economic growth.¶ Put in the context of a unipolar world in the nuclear age, this means that - independently from recurrent arguments about U.S. economic decline - the power preponderance of the United States is not set to end. But, again, nowhere in the literature do we have an argument laying out the conditions under which a unipolar distribution of military power is likely to end - or, on the contrary, to endure for a long time even in the presence of a shifting distribution of economic power. This book sets out to provide one such theory, refocusing the debate on unipolar durability from differential rates of economic growth to political decisions to invest in additional military capabilities.

Competitiveness doesn't threaten heg-US leads in R&D, innovation and corporations.

Cox, London School of Economics IR professor, 2012

(Michael, "Power Shifts, Economic Change and the Decline of the West?", International Relations, December, SAGE)

We also have to judge economic power not only in terms of the size of an economy but also by the qualitative criteria of 'competitiveness'. Economies like China, India and Brazil are undoubtedly large and will no doubt get larger over time. But this does not necessarily make them competitive in relationship to most Western countries or the United States. In a 2011 survey, in fact, the United States came fourth in the world in a group of 15 countries. Moreover, 11 within the 15 were definably Western, while the other 4 included Japan, Taiwan, Hong Kong and Singapore – countries all closely tied to the West and to the United States. As for the BRICs, they came well down the list. Thus, China came in at 27, India at 51, Brazil at 58 and Russia at 63.⁶⁶ Other studies have arrived at not dissimilar conclusions concerning the qualitative gap that continues to exist between a number of the 'rising' economies and many of the more established ones, the United States, in particular. In terms of cutting-edge research in science and technology, for example, the United States continues to hold a clear lead. Indeed in 2008, the United States accounted for 40 per cent of total world research and development (R&D) spending and 38 per cent of patented new technology inventions. More significantly, scientific research produced in the United States accounted for 49 per cent of total world citations and 63 per cent of the most highly cited articles. The United States also continued to employ around 70 of the world's Nobel Prize winners and could lay claim to two-thirds of its most cited individual researchers in science and technology.⁶⁷ Innovation is also an American strength.⁶⁸ Other countries are clearly beginning to catch up. The United States, however, is still a country that continues to innovate across the board. Critics would no doubt point to the fact that the United States is slipping down the league table. However, it still ranks fourth in the world. China meanwhile only came in at 54th in 2009, India at 56th and Brazil and Russia even further behind. Of course, this does not take account of change over the longer term, or of the fact that a country like China is making a concerted effort to build a more innovative economy.⁶⁹ But as even the Chinese would accept, it still has very long way to go. Indeed, in spite of official efforts to encourage what is termed in China a 'capacity for independent innovation', there remain several weaknesses in the Chinese political economy. Among the most significant, it has been noted, are 'poor enforcement of intellectual property rights, an educational system that emphasizes rote learning over critical thinking, and a shortage of independent organizations that can evaluate scientific progress'.⁷⁰ There is also wider political restraint as well. Innovation usually requires open debate, a capacity to challenge established truths and incentives to think the unthinkable; and none of these, to be blunt, are much in evidence in modern China today.⁷¹ Finally, in terms of global economic power, the United States is still well ahead in one other vital respect: corporate strength.⁷² Some of the emerging economies are beginning to catch up, and some of America's closest allies in Europe and Asia run it a good second.⁷³ But the United States clearly remains in 'poll position' with American companies in 2011 constituting 4 of the top 10 corporations in the world, 14 of the top 30 and 25 of the top 50. Western companies more generally still outperform all others, with the United States and the EU together representing 6 out of the top 10 global corporations, 22 out of the top 30 and 37 out of the top 50. Some of the BRIC economies do have some very large companies with China, unsurprisingly, leading the way with 4 out of the top 10, 8 out of the top 50 and 61 out of the top 500, a remarkable achievement for a country that only 25 years ago was virtually irrelevant in the world economy. ⁷⁴ Still, as a recent Brookings study has shown, it does not follow that these companies are internationally active or should even be regarded as 'multinationals' in the true sense of that word. Indeed, 49 of the top 57 mainland companies in China remain under state control; and with a very few exceptions, the overwhelming majority all operate predominantly within the country – and for several good reasons including a shortage of managers with the necessary linguistic skills and experience of working abroad, a lack of transparency, poor global brand presence, and a very real difficulty in adapting easily to foreign legal, tax and political environments.⁷⁵

Competitiveness not key to heg

Brooks and Wohlforth, 8

[Stephen G. Brooks is Assistant Professor and William C. Wohlforth is Professor in the Department of Government at Dartmouth College, "World out of Balance, International Relations and the Challenge of American Primacy," p. 32-35]

American primacy is also rooted in the country's position as the world's leading technological power. The United States remains dominant globally in overall R&D investments, high-technology production, commercial innovation, and higher education (table 2.3). Despite the weight of this evidence, elite perceptions of U.S. power had shifted toward pessimism by the middle of the first decade of

this century. As we noted in chapter 1, this was partly the result of an Iraq-induced doubt about the utility of material predominance, a doubt redolent of the post-Vietnam mood. In retrospect, many assessments of U.S. economic and technological prowess from the 1990s were overly optimistic; by the next decade important potential vulnerabilities were evident. In particular, chronically imbalanced domestic finances and accelerating public debt convinced some analysts that the United States once again confronted a competitiveness crisis.²³ If concerns continue to mount, this will count as the fourth such crisis since 1945; the first three occurred during the 1950s (Sputnik), the 1970s (Vietnam and stagflation), and the 1980s (the Soviet threat and Japan's challenge). None of these crises, however, shifted the international system's structure: multipolarity did not return in the 1960s, 1970s, or early 1990s, and each scare over competitiveness ended with the American position of primacy retained or strengthened.²⁴

Our review of the evidence of U.S. predominance is not meant to suggest that the United States lacks vulnerabilities or causes for concern. In fact, it confronts a number of significant vulnerabilities; of course, this is also true of the other major powers.²⁵ The point is that adverse trends for the United States will not cause a polarity shift in the near future. If we take a long view of U.S. competitiveness and the prospects for relative declines in economic and technological dominance, one takeaway stands out: relative power shifts slowly. The United States has accounted for a quarter to a third of global output for over a century. No other economy will match its combination of wealth, size, technological capacity, and productivity in the foreseeable future (tables 2.2 and 2.3).

The depth, scale, and projected longevity of the U.S. lead in each critical dimension of power are noteworthy. But what truly distinguishes the current distribution of capabilities is American dominance in all of them simultaneously. The chief lesson of Kennedy's 500-year survey of leading powers is that nothing remotely similar ever occurred in the historical experience that informs modern international relations theory. The implication is both simple and underappreciated: the counterbalancing constraint is inoperative and will remain so until the distribution of capabilities changes fundamentally. The next section explains why.

****AT: MLATs Adv**

AT: MLATs

Reform in the MLAT system wont change government motives

Woods, '15 (Andrew K. Woods is an assistant professor at the University of Kentucky College of Law. He holds a JD from Harvard Law School and a PhD in Politics from the University of Cambridge. “You should Care About Mutual Legal Assistance More Than You Do” Just Security, 1-28-15, <http://justsecurity.org/19449/care-mutual-legal-assistance/> 7-9-15)

About a year ago, I wrote here that the mutual legal assistance (MLA) regime – the legal system that regulates government-to-government requests for evidence in criminal investigations, including personal data – was badly in need of reform. Today, the Global Network Initiative is releasing my report on the subject. The report outlines some of the key reforms that can and ought to be implemented by states in the next year to improve the MLA process. (The report is being launched at the Center for Strategic and International Studies (CSIS) in DC at 1pm EST today and will be live streamed here.) Many of us live much of our lives “online” – meaning that we store our personal data on internet-connected servers, which are very often located in far away locations. As a result of our peripatetic lives, our data is flung across a number of different jurisdictions. When governments seek access to this data – perhaps in connection with a criminal investigation – they increasingly find that it is beyond their jurisdictional reach. (This is the problem raised by the much-discussed Microsoft Ireland case.) If you care about privacy, you might think this is all good because it means that the government has a harder time getting access to the digital goods. But this view badly misunderstands the tradeoffs associated with the MLA regime. Embracing the fact that MLA tends to prevent governments from gaining lawful access to personal data is both shortsighted and dangerous. When governments do not get access to data through MLA, they occasionally try other tactics that do not have the same built-in due process constraints that MLA provides (tactics, in other words, that might make those of who care about privacy prefer MLA). When governments feel they cannot get access to data through the MLA process, they might assert that their laws apply extraterritorially – as the US has done in the Microsoft Ireland case – or they might demand that communications companies store data locally on servers (the easier to raid). Even worse: they might turn to surveillance. A few months ago, I spoke with a salesman from a company (I will not name) who was selling a tool that allows states to intercept their citizens’ communications. I asked him if he had ever heard of the mutual legal assistance treaties. He grinned and said: “MLAT! I love MLAT! States buy my product because MLAT doesn’t work!” It is no longer a surprise to learn that governments turn to surveillance to gain unwarranted access to citizen data. Here, however, we are talking about data that might be warranted, but the government does not have the patience or felt the need to go through the MLA process to prove that their access is in fact justified. For example, an Italian judge may issue a warrant for data only to discover that the data controller – perhaps a foreign company or a domestic company with data stored abroad – will not submit to its jurisdiction. Local law enforcement agencies can then request MLA from the country with the authority to compel the data and wait 9 or 10 months for the response. Or they can buy off-the-rack software and get the data now. If any of these alternatives bothers you, you should be urging your government to improve its handling of MLA requests, both outgoing and incoming. That is the thrust of the report being released today. The report highlights a number of important reforms that ought to be implemented by governments in the next year. These include: creating an electronic system for making and processing MLA requests (which are sometimes still done in paper); better training for government officials as to how to file and process MLA requests; and more staffing at justice departments around the world for the oncoming wave of MLA requests that is likely to materialize in the next few years. These reforms are low-hanging fruit. The report says little about the much larger and more intractable problems that arise from an Internet that spans multiple jurisdictions. For

example, the report is silent on how to determine the scope of a state's jurisdiction. Needless to say, this is the subject of much debate. (Again, see the Microsoft Ireland case for evidence of this controversy.) Nor does the report attempt to resolve the deeper "conflict of laws" questions that arise when two states do not agree about the legality of the conduct in question. For example, if France asks the United States for data in connection to speech that constitutes a crime in France but not in the U.S., what should the U.S. government do? And what if the suspect is French, the harm is felt in France, and there is no tie to the U.S. but for the location of the data or the location of the company managing the data? There are some who think that in order to resolve these deeper issues, we need a completely new regime to regulate government access to personal data. That may be the case. But for now, let us fix the MLA system we have.

AT: Organized Crime—Inevitable

Organized crime funding inevitable.

GIFT No Date – UN Global Initiative to Fight Human Trafficking, HUMAN TRAFFICKING – QUESTIONS & ANSWERS, www.unglobalcompact.org/.../HUMAN_TRAFFICKING_-_BACKGROUND_BRIEFING_NOTE_-_final.pdf

However, a conservative estimate of the crime puts the number of victims at any one time at 2.5 million. We also know that **it affects every region of the world, ranks as the third largest source of income for organized crime** (exceeded only by arms and drugs trafficking), **and is the fastest growing form of international crime**. We also know that **it generates tens of billions of dollars** in profits each year.

Organized crime resilient.

Adamoli et al, Joint Research Centre on Transnational Crime Research Assistant, **1998**, (Sabrina, "Organized Crime Around the World", European Institute for Crime Prevention and Control, Publication Series No. 31, Pg. 17) www.heuni.fi/uploads/mmadzpnix.pdf

Some of the changes in organised crime have been brought about by the altered environment²³ in which criminal organisations operate. The growing globalisation of financial markets and communications, together with the increased effectiveness of law enforcement control activities, are provoking a series of changes in the structure of organised crime groups and in their relations with other criminal groups.²⁴ Evident today, therefore, is the growth of **transnational criminal organisations** able to **adapt to changes in this global environment** rather than to national changes. Analysis of the transnational operations of criminal groups in association with multinational organisations is therefore of paramount importance. Since criminal activities are transnational, the criminal groups engaged in them must be able to deal with different markets, even if this means developing a structured organisation, like a corporation, with different tasks and sections for every phase from production to marketing.²⁵ Large, monolithic and rigidly hierarchical structures have proved relatively easy targets for law enforcement operations. The results of these operations suggest that **criminal enterprises are now replacing a centralised structure**, often without multinational characteristics, **with more flexible and decentralised ones**. **The current trend seems to be towards** the creation of **small organisations** based on mutual understandings and agreements, and with relatively few operating procedures, adjusting them to new market features so that they can maximise the profits deriving from new business opportunities and minimise their vulnerability to law enforcement (arrest of their members and the seizure of their assets).²⁶ This re-organisation of criminal enterprises in terms of structure seems to be happening along the lines of more flexibility and more co-operation with other criminal groups. **A flexible structure allows for the prompt re-organisation of illicit activities** according to demand and to the number of competitors. Occasional businesses or specific targets increasingly require small sub-units²⁷ of criminal specialists, who work with external individuals to provide services and expertise in fields unknown or not directly accessible to the criminal organisation, thus enabling their rapid adjustment to new market opportunities. An outstanding example is provided by the Nigerian networks in the drugs market. Small groups of executives, or even individuals, carry out operational tasks or missions coordinated and instructed by a strategic centre in the country of origin. Further examples are provided by the fraudulent activities of Belgian or Dutch white-collar criminals and by the car thefts carried out by Polish and Yugoslav organisations, networks which have acquired specific expertise in the division of labour.

Organized crime resilient.

Ayling 9 - Australian Research Council Centre of Excellence in Policing and Security, Regulatory Institutions, Julie, "Criminal organizations and resilience", International Journal of Law, Crime and Justice

37 (2009) 182e196

Criminal organizations inhabit dynamic environments where the pressures of competition and state opposition constantly challenge their very existence. To survive and prosper, they **must be** sufficiently **resilient to adapt to changing conditions arising from new competition, alterations in laws, policies and law enforcement practices, expansion or contraction of illegal markets and the availability of new technologies. Change may also result from internal conflicts**: the organization may splinter, merge with other groups or reorganize (Weisel, 2002a). While the study of criminal organizations has not entirely overlooked resilience (see, for example, Williams, 2001; Kenney, 2006, 2007; Jackson, 2006; Bouchard, 2007), little attention has been paid to how resilience in criminal organizations develops. What is it about criminal organizations that have survived and flourished amid constant threat and frequent confrontation that has given them the resilience to do so?

Shift

Adamoli et al, Joint Research Centre on Transnational Crime Research Assistant, **1998**, (Sabrina, "Organized Crime Around the World", European Institute for Crime Prevention and Control, Publication Series No. 31, Pg. 17) www.heuni.fi/uploads/mmadzpnix.pdf

Turning to the trafficking of migrants and their exploitation (especially of migrant women and children) **in the prostitution markets of host countries, the same pattern of vertical interdependence among offences emerges**. In fact, in order to perpetrate these crimes, a criminal organisation involved in alien smuggling activities (also with the further purpose of sexually exploiting migrants or of placing them on black labour markets) must usually plan the commission of further offences, such as deception, illegal immigration, corruption of public officials and theft and counterfeiting of documents for use in their trafficking operations. Once it is realised that the activities of organised criminal groups are increasingly interdependent, it becomes easier to understand the way in which transnational organised crime shifts from one activity to another. The more a criminal organisation develops horizontal interdependencies, the more it is characterised by opportunism. The **horizontal interdependencies**, distinctive of opportunistic criminal organisations, **display a pattern of diversification** rather than one of specialisation. The concept of horizontal interdependencies among activities refers, in fact, to the connections established among different activities by the same criminal organisation. A criminal enterprise usually relies on the particular expertise, skills and means acquired in a specific illicit sector to expand its criminal activities, changing into new criminal circuits. In practice, **a criminal group** with already-trained personnel, already-acquired means, already-tested trafficking routes, already-developed corruption networks, and already-existing contacts in different countries of the world, **will move into new illicit markets** (adding new activities to the ones in which it already specialises). Examples of these horizontal interdependencies are readily available. **One thinks**, for example, **of the connections established between drug trafficking and alien smuggling** operations by the Albanian groups which transport both nationals and drugs across the Adriatic Sea. The same applies to the organised crime groups of Asiatic origin which move illegal immigrants across the Canada-US border, utilising the routes, means and methods already developed for the smuggling of cigarettes. Generally speaking, when activities of this kind involve diverse forms of trafficking (in drugs, arms, humans, toxic waste, stolen vehicles), it is not difficult for criminals to shift from one form to another, exploiting the knowledge that they have already acquired.

AT: Organized Crime—No Violence

Organized crime doesn't cause violence

Igor V. Dubinsky, 2007, B.A.: Integrated Science, Advanced Physics, and Molecular/Genetic Biology, 2004, Northwestern University; J.D. Candidate, May 2007: DePaul University College of Law Winter, 2007, (DePaul Business & Commercial Law Journal, 5 DePaul Bus. & Comm. L.J. 379, COMMENT: How Bad Boys Turn Good: The Role of Law in Transforming Criminal Organizations Into Legitimate Entities by Making Rehabilitation An Economic Necessity, p. Lexis)

Yet even an underground business must still operate as close as possible to the guidelines of the law - the further it deviates, the higher its costs. **Destruction and gang wars** may look like fun in movies, but they **are** generally **unprofitable and cause increased prosecutions**.ⁿ³³ In both legal and illegal markets, "the best of all monopoly profits is a quiet life."ⁿ³⁴ Instead of attempting competition in the same area, criminal organizations split up territories establishing cartels and geographic monopolies.ⁿ³⁵ For example, it may be easier to kill a rival-drug selling mafia than to engage in product competition (manufacturing higher quality and cheaper drugs), but if this will lead to government prosecutions, rival mafia wars, or increased police enforcement, it may be cheaper to instead cartelize the industry or divide up the territory between the various suppliers.ⁿ³⁶ **The more murders the mafia commits, the more police and judges it has to bribe, and the more witnesses it has to kill**. For example, when a Chicago drug ring leader was asked by one of his subordinates why he could not just shoot and kill competitors, he explained: "you've got to belong to a serious organization - you can't just tear [things] up. It's bad for business."ⁿ³⁷ Thus **a mafia behaves just like any other profit maximizing organization - seeking to minimize its costs and maximize its profits**. However, unlike a legal organization, the mafia will use illegal means if the expected profits from those means are more than the expected profits from their legal counterparts.ⁿ³⁸ As one Mafioso eloquently said in [*386] Mario Puzo's Godfather, "I don't like violence ... I'm a businessman; blood is a big expense."ⁿ³⁹

AT: Biodiversity/Ecosystems

No impact to biodiversity

Sagoff 97 Mark, Senior Research Scholar – Institute for Philosophy and Public policy in School of Public Affairs – U. Maryland, William and Mary Law Review, "INSTITUTE OF BILL OF RIGHTS LAW SYMPOSIUM DEFINING TAKINGS: PRIVATE PROPERTY AND THE FUTURE OF GOVERNMENT REGULATION: MUDDLE OR MUDDLE THROUGH? TAKINGS JURISPRUDENCE MEETS THE ENDANGERED SPECIES ACT", 38 Wm and Mary L. Rev. 825, March, L/N

Note – Colin Tudge - Research Fellow at the Centre for Philosophy at the London School of Economics. Frmr Zoological Society of London: Scientific Fellow and tons of other positions. PhD. Read zoology at Cambridge.

Simon Levin = Moffet Professor of Biology, Princeton. 2007 American Institute of Biological Sciences Distinguished Scientist Award 2008 Istituto Veneto di Scienze Lettere ed Arti 2009 Honorary Doctorate of Science, Michigan State University 2010 Eminent Ecologist Award, Ecological Society of America 2010 Margalef Prize in Ecology, etc... PhD

Although one may agree with ecologists such as Ehrlich and Raven that **the earth stands on the brink of** an episode of **massive extinction, it may not follow** from this grim fact **that human beings will suffer** as a result. On the contrary, skeptics such as science writer Colin **Tudge** have **challenged biologists to explain why we need more than a tenth of the 10 to 100 million species that grace the earth**. Noting that "cultivated systems often out-produce wild systems by 100-fold or more," **Tudge declared** that "the argument that humans need the variety of other species is, when you think about it, a theological one."ⁿ³⁴³ Tudge observed that "the **elimination of all but a tiny minority of our fellow creatures does not affect the material well-being of humans one iota**."ⁿ³⁴⁴ This skeptic challenged ecologists to list more than 10,000 species (other than unthreatened microbes) that are essential to ecosystem productivity or functioning.ⁿ³⁴⁵ **The human species could**

survive just as well if 99.9% of our fellow creatures went extinct, provided only that we retained the appropriate 0.1% that we need." n346 [*906] The monumental Global Biodiversity Assessment ("the Assessment") identified two positions with respect to redundancy of species. "At one extreme is the idea that each species is unique and important, such that its removal or loss will have demonstrable consequences to the functioning of the community or ecosystem." n347 The authors of the Assessment, a panel of eminent ecologists, endorsed this position, saying it is "unlikely that there is much, if any, ecological redundancy in communities over time scales of decades to centuries, the time period over which environmental policy should operate." n348 These eminent ecologists rejected the opposing view, "the notion that species overlap in function to a sufficient degree that removal or loss of a species will be compensated by others, with negligible overall consequences to the community or ecosystem." n349 Other **biologists believe**, however, that **species are so fabulously redundant in the ecological functions they perform that the life-support systems and processes of the planet and ecological processes in general will function perfectly well with fewer of them, certainly fewer than the millions and millions we can expect to remain even if every threatened organism becomes extinct.** n350 Even the kind of sparse and miserable world depicted in the movie Blade Runner could provide a "sustainable" context for the human economy as long as people forgot their aesthetic and moral commitment to the glory and beauty of the natural world. n351 The Assessment makes this point. "Although any ecosystem contains hundreds to thousands of species interacting among themselves and their physical environment, the emerging consensus is that the system is driven by a small number of . . . biotic variables on whose interactions the balance of species are, in a sense, carried along." n352 [*907] To make up your mind on the question of the functional redundancy of species, consider an endangered species of bird, plant, or insect and ask how the ecosystem would fare in its absence. The fact that the creature is endangered suggests an answer: it is already in limbo as far as ecosystem processes are concerned. **What crucial ecological services does the black-capped vireo, for example, serve? Are any of the species threatened with extinction necessary to the provision of any ecosystem service on which humans depend? If so, which ones are they?** Ecosystems and the species that compose them have changed, dramatically, continually, and totally in virtually every part of the United States. **There is little ecological similarity, for example, between New England today and the land where the Pilgrims died. n353 In view of the constant reconfiguration of the biota, one may wonder why Americans have not suffered more as a result of ecological catastrophes.** The cast of species in nearly every environment changes constantly-local extinction is commonplace in nature-but the crops still grow. Somehow, it seems, property values keep going up on Martha's Vineyard in spite of the tragic disappearance of the heath hen. One might argue that **the sheer number and variety of creatures available to any ecosystem buffers that system against stress.** Accordingly, we should be concerned if the "library" of creatures ready, willing, and able to colonize ecosystems gets too small. (Advances in genetic engineering may well permit us to write a large number of additions to that "library.") **In the United States as in many other parts of the world, however, the number of species has been increasing dramatically, not decreasing, as a result of human activity. This is because the hordes of exotic species coming into ecosystems in the United States far exceed the number of species that are becoming extinct.** Indeed, introductions may outnumber extinctions by more than ten to one, so that the United States is becoming more and more species-rich all the time largely as a result of human action. n354 [*908] Peter Vitousek and colleagues estimate that over 1000 non-native plants grow in California alone; in Hawaii there are 861; in Florida, 1210. n355 In Florida more than 1000 non-native insects, 23 species of mammals, and about 11 exotic birds have established themselves. n356 Anyone who waters a lawn or hoes a garden knows how many weeds desire to grow there, how many birds and bugs visit the yard, and how many fungi, creepy-crawlies, and other odd life forms show forth when it rains. All belong to nature, from wherever they might hail, but not many homeowners would claim that there are too few of them. Now, not all exotic species provide ecosystem services; indeed, some may be disruptive or have no instrumental value. n357 This also may be true, of course, of native species as well, especially because all exotics are native somewhere. Certain exotic species, however, such as Kentucky blue grass, establish an area's sense of identity and place; others, such as the green crabs showing up around Martha's Vineyard, are nuisances. n358 Consider an analogy [*909] with human migration. Everyone knows that after a generation or two, immigrants to this country are hard to distinguish from everyone else. The vast majority of Americans did not evolve here, as it were, from hominids; most of us "came over" at one time or another. This is true of many of our fellow species as well, and they may fit in here just as well as we do. It is possible to distinguish exotic species from native ones for a period of time, just as we can distinguish immigrants from native-born Americans, but as the centuries roll by, species, like people, fit into the landscape or the society, changing and often enriching it. Shall we have a rule that a species had to come over on the Mayflower, as so many did, to count as "truly" American? Plainly not. When, then, is the cutoff date? Insofar as we are concerned with the absolute numbers of "rivets" holding ecosystems together, extinction seems not to pose a general problem because a far greater number of kinds of mammals, insects, fish, plants, and other creatures thrive on land and in water in America today than in prelapsarian times. n359 **The Ecological Society of America has urged managers to maintain biological diversity as a critical component in strengthening ecosystems against disturbance. n360 Yet as Simon Levin observed, "much of the detail about species composition will be irrelevant in terms of influences on ecosystem properties."** n361 [*910] He added: "For net primary productivity, as is likely to be the case for any system property, **biodiversity matters only up to a point; above a certain level, increasing biodiversity is likely to make little difference.**" n362 **What about the use of plants and animals in agriculture? There is no scarcity foreseeable. "Of an estimated 80,000 types of plants [we] know to be edible,"** a U.S. Department of the Interior document says, **"only about 150 are extensively cultivated."** n363 About twenty species, not one of which is endangered, provide ninety percent of the food the world takes from plants. n364 Any new food has to take "shelf space" or "market share" from one that is now produced. Corporations also find it difficult to create demand for a new product; for example, people are not inclined to eat paw-paws, even though they are delicious. It is hard enough to get people to eat their broccoli and lima beans. It is harder still to develop consumer demand for new foods. This may be the reason the Kraft Corporation does not prospect in remote places for rare and unusual plants and animals to add to the world's diet. Of the roughly 235,000 flowering plants and 325,000 nonflowering plants (including mosses, lichens, and seaweeds) available, farmers ignore virtually all of them in favor of a very few that are profitable. n365 To be sure,

any of the more than 600,000 species of plants could have an application in agriculture, but would they be preferable to the species that are now dominant? Has anyone found any consumer demand for any of these half-million or more plants to replace rice or wheat in the human diet? There are reasons that farmers cultivate rice, wheat, and corn rather than, say, Furbish's lousewort. There are many kinds of louseworts, so named because these weeds were thought to cause lice in sheep. How many does agriculture really require? [*911] The species on which agriculture relies are domesticated, not naturally occurring; they are developed by artificial not natural selection; they might not be able to survive in the wild. n366 This argument is not intended to deny the religious, aesthetic, cultural, and moral reasons that command us to respect and protect the natural world. These spiritual and ethical values should evoke action, of course, but we should also recognize that they are spiritual and ethical values. We should recognize that ecosystems and all that dwell therein compel our moral respect, our aesthetic appreciation, and our spiritual veneration; we should clearly seek to achieve the goals of the ESA. There is no reason to assume, however, that these goals have anything to do with human well-being or welfare as economists understand that term. These are ethical goals, in other words, not economic ones. Protecting the marsh may be the right thing to do for moral, cultural, and spiritual reasons. We should do it-but someone will have to pay the costs. In the narrow sense of promoting human welfare, protecting nature often represents a net "cost," not a net "benefit." It is largely for moral, not economic, reasons-ethical, not prudential, reasons-that we care about all our fellow creatures. They are valuable as objects of love not as objects of use. What is good for [*912] the marsh may be good in itself even if it is not, in the economic sense, good for mankind. **The most valuable things are quite useless.**

Biodiversity is resilient and inevitable

Sagoff 8 Mark, Senior Research Scholar @ Institute for Philosophy and Public Policy @ School of Public Policy @ U. Maryland, Environmental Values, "On the Economic Value of Ecosystem Services", 17:2, 239-257, EBSCO

What about the economic value of biodiversity? **Biodiversity represents nature's greatest** largess or **excess** since **species appear nearly as numerous as the stars** the Drifters admired, except that **scientists have a better understanding of how many stars there are in the galaxy than how many species there are on Earth.**⁷⁰ Worldwide **the variety of biodiversity is effectively infinite.** the myriad **species of plants and animals, not to mention microbes** that are probably more important, apparently **exceed our ability to count or identify them.** The "next" or "incremental" thousand species taken at random would not fetch a market price because another thousand are **immediately available** and **another thousand after that.** No one has suggested an economic application, moreover, for any of the thousand species listed as threatened in the United States.⁷⁷ To defend these species - or the next thousand or the thousand after that - on economic grounds is to trade convincing spiritual, aesthetic, and ethical arguments for bogus, pretextual, and disingenuous economic ones.⁷⁸ As David Ehrenfeld has written,

We do not know how many [plant] species are needed to keep the planet green and healthy, but it seems very unlikely to be anywhere near the more than quarter of a million we have NOW. Even a mighty dominant like the American chestnut, extending over half a continent, all but disappeared without bring-ing the eastern deciduous forest down with it. And if we turn to the invertebrates, the source of nearly all biological diversity, what biologist is willing to find a value - conventional or ecological - for all 600,000-plus species of beetles?^{7*}

The **disappearance** in the wild **even of agriculturally useful species** appears to **have no effect on production.** The last wild aurochs, the progenitor of dairy and beef cattle, went extinct in Poland in 1742, yet no one believes the beef industry is threatened. The **genetic material** of crop species **is contained in** tens of thousands of **landraces** and cultivars in use - rice is an example - **and does not depend on the persistence of wild ancestral types.** **Genetic engineering can introduce DNA from virtually any species into virtually any other** - **which allows for the unlimited creation of biodiversity.**

A neighbor of mine has collected about 4,000 different species of insects on his two-acre property in Silver Spring, Maryland. These include 500 kinds of Lepidoptera (mostly moths) - half the number another entomologist found at his residence.⁸⁰ When you factor in plants and animals, the amount of "backyard biodiversity" in suburbs is astounding and far greater than you can imagine.^{8*} **Biodiversity has no value** "at the margin" because **nature provides far more of it than anyone could possibly administer.** If one kind of moth flies off, you can easily attract hundreds of others.

AT: Disease

No extinction

Gladwell, '95

Malcolm Gladwell, The New Republic, July 17 and 24, 1995, excerpted in Epidemics: Opposing Viewpoints, 1999, p. 31-32

Every infectious agent that has ever plagued humanity has had to adapt a specific strategy but **every strategy carries a corresponding cost and this makes human counterattack possible.** Malaria is vicious and deadly but it relies on mosquitoes to spread from one human to the next, which means that draining swamps and putting up mosquito netting can all but halt endemic malaria. Smallpox is extraordinarily durable remaining infectious in the environment for years, but its very durability its essential rigidity is what makes it one of the easiest microbes to create a vaccine against. AIDS is almost invariably lethal because it attacks the body at its point of great vulnerability, that is, the immune system, but the fact that it targets blood cells is what makes it so relatively uninfamous. Viruses are not superhuman. I could go on, but the point is obvious. **Any microbe capable of wiping us all out would have to be everything at once: as contagious as flu, as durable as the cold, as lethal as Ebola, as stealthy as HIV and so doggedly resistant to mutation that it would stay deadly over the course of a long epidemic. But viruses are not, well, superhuman. They cannot do everything at once.** It is one of the ironies of the analysis of **alarmists** such as Preston that they are all too willing to point out the limitations of human beings, but they **neglect to point out the limitations of microscopic life forms.**

No risk of pandemics – new advances

Economist, 10

(11 22, <http://www.economist.com/node/17493456>)

Fortunately, **globalisation will also speed the flow of health data.** In 2011 the growing field of digital epidemiology will attract more students, health officials and resources than ever before. People in viral hotspots around the world will report suspicious human and animal deaths (often a warning sign of a coming plague) by mobile phones. These data will be posted to the web, instantly enriching the data that came from traditional surveillance systems and electronic medical records. Organisations like Google.org will scour search patterns around the world, expanding their search-based predictions of influenza to other infectious diseases. Still more creative early-detection systems will begin to pull together illness information present in social-networking sites like Facebook and Twitter, **allowing us to see changing disease patterns before they make the morning news. Novel laboratory approaches to the discovery of new viruses will emerge.** The long-awaited era of single-molecule DNA sequencing will begin in earnest with new machines from companies like Pacific Biosciences, and with a bit of luck this will improve the speed at which we can recognise unknown bugs. At the cutting edge, new studies of virus evolution and chips housing tiny cell cultures will improve our capacity to sort through the viral chatter and determine if a newly identified outbreak has the potential to spread globally or is likely to fade away. The discovery of new viruses will make the move from universities to laboratories around the world, helping to facilitate international scientific collaboration and decrease fears of biopiracy. Towards a global immune system In 2011 you may be among those who will watch "Contagion", a forthcoming movie about a frightening fictional pandemic. But whether you are a head of state wary of the political and economic costs of a disease catastrophe, a CEO concerned by supply-chain and staff disruption associated with the next pandemic or a citizen worried about your family, in 2011 you will have access to better, more accurate and rapidly available data on actual outbreaks. **In the increasingly popular Silicon Valley model, organisations like ours will mash up multiple data sources—combining lab results in far-flung viral listening-posts with international news feeds, text messages, social-networking and search patterns to create a new form of epidemic intelligence.** The past ten years have seen noteworthy progress in the development of truly global systems. **In the world of outbreaks, 2011 will mark the beginning of the development of a worldwide immune system that will detect and respond to biological threats before they go global.** Although this will take years to build fully, if successful **it could make pandemic anniversaries a thing of the past.**

AT: US-China War

No China war---leaders are pragmatic

Goldstein 11—professor emeritus of IR, American U. PhD in pol sci from MIT. Former visiting professor emeritus at Yale

(Sept 2011, Joshua, Think Again: War, http://www.foreignpolicy.com/articles/2011/08/15/think_again_war)

What about China, the most ballyhooed rising military threat of the current era? Beijing is indeed modernizing its armed forces, racking up double-digit rates of growth in military spending, now about \$100 billion a year. That is second only to the United States, but it is a distant second: The Pentagon spends nearly \$700 billion. Not only is China a very long way from being able to go toe-to-toe with the United States; it's not clear why it would want to. A military conflict (particularly with its biggest customer and debtor) would impede China's global trading posture and endanger its prosperity. Since Chairman Mao's death, China has been hands down the most peaceful great power of its time. For all the recent concern about a newly assertive Chinese navy in disputed international waters, China's military hasn't fired a single shot in battle in 25 years.

"A More Democratic World Will Be a More Peaceful One."

Not necessarily. The well-worn observation that real democracies almost never fight each other is historically correct, but it's also true that democracies have always been perfectly willing to fight non-democracies. In fact, democracy can heighten conflict by amplifying ethnic and nationalist forces, pushing leaders to appease belligerent sentiment in order to stay in power. Thomas Paine and Immanuel Kant both believed that selfish autocrats caused wars, whereas the common people, who bear the costs, would be loath to fight. But try telling that to the leaders of authoritarian China, who are struggling to hold in check, not inflame, a popular undercurrent of nationalism against Japanese and American historical enemies. Public opinion in tentatively democratic Egypt is far more hostile toward Israel than the authoritarian government of Hosni Mubarak ever was (though being hostile and actually going to war are quite different things).

Economic interdependence checks war

Doctoroff 10—MBA at the University of Chicago, North Asia Area Director of JWT advertising firm (Tom, 28 November 2010, "Standing Up to China, the Obama Way", http://www.huffingtonpost.com/tom-doctoroff/standing-up-to-china-the_b_788704.html)

Third, and fortunately, China knows its ascent will not continue without Western complicity. No matter how successful the central government is in rebalancing the economy toward domestic consumption, exports to Western markets, which have fueled more than 60% of economic expansion since 1990, will determine growth rates for decades to come. Even the military acknowledges armed conflict with the United States would strike a fatal blow to China's "peaceful rise." Importantly, China has always productively engaged with other societies -- from Indian Buddhism to American capital markets, absorbing new influences and applying them in Chinese contexts. After the Great Leap Backwards -- thirty years of economic and social disaster triggered by post-Liberation isolation -- it knows walls, at least outside cyberspace, are counterproductive. As one street smart sixty-year-old confided, "We're afraid of not having any friends." In China, there is no desire, even amongst reactionary military factions, to become divorced from global forces of progress.

AT: Terrorism—Adaptation/Resilience

Terrorists adapt---cutting funding makes them stronger

Santos 11 – Major David N Santos, Active Duty Army Intelligence Officer Currently Attending the U.S. Army Command & General Staff College, "What Constitutes Terrorist Network Resiliency?", Small Wars Journal, 5-31, <http://smallwarsjournal.com/jrnl/art/what-constitutes-terrorist-network-resiliency>

As important as ideology and social networking are, their benefits will only carry a terrorist organization to a certain extent. As with virtually any other organization or activity around the world, money, is the lifeblood of any organization or movement. Without a reliable source of funding a terrorist organization loses its ability to be proactive in conducting operations as well as procure needed support services and material items. Since acquiring and maintaining sources of financing is vital to the existence of a terrorist organization, security for those sources of funding

along with the methods of transferring and storing funds is equally vital. As a result, terrorist organizations have proved to be exceptionally agile in identifying and implementing numerous methods of funding and transferring money in order to prevent effective countermeasures by state governments (Williams, 2005).

The process of globalization has created unprecedented levels of interconnectivity among not only state governments but also among domestic and international financial institutions. As such, vast sums of money can be transferred from one part of the world to another nearly instantaneously. The sheer pace and vastness of the globalization process with developments in information and telecommunications technology has created a nearly impossible task to monitor effectively daily financial transactions to ensure there is no link to terrorist activity. Previous attempts to counter terrorist financing, such as in the wake of the 9/11 attacks, has been to freeze known or suspected terrorist financial assets. Yet this countermeasure has only yielded limited success. As Williams (2005) notes, current attempts to identify and attack terrorist financing has only served to increase the “capacity of terrorist organizations to adapt quickly to new regulations by adopting novel methods of circumventing rules and regulations” (pp. 6).

If Williams (2005) is correct in his analysis that current efforts to target terrorist funding are only resulting in making smarter and more efficient fiscally minded terrorist organizations than what is enabling this trend? One of the key issues is current international law is lacking in specificity and applicability to the nature of the threat posed by transnational terrorist organizations like al Qaeda. One of the main deficiencies with international law is with the Financial Action Task Force (FATF) which had been created in 1989 by the G-7 states to counter money laundering activities conducted by international criminal and drug trafficking organizations (Williams, 2005). The FATF identified 40 recommendations to be implemented to counter money laundering activities. However, no formal binding convention or treaty was created therefore consistent implementation of the FATF recommendations did not occur thus leaving loop holes in international law for use by terrorist organizations to circumvent the FATF. Efforts like the FATF can only be successful if they receive the full support of the international community. Limited or no support provides opportunities for terrorist organizations to continue their financing operations relatively unmolested. The FATF was a lackluster effort to combat terrorist financing due to inefficiency in the manner in which it operated resulting in money laundering not being truly deterred but rather shifted to other areas around the globe where these activities could be conducted more freely (Williams, 2005). The FATF is only one example of inconsistencies in international economic law (as well as with state domestic law) which have inhibited effective terrorist financing countermeasures. The ineffectiveness of the FATF and other counter drug and organized crime measures which have been used to target terrorist financing has only served to actually create more experienced and smarter terrorist financing practices. Instead of preventing terrorist financing, efforts such as the FATF have only facilitated it to expand.

They'll move to other areas

Vaknin 5 – Sam Vaknin, Ph.D., Editor in Chief of Global Politician and Investment Politics, “Money Laundering in A Changed World”, May, <http://samvak.tripod.com/pp96.html>

Quo Vadis, Money Laundering? Crime is resilient and fast adapting to new realities. Organized crime is in the process of establishing an alternative banking system, only tangentially connected to the West's, in the fringes, and by proxy. This is done by purchasing defunct banks or banking licences in territories with lax regulation, cash economies, corrupt politicians, no tax collection, but reasonable infrastructure. The countries of

Eastern Europe - Yugoslavia (Montenegro and Serbia), Macedonia, Ukraine, Moldova, Belarus, Albania, to mention a few - are natural targets. In some cases, organized crime is so all-pervasive and local politicians so corrupt that the distinction between criminal and politician is spurious. Gradually, money laundering rings move their operations to these new, accommodating territories. The laundered funds are used to purchase assets in intentionally botched privatizations, real estate, existing businesses, and to finance trading operations. The wasteland that is Eastern Europe craves private capital and no questions are asked by investor and recipient alike. The next frontier is cyberspace. Internet banking, Internet gambling, day trading, foreign exchange cyber transactions, e-cash, e-commerce, fictitious invoicing of the launderer's genuine credit cards - hold the promise of the future. Impossible to track and monitor, ex-territorial, totally digital, amenable to identity theft and fake identities - this is the ideal vehicle for money launderers. This nascent platform is way too small to accommodate the enormous amounts of cash laundered daily - but in ten years time, it may. The problem is likely to be exacerbated by the introduction of smart cards, electronic purses, and payment-enabled mobile phones.

Shifts to hawala---makes detection impossible

Gouvin 3 – Eric J. Gouvin, Professor of Law at the Western New England College School of Law, “Bringing Out the Big Guns: The USA Patriot Act, Money Laundering, and the War on Terrorism”, Baylor Law Review, Fall, 55 Baylor L. Rev. 955, Lexis

C. Terrorists Move Money Through Hard-to-Regulate Non-Bank Channels Even if the reporting requirements of the Patriot Act work perfectly, the new law still will not be effective to intercept terrorist financing because terrorists do not have to use banks to move money. The lynchpin of our existing money laundering scheme is the conventional banking system. We count on bankers to file CTRs and SARs because bankers are subject to a rigorous regulatory scheme and they know they will get into trouble if they do not comply with the law. Terrorists, however, do not necessarily rely on the banking system to move money because they have access to other reliable ways to transfer funds around the world. The Islamic world is tied together financially by a traditional banking system known as the hawala. n104 These ancient networks of settling [*978] payments have deep roots in Islamic culture. They are essentially based on trust, and involve no physical transfer of funds. For example, a hawala broker in one country instructed by his client arranges for a broker in another country to make a payment to the intended beneficiary. n105 Such informal systems are not designed to deal with official transactions; instead, they provide complete confidentiality and no paper trail. Given the pervasiveness of the hawala system and its informality, law enforcement officials find it difficult to use the hawala network to fight crime. In India, Pakistan, and the Middle East where these systems are common, they create significant money laundering problems. One big problem they present is the difficulty of distinguishing between legitimate transactions and those involving money laundering. n106 In the aftermath of September 11, the United States and other nations froze a Dubai based hawala called "Al Barakaat." n107 This action made headlines and significant sums were impounded, but one wonders what effect it had on terrorist operations. n108 These networks are highly adaptive entities and if currency transfers are targeted by law enforcement, they may very well change tactics. If need be, the funds to be transferred are paid in jewelry to the brokers, who later rationalize their own inter-banking levels and fund flows amongst themselves. n109 The Patriot Act ostensibly applies to hawala banking, n110 but enforcement will be difficult. FinCEN has identified a strategy for dealing with hawalas: [*979] Our strategy is (1) to force terrorist financiers to reduce reliance on hawala and similar systems and to channel their money into more transparent, formal financial transactions; (2) to regulate hawaladars so that legitimate hawaladars comply with financial reporting structures; and (3) to target the illegal use of hawala for intensive investigation. n111 Although this approach is laudable, it sounds like a true clash of cultures. Given the long history of hawala banking, its informality, its secrecy, and its deep roots in Islam, it seems unlikely that hawala bankers will be enthusiastic in their compliance with the new law. More importantly, the law might never be enforced against the hawala because the identities of the hawala bankers are difficult to establish. Without knowing who is participating in the hawala, the regulatory scheme will be ineffective. n112

Or, charities

Santos 11 – Major David N Santos, Active Duty Army Intelligence Officer Currently Attending the U.S. Army Command & General Staff College, “What Constitutes Terrorist

Network Resiliency?”, Small Wars Journal, 5-31, <http://smallwarsjournal.com/jrnl/art/what-constitutes-terrorist-network-resiliency>

Perhaps one of the most widely used methods of rising, moving and storing funds by terrorist organizations is through the use of charities. The concept of charity is an integral part of the Islamic faith and the responsibility of every Muslim to perform. According to Islamic law each Muslim is expected to donate a percentage of their own personal wealth (a process known as zakat) as well as provide assistance to charitable efforts through personal service of some kind (Comras, 2005). These donations are quite often collected by local religious centers or mosques and later distributed to other charitable organizations to support various social programs. However, terrorist organizations like al Qaeda, Hizbollah and Jemaah Islamiyah have gained access to these donations through their support of the religious centers and mosques where these donations are made. To complicate matters these donations, viewed as individual religious obligations, have little to no oversight by state governments, particularly within the Middle East (Comras, 2005). Therefore these donation sites provide in many ways a secure and continuous form of access to funds for terrorist organizations. Unfortunately, many of the individuals providing these donations do not know their funds will ultimately end up supporting terrorist violence.

Terror funding’s resilient and adaptable

Santos 11 – Major David N Santos, Active Duty Army Intelligence Officer Currently Attending the U.S. Army Command & General Staff College, “What Constitutes Terrorist Network Resiliency?”, Small Wars Journal, 5-31, <http://smallwarsjournal.com/jrnl/art/what-constitutes-terrorist-network-resiliency>

Since the devastating attacks of September 11, 2001 there have been numerous discussions on the issue of terrorism and terrorist networks, such as al Qaeda, within the media and the intelligence community. At times these discussions have created an image of the terrorist phenomenon as one of a monolithic and unstoppable menace continuing to spread around the world unabated. Lost in these discussions is a basic understanding of what any organization needs to continue to exist. What are its basic needs? What are its sources of strength and resiliency? Most organizations, whether terrorist or not, rely on some basic essential elements that are used to help define, guide and maintain the organization. These elements allow an organization to develop strength in its structure as well as its cause in order to maintain a resilient mindset. These elements of strength and resiliency enable the organization to experience periods of adversity, look critically at the outcomes of those experiences and take the lessons learned to improve the organization’s performance. Every successful organization, to include terrorist organizations, has to identify what their most essential elements for survival are. These basic elements will vary to some degree based on an organization’s unique qualities. However, there are some elements that are almost universal to all organizations and those identified as terrorist organizations in particular. Some of the more universal elements that can contribute to a terrorist network’s strength, longevity and resiliency involve the organization’s ideology, social network apparatus and capability as well as the ability to maintain a source of funding for its operations. These are the key basic elements needed by any terrorist network to maintain and further a viable long lasting organization. If a terrorist organization were to fail to maintain a high level of proficiency in each of these elements, either individually or collectively, the organization could experience a degraded ability to achieve its desired objectives.

Advantage CP—MLATs 1NC

Text: The United States federal government should pass comprehensive reforms to Mutual Legal Assistance Treaties including a substantial increasing in funding and establishing online request forms.

The counterplan institutes key reforms to streamline MLATs – dramatically improves law enforcement cooperation

Hill 15 (Jonah Force, writes on Internet policy and cybersecurity issues, and formerly served in the White House Office of the Cybersecurity Coordinator and as a Cybersecurity Teaching Fellow at Harvard, “Problematic Alternatives: MLAT Reform for the Digital Age,” Jan 28, <http://harvardnsj.org/2015/01/problematic-alternatives-mlat-reform-for-the-digital-age/>, CMR)

V. Policy Recommendations These MLAT alternatives are potentially harmful to a robust and free Internet, and could be rendered unnecessary by appropriate MLAT reforms like the following. A. Increase MLAT funding Insufficient resources are a primary cause of MLAT backlogs. The United States must spend more money to make MLATs work for foreign law enforcement. America’s recent \$24 million in new funding was necessary but insufficient. More MLAT requests will come in as criminal prosecutions increasingly focus on digital evidence. The United States is also entitled to expect other countries to spend more to expedite responses to American requests. Realistically, other nations must recognize that American prosecutors will turn to warrants like in Microsoft if their MLAT requests gather dust in foreign justice ministries. B. Issue unilateral guidelines for direct data requests Governments should issue unilateral, self-binding guidelines to limit prosecutors’ authority to bypass an applicable MLAT and compel production of electronic records stored outside their own jurisdiction. For instance, when the information sought is particularly sensitive (perhaps political or financial information) governments should unilaterally require that prosecutors use MLAT procedures. Further, once increased resources (recommendation #1) speed up the MLAT process, governments ought to consider instituting a “first use” constraint, requiring that law enforcement agencies try in good faith to use to the MLAT process prior to pursuing direct access. A “first use” constraint, of course, is likely to be politically palatable only among nations that adopt parallel reciprocal procedures. C. Streamline the MLAT process The MLAT review process should be reformed and streamlined. There are no online submission forms for MLAT requests today. MLATs must either be submitted by paper or by email to relevant authorities in a slow and cumbersome process. All nations with MLATs should create an online submission form and guide. As the President’s Review Group has noted, the current MLAT process also contains multiple, often redundant, request reviews. For instance, the U.S. DOJ’s Office of International Affairs and the U.S. Attorney’s Office must conduct separate, independent reviews. Such redundancies should be reevaluated for efficacy and necessity. D. Adopt industry-wide legal interpretations for data requests Major technology and Internet firms should seek industry-wide consensus on how to interpret national and international law on data collection from law enforcement authorities. This industry-wide statement will not necessarily alter the way in which governments seek to access data, but it will give law enforcement a sense of the types of requests that will be challenged versus the types of requests that are broadly seen as appropriate. This could help avoid unnecessary legal and political confrontations.[2] E. Renegotiate existing MLATs Tech sector innovation and data globalization has complicated former notions of jurisdiction. Nevertheless, agreement can be reached on key terms and principles in a sufficiently broad way as to avoid bottlenecks in the MLAT process. These key terms and principles must be incorporated into updated MLAT agreements. To ensure that MLATs keep pace with changing technologies, provisions dealing with data issues should be revisited frequently within multi-national working groups.[3] V. Conclusion Reforming the MLAT system is tremendously important to inter-state law enforcement cooperation and the future of the global Internet more generally. If left unreformed, or reformed poorly, law enforcement and jurisdictional battles among and between governments and technology firms could place yet another strain on the already stressed global Internet system. By contrast, developing updated and efficient MLATs could pay enormous dividends, not only for law enforcement as it faces enormous international challenges, but also by serving as confidence-building measures as sovereign nations take on the task of resolution of other, even more difficult, global

Internet policy challenges. The question is whether or not governments will take the steps necessary to expedite and modernize the MLAT system before alternatives do irreversible damage to the international system.

LGBT Policy Michigan 7

Homosexual PIC

1NC

CP Text:

(Replace "Homosexual" with "gay")

Homosexual is an offensive, politically loaded term used to discriminate against gay communities

PETERS 14 [Jeremy W. Peters is a reporter in the Washington bureau of The New York Times. He covers Congress, writing about the full range of issues that the House and Senate confront, and the personalities that run the Capitol. "The Decline and Fall of the 'H' Word", 3-21-14,

<http://www.nytimes.com/2014/03/23/fashion/gays-lesbians-the-term-homosexual.html>, msm]

To most ears, it probably sounds inoffensive. A little outdated and clinical, perhaps, but innocuous enough: homosexual.¶ But that five-syllable word has never been more loaded, more deliberately used and, to the ears of many gays and lesbians, more pejorative.¶ "Homosexual" has the ring of 'colored' now, in the way your grandmother might have used that term, except that it hasn't been recuperated in the same way." said George Chauncey, a Yale professor of history and an author who studies gay and lesbian culture.¶ Consider the following phrases: homosexual community, homosexual activist, homosexual marriage. Substitute the word "gay" in any of those cases, and the terms suddenly become far less loaded, so that the ring of disapproval and judgment evaporates.¶ Some gay rights advocates have declared the term off limits. The Gay and Lesbian Alliance Against Defamation, or GLAAD, has put "homosexual" on its list of offensive terms and in 2006 persuaded The Associated Press, whose stylebook is the widely used by many news organizations, to restrict use of the word.¶ George P. Lakoff, a professor of cognitive science and linguistics at the University of California, Berkeley, has looked at the way the term is used by those who try to portray gays and lesbians as deviant. What is most telling about substituting it for gay or lesbian are the images that homosexual tends to activate in the brain, he said.¶ "Gay doesn't use the word sex," he said. "Lesbian doesn't use the word sex. Homosexual does."¶ "It also contains 'homo,' which is an old derogatory," he added. "They want to have that idea there. They want to say this is not normal sex, this is not normal family, it's going against God."¶ Historians believe the first use of "homosexual" was by Karl-Maria Kertbeny, a Hungarian journalist who wrote passionately in opposition to Germany's anti-sodomy laws in the 19th century.¶ But by the 20th century, the word had taken on a definition associated with the American Psychiatric Association's classification of same-sex attractions as a mental disorder. That did not change until the association reversed itself in 1973.¶ William Leap, a professor of anthropology at American University who studies the field of "lavender linguistics," which examines how gay people use certain words and phrases, said the offensiveness of the word stems from its medical history. "It already has all that clinical baggage heaped on it: that's the legacy of the term now," he said, adding that because of its use in a scientific way, many people do not realize how it can fall on gay and lesbian ears.

Human Rights Promotion CP

INC

CP Text: The United States federal government should create a non-United Nations body for human rights directed to promote and scrutinize human rights practices around the world.

The CP is key – the human rights council is ineffective and irreparable, only a new U.S. led institution can be responsive, politically objective, and send a global signal.

Schaefer 11 (Brett D., Jay Kingham Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, “The U.S. Should Pursue an Alternative to the U.N. Human Rights Council”, 6/23/11, <http://www.heritage.org/research/reports/2011/06/the-us-should-pursue-an-alternative-to-the-un-human-rights-council>, accessed 6/29/15)

The Human Rights Council, the premier human rights body in the United Nations, exemplifies this erratic, unprincipled approach to human rights. The council has demonstrated repeatedly that it will act selectively and reluctantly to promote respect for human rights and will confront human rights violations only when its examinations are welcomed by the target government or when the violations are so violent and extensive that they simply cannot be ignored. The results of the mandatory review clearly demonstrate the member states’ unwillingness to address the council’s key flaws. The council will continue to wallow in mediocrity regardless of whether the U.S. remains a member.¶ Other parts of the U.N. have been slightly more effective in promoting basic human rights, but they are all vulnerable to varying degrees to the politicization that plagues the council. For instance, the Third Committee of the General Assembly—which deals with social, humanitarian, and cultural issues—annually musters support for resolutions condemning a few notorious human rights violators, although most violators escape even this cursory criticism. Individual treaties, like the International Covenant on Civil and Political Rights, generally have independent bodies of experts charged with monitoring treaty compliance. These treaty bodies have at times abused their authority by reinterpreting their respective treaties in ways never envisioned when the treaties were ratified.^[58] Similarly, some special rapporteurs and independent experts have engaged in polemics and pushed political agendas rather than focus on their mandates. Nonetheless, selectively supporting the positive and useful aspects of these efforts can support America’s interest in advancing human rights. But such selective support does not require U.S. membership on or robust engagement with the HRC.¶ The United States and other countries interested in promoting fundamental human rights should not tolerate institutionalized mediocrity, ineffectiveness, or politicization that undermines the very purpose of a human rights body. The U.N. has no monopoly on the promotion of human rights in the world, and the United States should explore alternative means to promote respect for fundamental human rights, including establishing a body outside the U.N. system to promote and scrutinize human rights practices. By establishing it outside of the U.N., its membership need not and should not be universal, but based on strict human rights criteria.^[59]¶ What the U.S. Should Do¶ Regrettably, the Human Rights Council is poised to prolong the gravely disappointing record of its first five years, even with the U.S. seated at the table. The majority of the U.N. member states either oppose the council functioning as an objective advocate of basic human rights and fundamental freedoms or are simply uninterested in undertaking the steps necessary for it to fulfill that mission. Rather than focusing on difficult and ephemeral efforts to temporarily improve the council’s voting dynamics, the U.S. should:¶ Not seek another term on the Human Rights Council. After five years—two with the U.S. as an eager, active member—the council’s record echoes the worst behavior of the Commission on Human Rights in its bias against Israel, deliberate disregard of many serious human rights situations, partiality and politicization of its examination of human rights, and membership that includes governments with terrible human rights records. Investment of American resources can marginally improve the council’s performance, but even the most dedicated efforts cannot overcome its fundamental weaknesses. The U.S. needs to recognize that the costs of improving the council exceed the benefits. The Obama Administration should reverse its decision to seek another term on the council.¶ Withhold the U.S. share of the council’s budget from U.S. contributions to the U.N.’s regular budget. The HRC’s gravely disappointing record has not improved significantly over the past two years, despite U.S. membership. Congress concluded previously that the council’s infrequent positive actions do not

outweigh its many shortcomings. Regrettably, the U.S. cannot directly withhold its contribution to the council because the council's budget is funded through the U.N. regular budget. However, withholding the U.S. portion of the council's budget from its contribution to the U.N. regular budget sends an unmistakable, if symbolic, signal of U.S. dissatisfaction. ¶ Work with other U.N. member states to eliminate the council in favor of the U.N. General Assembly's Third Committee. As with the Commission on Human Rights, occasional positive actions should from not prevent the General Assembly concluding that the HRC is deficient. With the mandatory review of the council complete, the council's critical flaws will clearly not be addressed in 2011 and are unlikely to be revisited in the future. The absence of reform, particularly the unwillingness to establish meaningful membership criteria, virtually ensures that the council will continue to be weak and feckless. This situation should lead the U.S. to ask whether the council provides any vital, unique contribution. ¶ In many ways, the council duplicates the responsibilities of the Third Committee of the General Assembly, which is responsible for human rights. As a universal membership body, the Third Committee exhibits the same problems of universal U.N. membership. Yet the Third Committee has proven capable of condemning specific countries and could fulfill the council's bureaucratic and reporting functions, particularly since it already receives reports on the activities of the U.N. High Commissioner for Human Rights, the special procedures, and the Human Rights Council. Eliminating the HRC in favor of the Third Committee would remove the need for lobbying during elections, save funds by eliminating an unnecessary body, and increase participation because the Third Committee meets in New York, where every country maintains a mission, rather than Geneva where fewer countries have a mission. ¶ Continue to participate in those parts of the U.N. human rights system that the U.S. finds relevant or useful. The United States should provide voluntary support on a case-by-case basis to the U.N. High Commissioner for Human Rights and those special procedures whose experts have demonstrated objectivity, impartiality, and dedication to fulfilling their mandates. It should also participate in the Human Rights Committee and other expert bodies of treaties that the United States has ratified. ¶ Explore options for creating an alternative human rights body outside the U.N. system. The U.N. has no monopoly on the promotion of human rights in the world, and the United States and like-minded countries should explore alternative means to promote respect for fundamental human rights, including establishing a body outside the U.N. system. It should have strict membership criteria and be directed to promote and scrutinize human rights practices around the world. Such an alternative institution composed of nations that observe fundamental human rights and basic freedoms could easily surpass the HRC in objectivity, responsiveness, decisiveness, and non-selectivity.^[60]

Solvency/Alt. Causes

Alt. causes to modeling – the CP solves all of them

Telesur 15 (Telesur, “India Says US Needs a Human Rights Institution for Own Abuses”, 5/12/15, <http://www.telesurtv.net/english/news/India-Says-US-Needs-a-Human-Rights-Institution-for-Own-Abuses-20150512-0013.html>, accessed 6/29/15)

The U.S. delegation faced criticism and questions from more than 100 country representatives at the half-day review on Monday. ¶ The UN Human Rights Council began its review of the US human rights record as part of its Universal Periodic Reviews expressing concern over excessive use of force by law enforcement. Indian representative to the United Nations Human Rights Council, Ajiit Kumar, recommended that the United States establish a “national human rights institution” in order to address allegations of human rights abuses. Addressing the UN Human Rights Council in Geneva, Kumar noted that policing tactics by law enforcement authorities in the US and deficiencies in their procedures are areas of concern. ¶ Kumar's suggestion coincides with previous calls by a UN Human Rights committee that the United States implement a mechanism to monitor human rights at the federal, state, and local levels. ^{The high-profile} deaths of Eric Garner and Michael Brown and the subsequent decisions not to prosecute the officers responsible sparked a nationwide debate over race and police tactics, as well as a strong protest movement. These recent incidents prompted a recommendation by the UN Committee on the Elimination of Racial Discrimination (CERD) that the United States adopt a national action plan to combat structural racial discrimination. According to a Pew Research survey carried out in August, 7 in 10 Black US citizens say police do a poor job of holding officers accountable for misconduct and of treating racial and ethnic groups equally. An analysis by the investigative news website ProPublica of fatal police shootings of teens aged 15-19 concluded that between 2010-2012, Black teens were killed at a rate of 31.17 per million, compared to 1.47 per million among white teens. Some of the other issues raised during the review included surveillance and Guantanamo Bay. ^{The council recommended the U.S. ensure surveillance laws respect the right to privacy, and close its prison facilities at Guantanamo.}

U.S. needs to control its own abuses as a prerequisite to global modeling. Only the CP solves the alt. causes.

Schulz 8 (William F., Senior Fellow at the Center for American Progress and served as Executive Director of Amnesty International USA, “The Future of Human Rights: Restoring America’s Leadership”, 2008, <http://www.betterworldcampaign.org/assets/pdf/humanrights-schulz-final.pdf>)

The truth is that if human rights and the U.S.’s pursuit of them are discredited, American interests are put in peril. Reserving the option to torture prisoners, denying them habeas corpus, sending them into “black site” prisons—all this makes it harder to defend America against the charge of hypocrisy; the claim that we are carrying out a war in defense of the rule of law by abandoning that very rule. Such a charge hands fodder for recruitment to our adversaries and makes the world less safe for Americans. No country can claim protection for its own citizens overseas (be they soldiers taken as prisoners, nationals charged with crimes, or corporations faced with extortion) if it fails to respect international norms at home. Global relations are based in good part on reciprocity. Nor can the U.S. offer effective objection to the human rights violations of others if it is guilty of those same violations itself or has shunned cooperation with international allies. No nation, no matter how powerful, can successfully pursue improvements in human rights around the world independent of the international community. Unilateral sanctions imposed upon a country to protest human rights abuses will inevitably fail if they lack the support of others.¶

Solves Coop. on HR

A U.S. lead human rights council solves – a central authority is key to overcome the status quo ineffectiveness and inertia of equally shared responsibility.

Miller 6 (David, Nuffield College, Oxford Memo for the workshop on Global Governance, Princeton University, “The Responsibility to Protect Human Rights”, 2/18/06, https://www.princeton.edu/~pcglobal/conferences/normative/papers/Session6_Miller.pdf)

One might, however, think that this problem of assigning responsibilities is central to establishing an effective international human rights regime. Intervening to protect human rights is typically costly, in material resources in every case, in human resources in many cases (when soldiers, peace-keepers or aid workers are killed or 3 taken hostage), in political capital (when intervention is interpreted in sinister terms by third parties). So states have good reasons to avoid becoming involved if at all possible, particularly democratic states where the government will come under heavy domestic fire if the intervention goes wrong. The fact that there are often many agencies – states, coalitions of states, or other bodies – that might in principle discharge the responsibility to protect makes the problem worse. We might draw an analogy here with instances in which individuals are confronted with a situation in which they would have to perform a Good Samaritan act – say going to the rescue of somebody who collapses in the street. Empirical studies of situations like this reveal that the more potential rescuers are present, the less likely any one of them is to intervene – so the victim stands a better chance of being picked up if there is only one passer-by at the time he collapses than if there are, say, six people nearby.² Several factors may combine to produce this outcome: people interpret other people’s inaction as a sign that the problem is less serious than it might appear; there is a parallel normative effect whereby each person takes the others’ behaviour as defining what is expected or right under the circumstances; but perhaps most importantly, responsibility is diffused among the potential helpers: if the victim were to die, no-one in particular could be held responsible for the death. This problem of diffused responsibility leading to inaction can potentially be solved in two ways. One is the appearance of an authority that can then single out agents and assign them particular tasks. In the street collapse case we might imagine a policeman arriving on the scene and asking bystanders to do specific things to help the victim. Obviously this can only work where the authoritative status of the assigner is commonly recognized. The second is the emergence of shared norms that identify one person in particular as having the responsibility to take the lead. These norms do not

have to carry all of the justificatory load needed to support the intervention. After all we can probably assume that all of the bystanders looking at the victim would agree that 'somebody should help that man'. What is needed is an additional norm that can tell us who that somebody is. If we return to the case of the international protection of human rights, we can again assume widespread agreement on the principle that where widespread violations of human rights are taking place, some agency should step in to prevent them. The problem is to identify the particular agency.

It solves the perception of U.S. compliance to international demands

Kaufman 14 (Risa E., executive director of the Human Rights Institute at Columbia Law School and a Lecturer-in-Law, "On Human Rights Day: Isn't it Time for a U.S. Human Rights Institution?", 12/10/14, http://lawprofessors.typepad.com/human_rights/2014/12/on-human-rights-day-isnt-it-time-for-a-us-human-rights-institution-.html, accessed 6/29/15)

On this Human Rights Day, it seems particularly compelling to renew the call for a national human rights institution (NHRI) in the United States. Every week offers new and stark examples of the need for continual, vigilant and independent review of the nation's commitment to and compliance with its international human rights commitments. Yet, the U.S. has no central body to monitor and report on human rights compliance by federal, state and local authorities, and no independent body to assess legislation, policies and practices in light of human rights principles and impacts. This is in sharp contrast to the over 100 countries around the world with national human rights institutions (though, to be sure, these institutions vary in form, function and effectiveness).¶ The range of pressing issues explored during yesterday's hearing by the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights on the State of Civil and Human Rights in the United States underscores the urgent need for such a mechanism. Indeed, we've just concluded an extraordinary year in which U.N. expert committees reviewed the U.S. for its compliance with each of the core human rights treaties that it has ratified, and issued hard hitting, and remarkably consistent, recommendations for how the U.S. can improve its human rights record. Yet, there is no independent and comprehensive mechanism for analyzing and assessing the resulting Concluding Observations, or for communicating the treaty bodies' recommendations to the state and local officials with front line responsibilities for ensuring that the U.S. meets its human rights obligations.¶ In the course of reviewing the United States, both the Committee on the Elimination of All Forms of Racial Discrimination and the Human Rights Committee noted concern with the lack of a national human rights institution within the U.S., and urged the United States to create such an institution. The CERD Committee, in particular, urged the U.S. to: "create a permanent and effective coordinating mechanism, such as a national human rights institution ... to ensure the effective implementation of the Convention throughout the State party and territories under its effective control; monitor compliance of domestic laws and policies with the provisions of the Convention; and systematically carry out anti-discrimination training and awareness-raising activities at the federal, state and local levels."¶ When asked by U.N. treaty bodies what steps it is taking to develop an NHRI, the U.S. demurs, pointing to "multiple complementary protections and mechanisms" in the United States which "serve to reinforce the ability of the United States to guarantee respect for human rights, including through its independent judiciary at both federal and state levels." Yet, these are no replacement for an independent human rights monitoring body.¶ The U.S. need not start with a blank slate in developing an NHRI. A set of non-binding international principles ("The Paris Principles") endorsed by the U.N. General Assembly establishes minimum standards for such institutions. As a general matter, they call for NHRIs to have a broad mandate, take on advisory, educational and internationally participatory roles, and be politically independent and comprised of a pluralistic membership. Significantly, the Paris Principles explicitly call upon national human rights bodies to "setup local or regional sections" or "maintain consultation with the other bodies . . . responsible for the promotion and protection of human rights."¶ U.S. advocates have called for a U.S. human rights institution with a broad mandate to address the full range of human rights concerns in the United States, and with the ability to monitor human rights compliance, raise awareness of civil and human rights norms, engage with government officials, and investigate how policies play out on the ground in local communities. This could be done through fact-finding, advising and report writing, research, agency monitoring, and engaging with civil society and with regional and international human rights bodies. Some or all of these functions could be done through the existing U.S. Civil Rights Commission.

Solves Modeling

A U.S. human rights initiative ensures U.S. conformance with international standards – reverses skepticism to solve modeling and provides a framework for multilateral cooperation.

Schulz 8 (William F., Senior Fellow at the Center for American Progress and served as Executive Director of Amnesty International USA, “The Future of Human Rights: Restoring America’s Leadership”, 2008, <http://www.betterworldcampaign.org/assets/pdf/humanrights-schulz-final.pdf>)

By definition, human rights only gain meaning if they can claim a global imprimatur. They are, after all, universal human rights, not particular to any one country alone. They “become” rights only because a significant number of countries have recognized them as such. This means that any nation that would understand itself to be a nation that respects and promotes human rights must ipso facto be a nation that recognizes the authority of the international community when it comes to human rights or else it faces a contradiction. The United States has been living in contradiction for more than fifty years; the last seven have merely made that contradiction starker. On the one hand, the U.S. has with some good reason prided itself on being a champion of human rights around the world; on the other, it has regularly balked at the authority of the international community upon which those rights are based, especially when it comes to its own practices. Moreover, no nation, no matter how powerful, can successfully pursue improvements in human rights around the world independent of that international community. If it tries, for example, to impose unilateral sanctions upon a country to protest human rights abuses there, those sanctions will inevitably fail if they lack the support and cooperation of others. What has been especially damaging to human rights over the past seven years is that policies inimical to human rights have been carried out in the name of human rights. This includes the Iraq War of course (since human rights were at least a latter-day rationale for that conflict), but also encompasses the larger war on terror that has been pursued in the name of defending freedom and the rule of law. The result has been an unfortunate identification of human rights with America’s worldly ambitions—an identification that has only exacerbated the customary suspicion in which human rights have been held by some in the developing world who see them as a guise for imposition of Western values. All of this has contributed markedly to the decline in the U.S.’s global reputation. A new administration, whether Republican or Democratic, has an opportunity to reverse that decline and, in the process, renew America’s reputation for human rights leadership. How it addresses these issues cannot be considered independent of many of the other topics addressed in the “Don’t Go It Alone” series: the Iraq War, for example, or the promotion of democracy, or the pursuit of women’s health, or the fight against poverty. All of these have implications for human rights policy. There are several distinct steps that a new President can take. Foremost among them will be to conform the U.S.’s own practices to international human rights norms. Only when no gap remains between domestic practices and international standards can the U.S. begin to reclaim the mantle of human rights leadership and disarm the arguments of human rights violators around the world who have cited the U.S. as a model for their own repressive policies. Therefore, the next Administration should close Guantanamo Bay and either release its occupants or transfer them to the American military or criminal justice system for prosecution. It should also renounce the use of torture unequivocally; discard the practice of extraordinary rendition; commit to close and never re-open so-called secret “black site” prisons; and restore habeas corpus rights to all detainees.

HRC/UN Ineffective

The UN Human Rights Council fails - it’s politicized – that also means there’s no hope of reform.

Schaefer 11 (Brett D., Jay Kingham Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, “The U.S. Should Pursue an Alternative to the U.N. Human Rights Council”, 6/23/11, <http://www.heritage.org/research/reports/2011/06/the-us-should-pursue-an-alternative-to-the-un-human-rights-council>, accessed 6/29/15)

The HRC's record has consisted of repeated disappointment and inaction interspersed with rare positive actions of dubious long-term effect. Individual nations, including the U.S. and Canada, have injected some balance into discussions through diplomatic pressure and enticements and occasionally shepherded positive resolutions through the body. However, convincing the world's premier human rights body to support human rights standards should not be this difficult. The problems are systemic: an institutional bias against Israel, a Universal Periodic Review with rules and procedures designed to minimize scrutiny and challenges, and a vulnerability to politicization by influential states that consistently violate human rights. The ability of states with poor human rights records to win seats on the council exacerbates these problems and undermines the council's mission. As long as these problems remain, U.S. efforts to positively influence the council will be difficult, rarely successful, and impermanent.¶ Only a new General Assembly resolution modifying the resolution that established the council could address these flaws to a lasting degree. The original resolution included a provision requiring a performance review of the council by 2011, when reforms could be proposed.[49] This mandatory review presented the best chance for enacting membership standards and other reforms necessary to make the council effective.¶ In October 2009, the council established "an open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council" charged with considering recommendations for improving the council and its work and to draft a resolution for the U.N. General Assembly to consider as the culmination of the mandatory five-year review.[50] NGOs, the U.S., and other nations proposed numerous substantive reforms in the working group's two sessions in October 2010 and February 2011. The Obama Administration alone proposed more than two dozen reforms, including creating multiple means for calling special sessions, establishing stronger criteria for candidates running for seats on the council, mandating competitive elections, and making the Israel country mandate subject to renewal like the other mandates.¶ In nearly every case, the proposed reforms were rejected. The committee failed to address membership standards; the selectivity and inability of the council to address urgent human rights situations, especially those in specific countries; and the permanent country mandate on Israel.[51] Aside from a few minor changes to UPR rules and procedures, such as ensuring that all states have the opportunity to speak during the UPR, the draft resolution lacks any substantive reforms that would improve the work of the body or address the key problems identified in its first five years.[52] Instead, the review has focused primarily on minor issues, such as shifting the council from the current June–June schedule to a calendar-year schedule.

Bipartisan

Bipartisan support in the house

Gaylord 15 (Shawn M., Human Rights First, "Human Rights First Welcomes Reintroduction of International Human Rights Defense Act", 1/29/15, <http://www.humanrightsfirst.org/press-release/human-rights-first-welcomes-reintroduction-international-human-rights-defense-act>, accessed 6/29/15)

Washington, D.C. – Human Rights First today welcomes the re-introduction of The International Human Rights Defense Act, a bill to direct the Department of State to establish a Special Envoy in the Bureau of Democracy, Human Rights, and Labor responsible for foreign policy initiatives to protect the human rights of lesbian, gay, bisexual, and transgender (LGBT) people. The bill was introduced today in the Senate by Senator Edward J. Markey (D-MA) and with bipartisan support in the House by Representative Alan Lowenthal (D-CA).¶ Events of the past few months only reinforce the need for a Special Envoy for the rights of LGBT people," said Human Rights First's Shawn Gaylord. "Around the world, governments continue to introduce and pass legislation designed to criminalize and marginalize LGBT communities. In fact the very gains the community has made may be fueling a simultaneous crackdown. We cannot afford to go backwards now, and we welcome the re-introduction of this important bill that would ensure that the United States continues to make safety and freedom from persecution for all a foreign policy priority."

Human rights legislation is bipartisan in congress

Freedom House 14 (Freedom House, independent watchdog organization that supports democratic change, “Congress has Bipartisan Support for Human Rights Defense Act”, 7/16/14, <https://freedomhouse.org/article/congress-has-bipartisan-support-human-rights-defense-act#.VZHMSflViko>, accessed 6/29/15)

In response to the introduction of the International Human Rights Defense Act in the House of Representatives by Rep. John Tierney (D-MA), Freedom House issued the following statement.¶ “We support Rep. Tierney for taking leadership in the House on the issue of rights for LGBTI persons,” said Chloe Schwenke, vice president for global programs at Freedom House. “Freedom House welcomes the genuine bipartisan base of support for fundamental human rights performance as covered by this bill. The legislation, which is the House companion of the International Human Rights Defense Act introduced by Sen. Ed Markey in the Senate last month, would solidify the United States’ commitment to protecting and promoting the rights of LGBTI people around the world. It is vital that the United States support these communities through foreign assistance and diplomacy, and this legislation would give the State Department and USAID additional tools to do so.” ¶ The International Human Rights Defense Act would direct the State Department to:¶ Make preventing and responding to discrimination and violence against the LGBTI community a foreign policy priority and devise a global strategy to achieve those goals.¶ Coordinate efforts to promote international LGBTI human rights with local advocacy groups, governments, multilateral organizations, and the private sector.¶ Create the position of “Special Envoy for the Human Rights of LGBT Peoples” in the Bureau of Democracy, Human Rights, and Labor, which will be responsible for all inter-bureau and inter-agency coordination of the United States government’s efforts to defend human rights for the LGBTI community internationally.¶ Continue to include a section on LGBTI international human rights in the annual State Department Report on Human Rights.¶

ENDA CP

Counterplan text: The United States federal government should enact the Employment Non-Discrimination Act.

ENDA would prevent employers from discriminating based on sexual orientation or gender identity – it's the first step in ending discrimination

HRC, international nonprofit human rights organization, 2015 (Human Rights Campaign, “Employment Non-Discrimination Act” March 9 2015, <http://www.hrc.org/resources/entry/employment-non-discrimination-act>, MMV)

Qualified, hardworking Americans are denied job opportunities, fired or otherwise discriminated against just because they are lesbian, gay, bisexual or transgender (LGBT). There is no federal law that consistently protects LGBT individuals from employment discrimination; there are no state laws in 29 states that explicitly prohibit discrimination based on sexual orientation, and in 32 states that do so based on gender identity. As a result, LGBT people face serious discrimination in employment, including being fired, being denied a promotion and experiencing harassment on the job.¶ What is the Employment Non-Discrimination Act?¶ The Employment Non-Discrimination Act (ENDA) would provide basic protections against workplace discrimination on the basis of sexual orientation or gender identity. ENDA simply affords to all Americans basic employment protection from discrimination based on irrational prejudice. The bill is closely modeled on existing civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. The bill explicitly prohibits preferential treatment and quotas and does not permit disparate impact suits. In addition, it exempts small businesses, religious organizations and the military.

ENDA avoids the link to politics – massive public and congressional support

HRC, international nonprofit human rights organization, 2015 (Human Rights Campaign, “Employment Non-Discrimination Act” March 9 2015, <http://www.hrc.org/resources/entry/employment-non-discrimination-act>, MMV)

Supermajorities of Republicans and Democrats back ENDA. More than 2/3 of voters - including a strong majority of Republicans - support a federal law protecting LGBT people from discrimination in the workplace, according to a September 2013 poll by Republican pollster Alex Lundry. Majorities in each of the 50 states, according to statistical modeling, are on board.

Courts CP

CP text: The Supreme Court of the United States should:

-find the state inaction doctrine inapplicable in equal protection cases involving states that have failed to include LGBT protections in broad antidiscrimination laws

- hold that failures to include LGBT protections in broad antidiscrimination laws can violate the Equal Protection Clause even if not animated by a discriminatory purpose

Oleske 15 [James M., Associate Professor of Law at Lewis and Clark Law School, former Special Assistant to President Obama and Chief of Staff of the White House Office of Legislative Affairs; 05/10/15; “STATE INACTION,” EQUAL PROTECTION, AND RELIGIOUS RESISTANCE TO LGBT RIGHTS;

http://papers.ssrn.com.proxy.lib.umich.edu/sol3/papers.cfm?abstract_id=2589743&download=yes;

06/29/15; jac]

Absent a wholesale abandonment of the *Washington v. Davis* rule, the answer cannot simply be “anytime a state policy choice has a disproportionate impact on members of a vulnerable and historically disadvantaged minority.” But drawing upon the language of the Equal Protection Clause itself, as well as *Schuetz*, the answer could and should be “when a state policy specifically concerning protection against discrimination has the serious risk of causing specific injury to members of a constitutionally protected class.” One such injury is the profound insecurity and indignity of being left uniquely vulnerable to legal discrimination in the marketplace when members of other constitutionally protected classes—and some non-constitutionally protected class—are safeguarded against such discrimination.¹⁹⁷ Thus, if the Supreme Court finally concludes that gay and lesbian people are entitled to heightened constitutional protection from discrimination,¹⁹⁸ a state’s failure to protect against sexual-orientation discrimination in its otherwise broad civil rights laws should easily meet the “serious risk” criteria that Justice Kennedy laid out in *Schuetz*. As the *Vriend* court put it, the “denial of access to remedial procedures for discrimination on the ground of sexual orientation,” when such remedies are afforded for discrimination on analogous grounds, “must have dire and demeaning consequences for those affected.”¹⁹⁹ In sum, to effectuate fully the guarantee of equal protection of the laws, the Supreme Court should (1) find the state inaction doctrine inapplicable in equal protection cases involving states that have failed to include LGBT protections in broad antidiscrimination laws, and (2) hold that such failures can violate the Equal Protection Clause even if not animated by a discriminatory purpose. In reaching the first conclusion, the Court should draw on the reasoning of Justice Goldberg’s opinion in *Bell* and the Canadian Supreme Court’s opinion in *Vriend*. In reaching the second conclusion, the Court should draw upon the reasoning of both *Vriend* and the *Schuetz* plurality.

Russia Backlash DA

1NC – Russia Backlash DA

Russia has a hardline stance against LGBT rights. The plan angers Russia and triggers a backlash against the US – kills relations

ROHRICH 14 [Kyle James Rohrich is a Master of Arts in Law and Diplomacy (MALD) candidate at The Fletcher School, with a focus on conflict resolution and public international law. He is a Boren National Security Fellow to Azerbaijan and previously a Boren Scholar to Kyrgyzstan. Kyle is also an inaugural "Diplomacy and Diversity" Fellow for Humanity in Action, an international human rights organization. "Human Rights Promotion Backfiring as "World War LGBT" Shakes Eurasia", 8-30-14, <http://www.fletcherforum.org/2014/08/30/rohrich/msm>]

Russia and the West are fighting the greatest geopolitical battle since the end of the Cold War not with nuclear arms races, aerial warfare, or military buildups. Rather, the most prevalent form of weaponry in the standoffs in Ukraine and throughout Eurasia is as unique as it is effective: the gays.¶ As the United States and European Union (EU) have begun advocating internationally for LGBT rights, Russian President Vladimir Putin has constructed an alternative ideology to rile populist movements throughout Eurasia—a region spanning Eastern and Southeastern Europe, the Caucasus, and Central Asia—against EU association. By casting LGBT rights promotion as Western aggression, Putin is succeeding in, for the first time, making sexual orientation part of nationalist discourse. If Western actors really care about the LGBT individuals caught in the subsequent crossfire, they should reexamine their LGBT rights strategies to weaken this dangerous linkage.¶ Putin's reactionary, so-called traditional values argument against LGBT rights emerged as a product of his own political and geopolitical calculus. Shortly after former U.S. Secretary of State Hillary Clinton famously asserted that "gay rights are human rights," Western political leaders promoted this belief abroad through conditional use of foreign aid, bilateral diplomatic levers, and efforts to codify LGBT rights into international human rights law. Putin found himself cornered as international actors, from his viewpoint, impinged upon Russian sovereignty through attempts to bind the country into accepting the LGBT "human rights" framework. Appealing to the country's powerful social conservative base, Putin decided to transform LGBT rights into a nationalist issue, with Western promotion framed as an assault on the "traditional values" of the Russian people. His stance served a dual-purpose: it consolidated his domestic support after a wave of anti-Putin protests in 2012, and it provided a vehicle to expand Russia's influence over similarly conservative societies in its "near-abroad."¶ Unfortunately, Putin's strategy is succeeding. At first glance, it appears LGBT rights are advancing in Eastern and Southern European countries as a result of EU accession standards that mandate countries to provide legal protections for their LGBT populations. Under the surface, however, large portions of the populations of Poland and Turkey remain intensely homophobic, and many EU candidate governments often fail to uphold in practice what LGBT protections exist on paper. Homophobic attitudes are actually increasing throughout much of the Balkans, despite the apparent success of Western countries in spearheading reforms against LGBT hate speech and discrimination in these countries. And in the Caucasus, belief that "homosexuality can never be justified" soars well into the ninetieth percentile. Politicians from Macedonia to Kazakhstan are proposing anti-LGBT legislation for their political gain, all while U.S., EU, and other international delegations have released numerous LGBT rights reports, conditioned millions of dollars of foreign assistance, and lit up government buildings in rainbow colors in efforts to advance LGBT rights in the region.¶ This Western LGBT rights advocacy has played directly into Putin's hands. A master of political spin, Putin identified LGBT rights as an issue that separates East and West and used it as a wedge to push Eurasian countries away from the West. By framing

LGBT rights as a Western import, Putin harnessed homophobic public opinion throughout the region to help achieve his geopolitical goal of rebuilding Russian influence. His strategy has been all but subtle. As the West threw its support to Ukrainian protestors in May 2014, Putin called the activists a group of “gay Nazis.” State-controlled Russian media outlets referred to the Maidan Square, the scene of the protests, as the “Gayeuromaidan,” reinforcing the popularly held notion that “LGBT” is a Western construct.¶ The pawns in this new Great Game, LGBT individuals, face increasingly grim prospects as sexual orientation becomes further associated with national identity. In this past year alone, Lithuania and six other Eurasian countries introduced Russian-style LGBT propaganda bills, thousands of Georgian nationalists chased LGBT activists through the streets of Tbilisi, and state-sanctioned anti-LGBT violence soared in eastern Ukraine. In Kyrgyzstan, a swarm of young Kyrgyz nationalists rumored to be funded by the Kremlin burned photos of a local human rights activist in protest of American intervention in local issues. With Western led LGBT advocacy now embroiled in a nationalist debate, local LGBT activists are increasingly wary of this dangerous linkage. Young activist Danik Kasmamytov told me, “We are very much afraid of the rhetoric that LGBT rights come from the West.”¶ In World War LGBT—the EU’s and Russia’s competition to establish their respective spheres of influence—one man’s LGBT freedom fighter is another man’s cultural imperialist. However, whether LGBT rights are human rights or an affront to traditional values is irrelevant. Should Western actors believe in the cause, it is time they evaluate the results of their diplomacy. The fates of millions of LGBT individuals depend on it.

US-Russia relations solve every impact

CFR Task Force 2006 [Council on Foreign Relations Independent Task Force for Russia, Chaired by John Edwards and Jack Kemp, “RUSSIA’S WRONG DIRECTION: WHAT THE UNITED STATES CAN AND SHOULD DO,” http://www.cfr.org/content/publications/attachments/Russia_TaskForce.pdf, msm]

Since the dissolution of the Soviet Union, American presidents and¶ policymakers have believed that the interests of the United States are served by engagement with Russia. This Task Force, too, began its¶ review of U.S. policy—and concludes it—convinced of the extraordinary¶ importance of getting U.S. relations with Russia right.¶ U.S.-Russian cooperation can help the United States to handle¶ some of the most difficult challenges it faces: terrorism, the proliferation¶ of weapons of mass destruction, tight energy markets, climate change,¶ the drug trade, infectious diseases, and human trafficking. These problems¶ are more manageable when the United States has Russia on its¶ side rather than aligned against it.¶ Good relations between Moscow and Washington also bolster one¶ of the most promising international realities of our time—the near¶ absence of security rivalries among the major powers. That the world’s¶ leading states deal with each other in a spirit of accommodation is a¶ great asset for American policy, and the United States will be in a better¶ position to protect that arrangement if relations with Russia are on a¶ positive track.

2NC – Link/Internals

The Aff dives a wedge between the US and Russia – wrecks relations

RT 13 [Reuters, “Western promotion of LGBT values a concern”, 9-13-13, <http://rt.com/politics/russia-blasts-lgbt-promotion-820/>, msm]

A senior Russian diplomat has blasted as unacceptable the ongoing attempts of Western nations to impose their values on other countries, while at the same time infringing on the socio-economic rights of their own citizens.¶ “The urge of Western countries to impose their neoliberal system of values on the other

members of the international community as a universal basis of living can only cause concern. This is especially noticeable on the background of their aggressive promotion of the sexual minorities' rights.” said the Foreign Ministry’s plenipotentiary for human rights, Konstantin Dolgov, while addressing the International Human Rights Forum, currently underway in Beijing.¶ Attempts to force other nations into accepting homosexuality and same-sex marriage as some natural social phenomenon which deserves support at a state level cannot be tolerated. Dolgov emphasized.¶ He added that such an approach was met with resistance not only in countries that hold to traditional values, but also those that have always had liberal attitudes to people of non-traditional orientation. He recalled the protests held in France after same sex marriage was legalized earlier this year.¶ In addition, Dolgov noted that the aggressive advertising of neo-liberal values is often done at the same time with frequent infringement of socio-economic rights and liberties inside the countries that pursue such politics. ¶ The speech was made against the backdrop of the massive international campaign against a Russian act that outlaws the promotion of non-traditional sexual relations to minors. LGBT activists around the world dubbed the act ‘the gay propaganda ban’ and called for protest measures ranging from a boycott of Russian vodka to a boycott of the 2014 Winter Olympics in the Russian city of Sochi.¶

Plan undermines relations – Russia spins western criticism to create anti-Western sentiment within Russia – turns the Russia advantage

Kaufman 14 [Sarah is a freelance journalist. She has her master's in journalism from Medill and specializes in Russian language. “Why Putin is Loving the West's Protests Against Russia's Anti-Gay Laws”, 2-18-14, <http://mic.com/articles/82569/why-putin-is-loving-the-west-s-protests-against-russia-s-anti-gay-laws,msm>]

Have you heard about Russia's ban on "gay propaganda"? The piece of legislation, which Vladimir Putin passed into law last year, has sparked star-studded protests across the Western world. Putin's laws have triggered countless campaigns and petitions — he's drawn ire from celebrities, among them Madonna, Jamie Lee Curtis and Melissa Etheridge. ¶ But what if I told you that Putin likes the attention he's getting?¶ Of course Russia has a terrible record for gay rights — but what some protesters don't understand is that the legislation is part of Putin's deliberately anti-Western agenda. The movement is one he set out to create in order to boost his power over a country with deep conservative roots by angering Americans and making antagonists out of them. Many protesters criticize the anti-gay propaganda policy without understanding Russia's complicated relationship with homophobia. Their lack of understanding the very country they're trying so hard to vilify leads to narrow-minded and Eurocentric arguments and actions, which only fuel Russian nationalism.¶ Protest against Russia's gay propaganda ban in Los Angeles, CA. Image Credit: AP¶ A string of anti-Putin protests in 2012, with more than 14,000 participants each, threatened the president's strong grip on the country. From 2008 to 2012, he saw his approval rating steadily drop. In order to solidify his power, he came up with the concept of the "good Russian," according to Masha Lipman, an analyst at the Carnegie Endowment for International Peace's Moscow Center. Putin's "good Russian" holds "traditional family values" and practices "a life of religion."¶ It sounds like the "good Russian" is a conservative Republican, and he is, only he's also anti-American. He is against the West as well as against the gays. And he has lots and lots of children from his heterosexual relationship because helping to stop Russia's birthrate from declining is of utmost importance to him.¶ Putin at the Orthodox Christmas service earlier this year. Image Credit: AP¶ When Putin passed the anti-gay law as part of a line of conservative policies based on the "good Russian" mentality, Russians loved it. A poll conducted by the Russian Public Opinion Research Center right after the law was passed found that 88% of Russians supported the legislation. The law's massive popularity helped Putin to finally define post-communist Russia by juxtaposing it with Western society. According to Lipman, there hasn't been this much anti-Western sentiment in Russia since the fall of the Soviet Union.¶ Throughout the past year, Putin said that traditional Russian values are superior to the West's "faceless, sexless tolerance" — a phrase he used in his address to the

Russian Federal Assembly in December. Russia is also fighting for "traditional values" on the international stage too: the country has been spearheading an effort at the UN to pass a resolution protecting traditional as well as "cultural" values. ¶ By criticizing the anti-gay propaganda law without wrapping their minds around what led to the legislation, Americans corroborate the picture Putin has painted of America – that it's a chaotic, atheist society of "tainted capitalism," where gays are running around expressing their pointless "free speech" and demoralizing society.¶

Russia won't model – empirically rejects promotion of sexual minority rights – Aff causes backlash

Al Jazeera 14 [“Russia slams Europe for ‘aggressive promotion’ of gay rights”, 1-24-14, <http://america.aljazeera.com/articles/2014/1/24/russia-slams-eu-foraggressivepromotionofgayrights.html>, msm]

A Russian human rights report released Thursday lashed out at European Union nations for its "aggressive promotion" of the rights of sexual minorities, the latest in a spate of anti-gay statements from Russian President Vladimir Putin's administration.¶ The 150-page Russian Foreign Ministry report on the state of human rights across the EU criticized the rise of xenophobia, racism, violent nationalism and chauvinism — notably in eastern nations with Russian minorities — as well as anti-Semitism and neo-Nazism.¶ It also claimed that EU nations, while championing human rights worldwide, saw as "one of their priorities the dissemination of their neo-liberal values as a universal lifestyle."¶ This is particularly evident in their aggressive promotion of the sexual minorities' rights," the report said.¶ Noting protests in France last year over the legalization of same-sex marriage, the report said this approach had met resistance not only in nations with traditional values "but also in those countries which have always taken a liberal attitude towards queers."¶ Attempts have been made to enforce on other countries an alien view of homosexuality and same-sex marriages as a norm of life and some kind of a natural social phenomenon that deserves support at the state level," the report said.¶

2NC – Impact

US-Russian relations are essential to prevent a Russia-China nuclear war
Newsweek 95

[Michael Elliott, “Why Russia still matters to America,” May 15, LN]

"Russia," says Deputy Secretary of State Strobe Talbott, "is a big country." That it is; lop off the newly independent states born within the old Soviet husk and you've still got a lot left -- a highly educated work force sitting on top of some of the globe's most valuable resources. True, much of that vast territory has an awful climate (climate matters-for different reasons than Russia's, it explains why Australia will never be a great power). But unlike India and China, two other "giant" states, Russia will be able to husband its vast resources without the additional strain of feeding -- and employing-more than a billion souls. It also, of course, is the only country that can launch a devastating nuclear attack on the United States. That kind of power demands respect. And sensitive handling.¶ Stephen Sestanovich, head Russia watcher at the Carnegie Endowment for International Peace in Washington, argues that present U.S. policy is geared too much to "dismantling Russian military might" -- a policy that, since it breeds Russian resentment of Western meddling, is self-defeating. "We have to reorient Russian power," says Sestanovich, "not eliminate it. Because we can't eliminate it." Indeed, Washington should prefer a strong Russia. A Russia so weak, for example, that it could not resist a Chinese land grab of its Far East without resorting to nuclear weapons is a 21st-century nightmare. All this implies a close

U.S. -- Russian relationship stretching into the future. American officials say it will be a "pragmatic" one, recognizing that Russian and U.S. national interests will sometimes collide. The danger, for the United States, is that a pragmatic relationship could be dominated by security issues. In Western Europe, some futurists say that in the coming decades Russia will talk to the United States about nuclear weapons but to the European Union about everything else-trade, economic development and the rest. Bullish forecasts: Talbott insists that won't happen. America has good reasons for wanting a relationship with Russia based on more than security. For Russia may one day be very rich, and if it is, American investors and exporters will want to share in its wealth. The last month has seen a rash of bullish forecasts on Russian economic growth. (Though be warned: in previous years such optimism has not lasted the fall. If you lived in Moscow, you'd think May was nice, too.)

Politics Links

Unpopular – Reps

Republicans hate LGBT rights

Reynolds 6-18 [Andrew Reynolds is a Professor of Political Science at the University of North Carolina at Chapel Hill and the Director of the LGBT Representation and Rights Research Initiative. His book *The Children of Harvey Milk* will be published by Oxford University Press early in 2016. “Why does the Republican Party still oppose LGBT rights?”, 6-18-15, <http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/06/18/why-does-the-republican-party-still-oppose-lgbt-rights/>, msm]

Recently, GOP presidential candidates have been tripping over themselves to defend “traditional marriage.” In North Carolina and Michigan, Republican statehouses are passing laws giving public officials and state-funded institutions the right to discriminate against gay people. And in Texas, 93 out of 98 Republican state legislators made it clear that they will ignore or try to override a SCOTUS ruling in favor of marriage equality in Obergefell, expected this month.¶ In other words, “American conservatives” may have given up fighting same-sex marriage, but the Republican Party clearly has not.¶ Why is the Republican Party still fighting LGBT rights, which puts it out of step with not just voters in America, but other right-of-center parties in established developed world democracies?¶ In other developed democracies, conservative parties increasingly support LGBT rights.¶ Conservative parties in much of the democratic world have become more socially liberal while maintaining their fiscally conservative bona fides. In most places the political parties and politicians who have moved furthest towards support of LGBT rights have been on the right.¶ David Cameron oversaw the charge for marriage equality in Britain in 2013, in the face of considerable hostility from some of his own members. In return British LGBT voters were as likely to vote Conservative in the 2015 general election as they were Labour. Last month, every major party in Ireland, including the conservatives, campaigned for a Yes vote on its marriage equality referendum. Tony Abbott, the right-wing Prime Minister of Australia is facing mounting pressure from his own MPs to drop his opposition to marriage equality.¶ Outside the U.S., parties of every ideology increasingly include openly LGBT politicians.¶ On June 6, Nick Gibb, the Minister for Schools in the newly minted Conservative government of Prime Minister David Cameron, came out as gay. He did so first to his family and then to the gossip-hungry British media—so he could marry his partner of 29 years, pollster Michael Simmonds. After he came out in *The Times*, he was showered with praise and affection from constituents, colleagues and opponents alike.¶ The symbolism was powerful: A generation before, Gibb’s party, led by Margaret Thatcher, had systematically demonized lesbian and gay Britons and outlawed the teaching of the “acceptability of homosexuality as a pretended family relationship” through the much-reviled Section 28 of the Local Government Act. Now the Tory government had an openly gay man in charge of British schools.¶ Nick Gibb is no anomaly. British voters apparently no longer see sexual orientation or gender identity as relevant politically: The 155 lesbian, gay, bisexual and transgender candidates who stood in last month’s general election did no worse than their straight colleagues. In fact, in the fifty races where there were competitive LGBT candidates, Tory LGBT candidates performed considerably better; 72 percent had larger vote share increases than the national trend, and on average their gains were three times the Tory average.¶ Gibb’s coming out brings the Tory lesbian, gay and bisexual caucus in the British House of Commons to thirteen, equal in size to the Labour Party LGBT group. (There were four transgender candidates, but none were elected.) The ascendant Scottish Nationalists have seven LGBT MPs, more than 12 percent of their parliamentary cohort. In the previous Scottish parliament, Tories had more gay MPs than all other parties.¶ Nor is this a peculiarly British phenomenon. Of the 82 openly LGBT national representatives newly elected around the world over the last five years, one-third have been from right-wing parties, another third have come from left-wing parties, and the remaining third are centrists, greens and nationalists. Right-of-center politicians who identify as LGBT are members of parliaments in Denmark, Estonia, France, Germany, Ireland, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovakia, Sweden, and Switzerland, and there is likely to be a gay Likud MP in the Israeli Knesset soon. In Scandinavia, this trend has gone on for while; in fact, openly gay Per-Kristian Foss was briefly the Conservative Party’s acting Prime Minister of Norway in 2002.¶ As the graph shows, the most rapid growth in LGBT representation has been among political conservatives.¶ (Data and figure: Andrew Reynolds)¶ Why are American Republicans so different from their conservative counterparts on LGBT issues?¶ Against this global trend stands a distinct outlier: the GOP. Republicans still have no openly LGBT office holder, either nationally or even statewide. And the party’s leading presidential candidates rail against gay rights. Scott Walker says he wants a constitutional amendment to ban gay marriage. Ted Cruz says that a Supreme Court ruling in favor of marriage equality would be “fundamentally illegitimate.” Mike Huckabee, Marco Rubio, Rick Perry, Rick Santorum, and Ben Carson have all made opposition to gay rights features of their campaigns.¶ In contrast to Europe, LGBT voters in America are overwhelmingly liberal. Three-quarters of self-identified LGBT voters supported Obama in 2012. But the Republicans aren’t losing only those few votes by opposing LGBT rights. Republicans’ antigay agenda limits their ability to reach out to moderates and independents. Although few voters say they decide whom to vote for solely on LGBT issues, they draw larger conclusions about the Republican Party’s core values based on its aggressively LGBT-hostile stance.¶ As American voters increasingly embrace LGBT friends, family members and neighbors, and in turn LGBT rights, Republicans increasingly are seen as out of sync. The most recent Pew polling shows that as many

independents support same-sex marriage as Democrats: 65 percent. More than two-thirds of voters who identify as 'moderate' support marriage equality. Among both Republicans and Democrats, younger voters support gay rights in larger numbers than any other category.¶ And across the board, Pew recently found that nearly 60 percent of Republicans did not think their party was doing a good job of representing them on the issue of marriage equality.¶ Why is the Republican Party so out of step with voters? Indeed, why is the American right so far behind similar parties in other democracies?

The answer may rest on a distinctive idiosyncrasy: the GOP is often beholden to evangelical Christians. "Evangelical" is key in that sentence. Mainline Christians, Catholics and Jews in the U.S. favor LGBT rights; that's true elsewhere in the world, with Catholics (and Catholic countries) being notable supporters. But evangelicals are a particularly powerful constituency within the Republican Party, and can threaten to "primary" a candidate who does not stay close to their position.¶ But while evangelicals may help win GOP primaries, they are not enough to win a general election.¶ One way or another, Republicans' pronouncements about the coming Supreme Court ruling on same-sex marriage will influence the general electorate's sense of whether or not the party is in touch with modern Americans. Right-of-center parties in much of the world have recognized that opposing LGBT rights makes them less electable—and now seek to portray themselves as modern, inclusive, and LGBT-welcoming.

Republicans are massively anti-gay

Gray 6-28 [Awards Editor for Variety, "Rachel Maddow on How Republicans Are 'Rabidly Anti-Gay, Like It's 1985'", 6-28-15,

<http://variety.com/2015/tv/news/rachel-maddow-lgbt-rights-anti-gay-republicans-1201529567/>, msm]

How wide-ranging is the Supreme Court decision?¶ Friday's ruling is about marriage, which is an important aspect of equal rights. But the fact remains that in many places, you can still get fired or evicted if your boss or landlord knows you're gay — or even thinks you're gay. Basic discrimination issues can have a material impact on the lives of many gay people; a lot of those fights will remain. There's been a self-congratulatory, easy narrative — how gay rights have won, the issue is settled, the battle is over. The progress is true about the country as a whole. But we have a 50-50 divided political system, and one party is rabidly anti-gay, like it's 1985.¶ How will this play in 2016?¶ If anybody were against marriage equality in the Democratic primary, it would hurt them. But there are about two dozen Republicans seeking the nomination and, other than George Pataki, every one of them is against marriage equality. None of them thinks it will be a liability to be anti-gay in 2016. And some of them are anti-gay on every civil-rights issue. Scott Walker wants to amend the Constitution to deny gay rights. When George W. Bush was running in 2004, that's one of the things he said he wanted to do. But once he got re-elected, he dropped it. It's surprising that more than 10 years later, it's still considered a live issue.¶ There's a lot of anti-gay organizing happening in the Republican party; they're still passing legislation all over the country, even though we are supposedly in a more tolerant time. Much of this anti-gay movement flies under the radar, because the Big Picture is that the country is becoming more accepting. But the backlash is vicious. I know there are a lot of progressive Republicans. But what's going on inside high-end Republican politics and Republican politics within the states doesn't match this happy-talk narrative.¶

Terrorism DA Links

Link – Profiling

Profiling based off of behavior is key to counterterrorism

Baum 10

Philip Baum, editor of Aviation Security International, Managing Director of Green Light Limited and aviation security consultant, “Common Sense Profiling Works,” January 4, 2010, New York Times,

<http://roomfordebate.blogs.nytimes.com/2010/01/04/will-profiling-make-a-difference/> (NV)

I have been an ardent supporter of passenger profiling for many years. It is the only solution that addresses the problems of the past as well as those of the future. The problem is the word “profiling” itself as it conjures up negative connotations. A traveler’s appearance, behavior, itinerary and passport are factors to consider in effective profiling. Effective profiling is based on the analysis of the appearance and behavior of a passenger and an inspection of the traveler’s itinerary and passport; it does not and should not be based on race, religion, nationality or color of skin. We need an intelligent approach to aviation security that deploys common sense to the security checkpoint. We require highly trained, streetwise, individuals who can make risk assessments of passengers as they arrive at the airport and determine which technology should be used for screening. Passengers deemed to pose minimal risk should be fast-tracked through the system, without removing their belts or shoes or having liquids confiscated, and allowed to board flights using existing, albeit flawed, technology. Those who are perceived to pose a threat or whose travel intent is indeterminate should be screened by one of the emerging technologies and/or questioned. Body scanners should have been deployed years ago as the threat of a passenger carrying explosives on their body is not a recent discovery. Yet, we should not use them to screen all passengers or even all those flying on a given route. They need to be used intelligently or we will simply create even longer lines at our security checkpoints which may be the next target for a suicidal bomber. Equally, the decision to focus on nationals of certain countries is flawed and backward. Perhaps I, as a British citizen, should be screened more intensely given that Richard Reid (a.k.a “the Shoebomber”) was a U.K. passport holder and my guess is there are plenty more radicalized Muslims carrying similar passports. Has American forgotten the likes of Timothy McVeigh? It only takes one bad egg and they exist in every country of the world. In any case, the very best examples of profiling working we have are the identification of people who did not match the stereotypical image of the terrorist. Furthermore, every day passengers are identified at U.S. airports by customs and immigration agents, who don’t screen everybody the same way. But those agents find people doing something wrong after they have got off a flight. Can’t we do it before they board?

The plan dramatically reduces the government ability to profile – hurts counterterror efforts

Freedom House No Date

Freedom House, a watchdog organization dedicated to the spread of freedom around the world, “The Civil Liberties Implications Of Counterterrorism Policies: Full Chapter,” No date, Freedom House,

<https://freedomhouse.org/report/todays-american-how-free/civil-liberties-implications-counterterrorism-policies-full-chapter#.VZGyfflVikq> (NV)

Although security agents have broad authority to search passengers and profiling is permitted, U.S. law does not permit race or ethnicity to be the sole basis of the profile that triggers a search. Nonetheless, since its inception the TSA has been plagued by accusations that its screeners single out passengers who appear to be of Arab descent or Muslim faith. In response, the TSA has implemented “racially neutral profiling,” which targets passengers who behave suspiciously, for instance by paying cash for airline tickets, buying one-way tickets, or appearing agitated at

security checkpoints. Passengers are also now subject to random additional searches based on their ticket numbers. Yet other critics charge that terrorists can adapt to behavior-based searches, and that random searches waste resources on passengers who are unlikely to be terrorists. A no-fly list of suspected terrorists had been in use prior to 9/11, but it was greatly expanded following the attacks. While the list had 16 names on September 11, 2001, the CBS news program 60 Minutes has claimed that a March 2006 copy had 44,000 names. Since 2001, there have been hundreds of false identifications in which individuals are delayed or prevented from flying because their names are similar to those on the list. Following a lawsuit brought by the ACLU in 2004, the government agreed to release details of how the list was compiled and used. Some experts protest that many of the TSA's procedures amount to "security theater,"²⁹ designed to make passengers feel safer without actually enhancing security. For example, after Richard Reid attempted in December 2001 to blow up a jet with a bomb concealed in his shoes, the TSA began inspecting shoes at airport terminal checkpoints. In August 2006, in response to reports that terrorists planned to blow up planes using liquid explosives, passengers were forbidden to bring liquids or gels aboard planes. TSA officials and their defenders say these measures prevent terrorists from using known methods of attack and deter potential terrorists by creating an environment in which they are likely to be caught. Some state and local law enforcement agencies have implemented their own search policies in response to threats against transportation infrastructure. In July 2005, after the London subway was bombed, the New York City Police Department began randomly searching bags carried by passengers entering the city's subway system. Yet because the police eschewed profiling, some argued that the searches would be ineffectual, while other critics charged that they violated the Fourth Amendment. A federal judge ruled in December 2005 that the searches were lawful,³⁰ and in October 2006 the Massachusetts Bay Transit Authority announced that it intended to introduce a similar program. These practices have been compared both favorably and unfavorably to the system used by the Israeli national airline, which candidly applies enhanced scrutiny to Arabs and foreign nationals. Although many revile ethnic profiling, even some critics of the technique acknowledge that Israel has effectively prevented hijackings. Proponents of profiling have argued that prohibitions against it should be relaxed to make the American system more efficient.

Foucault Links

The Aff's pursuit of liberal reform simply gets incorporated into the system of domination – the plan legitimizes the surveillance state while leaving intact deeper systems of oppression

Irving 14 (Dan, assistant professor of human rights and coordinates the Sexuality Studies Minor Program in the Institute of Interdisciplinary Studies at Carleton University, "Capital", 2014, *Transgender Studies Quarterly*, Volume 1, No. 1-2, <http://tsq.dukejournals.org/content/1/1-2/107.full.pdf>)

Freedom and democracy are linked to one's ability to participate in competitive productive relations. Individuals become human capital. This concept indicates ways in which oppressed and marginalized groups are interpolated into capital(ist) "common sense" relations. As sole proprietor of oneself, one is encouraged to acquire the education, skills, and experiential knowledge necessary to increase competitive advantage within all spheres of market society (Foucault 2008). Care of the self is an element of exploitative relations, since labor is re-created as an affective, intellectual, and communicative activity, a "creation of being" (Negri 2008: 222). Akin to corporate actors, many transgender activists work to achieve recognition for trans and two-spirit-identified people through promoting images of them as rational active subjects. It is understood that such acknowledgment from state and society will most likely ensure the vitality of trans subjects as well as the well-being of their families and communities. The logics that comprise capital as a social relation, as well as the ways in which capital intertwines with other power relations, are hidden from view; however, by analyzing "possessive individualism" (Macpherson 1962), certain dimensions of capital can be uncovered. Capital continuously maneuvers to normalize exploitative relationships, to naturalize private property relations (e.g., whiteness as property), and to steadily erode common, collective, and cooperative spaces. Despite the fact that only a few actually own private property (the "1 percent"), whiteness as property refers to the expectations of power and control held by whites in US society (Harris 1993). Like racialized others, the majority of whites are forced to sell their labor to those with capital; however, their elevated sociocultural and political status shapes their unreflective claims to privilege ("We deserve to live in a safe neighborhood," for example). Trans activist efforts to remove Gender Identity Disorder from the American Psychiatric Association's Diagnostic and Statistical Manual, 4th ed., and to include "gender identity" in nondiscrimination and hate-crimes laws are two additional examples. Given global economic crises, escalating rates of un(der)employment, and declining economic growth, an increasing number of people are rendered object as surplus populations. Members of surplus populations are denigrated in language reflective of capital as worth-less, unproductive, unfit, backward, risky, and/or inflexible and are subsequently blamed for their social and often literal deaths. Given that racialized, queer, and trans people are overrepresented within the category of surplus, it is imperative that research within transgender studies problematize discourses of sex and gender self-determination, geopolitical dimensions of transitioning medically, and trans rights struggles. "Trans-" (Stryker, Currah, and Moore 2008) methods can enrich the formation of resistance strategies. While nearly impossible to see in its totality, capital is a whole system (Jameson 2011: 3, 6) of scattered economic practices (Gibson-Graham 2006: 2) framing social orders. Like sex and gender, capital(ism) is an historical phenomenon that is neither naturally dominant nor self-containing (ibid.: 54). Capital's continuous movement to legitimize itself reveals moments at which it falters or fails. It is within these spaces that it can be disrupted (Browning and Kilmister 2006: 136) as monstrous others labor to cultivate the diverse relations of solidarity necessary for transitioning into "new economic becomings" (Gibson-Graham 2006: 60).

The small-scale reforms of the Aff function as a validation of the liberal surveillance state—it fails to recognize that the problem lies in the overarching structure of surveillance itself

Beauchamp 9 (Toby Beauchamp, University of California, Davis. "Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance After 9/11," *Surveillance and Society*, Vol. 6 No. 4 (2009). library.queensu.ca/ojs/index.php/surveillance-and-society/article/view/3267/3230 jsk)

While surveillance measures like the DHS Advisory may appear to primarily target transgender individuals as suspicious, the bodies being policed for gender deviance are not necessarily trans-identified, but rather demonstrate non-compliance with gender norms that may have as much to do with race, religion, class and sexuality as with transgender identity. Surveillance of these bodies centers less on their identification as transgender per se than it does on the perceived deception underlying transgressive gender presentation. Because normative, non-threatening gender is always read through ideals of whiteness, economic privilege and heterosexuality, “going stealth” is an option available only to those segments of the transgender population able to achieve or approximate those ideals. And in the context of national security and the U.S. War on Terror, going stealth may be less grounded in passing as nontransgender than in maintaining the appearance of a good, compliant citizen, an appearance solidified by the fact that these bodies need not conceal anything from state institutions or authorities, because they have nothing to hide. Approaching the relationship between gender-nonconformity and state surveillance in this way means resisting the urge to think about surveillance of gendered bodies as limited only to medical and legal monitoring of specifically transgender-identified individuals. In fact it points to the importance of thinking more broadly about the interactions between regulatory gender norms, racialization processes and ideals of citizenship. Moreover, it refuses a view of state surveillance as something disconnected from or unconcerned with gender, and instead foregrounds the ways that gendered and racialized bodies are central both to perceptions of safety and security and to the structuring of state surveillance practices. As these bodies attempt to evade surveillance either through careful invisibility or through strategic disclosure – each of which entails engaging the other to some degree – they do so not in isolation, but in the context of war, nationalism and militarization, and power relations that are themselves ever more starkly revealed in the act of going stealth.

Absent the alt’s spurring of massive change, individual attempts at limiting surveillance of Trans bodies only serve to augment the efficiency of the biopolitical state

Beauchamp 9 (Toby Beauchamp, University of California, Davis. "Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance After 9/11," *Surveillance and Society*, Vol. 6 No. 4 (2009).
library.queensu.ca/ojs/index.php/surveillance-and-society/article/view/3267/3230 *jsk*)

Nothing to Hide: Organizational Responses In their responses to the DHS Advisory, the Real ID Act and the SSA no-match letters, transgender advocacy organizations have opposed these measures’ effects on transgender individuals. But they have not typically considered the implications for state regulation of gender presentation more broadly, particularly as it might resonate for individuals marked as gender deviant who are not transgender-identified or linked in any obvious way to trans communities or histories. Nor have they addressed the ways in which particular groups of trans-identified people may be targeted differently by such policing. For example, in a 2006 statement to DHS regarding the no-match letter policy, NCTE recommends that gender no longer be one of the pieces of data used to verify employees, arguing that employers are not legally required to submit gender classification to SSA, and therefore any exchange of information about employees’ gender is “an invasion of private and privileged medical information” (Keisling 2006: 2). In an effort to protect transgender employees, the NCTE statement aims to limit the information shared between SSA and DHS. Yet it also works to support no-match letters as a form of regulatory state surveillance, by stating clearly the importance of “avoiding fraud” through Social Security number confirmation. The statement does not oppose state surveillance measures more broadly, but instead seeks to improve them, offering recommendations on behalf of trans employees “in order for the employee verification system to be efficient and equitable” (1).¶ While arguing for privacy rights may benefit some gender-nonconforming employees, this strategy assumes equal access to privacy and legal recourse for all transgender people and fails to consider how privacy rights are compromised or nonexistent for undocumented immigrants, prisoners, and individuals suspected of terrorism, who may or may not be transgender-identified or perceived as gender-nonconforming. Diminished rights to privacy are particularly evident in the wake of the 2001 USA PATRIOT Act, legislation that provides much of the ideological and legal foundation for more recent state surveillance measures. Building on earlier policies such as the 1996 Anti-Terrorism and Death Penalty Act and the FBI’s COINTELPRO activities, the USA PATRIOT Act further limits individual privacy rights by expanding the federal government’s ability to secretly search private homes; collect medical, financial and educational records without probable cause; and monitor internet activity and messages. Passed in the flurry of anti-immigrant nationalism and increased racial profiling that followed 9/11, the Act bolsters particular understandings of the relationships between citizenship, race, privacy and danger that underpin surveillance measures like the Real ID Act and SSA no-match policy. Though absent from the NCTE statement, this context demonstrates the frailty of any claim to privacy rights, particularly for trans and gender-nonconforming immigrants and people of color. The statement seeks to protect transgender employees, but remains within – and is limited by – the constraints of the current medico-legal system.

Russia Modeling Advantage

No Modeling

The Aff triggers backlash by homophobic regimes – it lets leaders justify taking up arms against an imaginary Western plot to spread “perversion”.

The Economist 14 (The Economist, “The gay divide”, 10/11/14, <http://www.economist.com/news/leaders/21623668-victories-gay-rights-some-parts-world-have-provoked-backlash-elsewhere-gay>, accessed 6/29/15)

Yet there are still parts of the world where it is not safe to be homosexual. Extra-judicial beatings and murders are depressingly common in much of Africa and in some Muslim countries. African gangs subject lesbians to “corrective rape”. In some countries **persecution has intensified.** Chad is poised to ban gay sex. Nigeria and Uganda have passed draconian anti-gay laws (though a court recently struck Uganda’s down). Russia and a few other countries have barred the “promotion” of homosexuality. This is partly **a reaction to the spread of gay rights in the West.** Thanks to globalisation, people who live in places where everyone agrees that homosexuality is an abomination can now see pictures of gay-pride parades in Sydney or men marrying men in Massachusetts. **They find this shocking.** Meanwhile some homophobic Western preachers have gone to fire up anti-gay audiences in Africa, and American conservatives offer advice to countries thinking of drafting anti-gay laws. Revulsion against homosexuals is ancient, deep and, in its way, sincere, even if some of the politicians leading the backlash do so for cynical reasons. **By taking up arms against an imaginary Western plot to spread perversion, Vladimir Putin and Nigeria’s Goodluck Jonathan doubtless hope to distract attention from the corruption and incompetence of their own regimes.** But they have picked their scapegoats shrewdly: 74% of Russians and 98% of Nigerians disapprove of homosexuality. In places like Indonesia, Senegal, Uganda and Malaysia the young are no more tolerant than the old—sometimes less so.

Policing Advantage

Gay Marriage Solves

Gay Marriage Solves the advantage

HANSEN 6-27 [JAMIE HANSEN, THE PRESS DEMOCRAT, 6-27-15, “Santa Rosa couple grateful for progress on gay rights: 'It feels like I'm living in a new world'”, <http://www.pressdemocrat.com/news/local/4124263-181/santa-rosa-couple-grateful-for?page=2>, msm]

Santa Rosa resident Ramon Meraz and his partner, Terah Deason, left for a vacation to Mexico about a week ago having no idea they'd return to a drastically altered nation, one of expanded possibility for their fledgling relationship.¶ So when they turned on their television Friday morning, still groggy-eyed from their flight home the day before, and saw the news that same-sex marriage was now legal across the country, they could do little more than sit and stare in disbelief.¶ “At first we were just in shock,” said Meraz, 46, who works as a freelance concierge and sits on numerous community boards, including the Sonoma County Commission on Human Rights. Reflecting on the ruling with Deason at a coffee shop on Friday evening, Meraz said when he was a teenager in Los Angeles decades ago and came out as gay, he never foresaw the day when he would have the right to marry. California granted him that right two years ago, but Friday's ruling signaled what he called a national acceptance of same-sex love.¶ “Now any relationship that grows and matures has the potential to make the ultimate commitment and have the rights associated with it,” he said. “To know we have that, and for that love to be valued, is amazing.”¶ He said he was happiest for gay youths, like his niece, who may not have to experience the feelings of shame he had as a teenager discovering his sexual orientation.¶ “They won't have to suffer,” he said. “They will be able to find a loved one, to have a union and to be accepted by society. It is such a privilege to see this in my life.”¶ He and Deason, a nurse at Kaiser Permanente in Santa Rosa, have been together a little less than a year and have no immediate plans to marry. But Deason said that knowing he and millions of other LGBT people now have that right, no matter where they live in the United States, eliminates legal obstacle that once stood in the way of any romantic relationship.¶ He credited older gay couples who have lived together for decades and fought for equal marriage rights.¶ “To those of us in new relationships, it's like they handed us a gift,” he said.¶ Up until Friday's decision, Deason, 52, said he had feared the Supreme Court would rule against gay marriage.